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EDITED BY

CARROLL D. WRIGHT,
COMMISSIONER.

OREN W. WEAVER,
CHIEF CLERK.

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DEPARTMENT OF LABOR.

No. 8. WASHINGTON. JANUARY, 1897.

CONCILIATION AND ARBITRATION IN THE BOOT AND SHOE INDUSTRY.

BY T. A. CARROLL.

The subject of conciliation and arbitration is one that has attracted the attention of the industrial world, periodically, for many years past. Whenever there have been labor troubles of serious moment, the great need of some available method whereby the contending parties might come together and settle their differences in a peaceable manner has always come prominently to the front. During such trying times the public mind becomes agitated, sympathy and advice are gratuitous, and on all sides there is a general feeling of hopefulness that the questions at issue may be brought to a speedy and peaceful termination.

If there is one fact more than another which the history of labor troubles has brought into prominence, it is, without doubt, that both employers and employees have given altogether too little attention to the consideration of the mutuality of their interests and the urgent need of having some kind of an established method for arranging whatever details may be necessary to promote the same. In the majority of cases their minds seem to drift in this direction only after they have become involved in some serious difficulty which threatens to disrupt the business of the employer and throw the employees into a state of enforced idleness. They wait until the conditions are such that it is almost impossible for them to come together in a friendly way and discuss the merits of the case in a calm and dispassionate manner. It is then that the wisdom of resorting to conciliation and arbitration dawns upon them, and when some kindly disposed person steps in and

submits a proposition to refer the dispute to the judgment of a disinterested third party, they are, as a rule, only too glad to do so. To this lack of preexisting method or understanding can be attributed some of the most disastrous labor troubles of recent times.

It is encouraging, however, at the present time to be able to note the great and beneficent change that has come about during the past ten years. Obviously the general tone and consensus of opinion favors more peaceful relations between employers and employees, and it is quite clear to any intelligent observer that both parties have at last come to realize the folly of being in a constant state of fear and conflict and are growing nearer to each other every day.

The necessity of providing some suitable means whereby employers and employees might be brought together in a friendly way and have their respective claims considered by a properly qualified third party was early recognized in Massachusetts. In keeping with this idea, the first regular State Board of Arbitration and Conciliation was created by act of the legislature of that State June 2, 1886. At the present time twenty States of the Union have laws relative to the settlement of industrial disputes, twelve of which provide for a State board to administer the law.

The wisdom of establishing such boards is unquestioned, and the resulting benefits which have come to all concerned more than justify the assertion that they are indeed the machinery of industrial peace. But with all the advantages which these boards possess, it is quite clear that they reach the root of the difficulty only in an indirect way. For, as a rule, their services are offered or requested, as the case may be, only after the parties to the dispute have commenced hostilities.

It will be readily understood, however, that after being in existence for a number of years, the procedure and decisions of these boards have attracted the attention of employers and employees and have naturally exercised considerable influence over them. They have seen that the merits of each case have been carefully considered and that the sole aim is to render a fair and impartial decision in every instance.

While it may be an easy matter to point out defects here and there, still, on the whole, it has been clearly demonstrated that, considering the actual and ever changing industrial conditions of the country, together with the many difficult questions which are likely to arise between employers and employees, the reference to a regularly constituted board of conciliation and arbitration of such matters as can not be satisfactorily settled between the parties at interest is manifestly the most practicable and civilized method that has ever been devised.

Having in mind the demoralizing effects of labor troubles in the past, it is not at all surprising that at the present day we should find a growing disposition among employers and employees to come together and adjust their differences in a peaceable manner, with the further understanding that all matters in regard to which they can not agree

shall be left to the decision of some properly qualified third party. That there are, in fact, a goodly number of such instances there can not be the least doubt. But for the present purpose it is deemed sufficient to deal only with such peaceable methods as have been adopted in the boot and shoe industry in a few of the Eastern States. Furthermore, it is believed that a study of the results which have thus far been attained in this industry will bring out all that there is of value on the subject, as well as reveal some of the obstacles common to all industries which beset the way toward permanent industrial peace.

Before proceeding further, it may be well to pause for a moment and consider what is meant by the terms conciliation and arbitration. Industrial conciliation is a method for settling and preventing differences and disputes between employers and employees. In its broadest application it includes any peaceable method whereby that object is attained, whether it be by the friendly offices of a conference committee or agent appointed for the purpose, or by the parties agreeing between themselves without the intervention of a third party. Industrial arbitration is a method for settling disputes between employers and employees by a reference of the question at issue either to a board that has been established in accordance with the laws of the State, having full power to hear and determine such matters, or to a board composed of representatives who have been elected or appointed by the parties to the dispute, said board to have power to hear testimony and decide the question, or, in the event of a failure to decide, with power to call in one or more parties, whose decision in the case shall be final and binding on all concerned.

Mr. Joseph D. Weeks, in his valuable report on "Industrial Conciliation," says: "Arbitration deals with the larger questions of trade, conciliation with the smaller; arbitration with the whole trade, conciliation oftener with the individuals. Conciliation is not formal, it does not attempt to sit in judgment and decide in a given case what is right and what is wrong; but its efforts are, in a friendly spirit, to adjust differences by inducing the parties to agree themselves. It removes causes of dissensions, and prevents differences from becoming disputes, by establishing a cordial feeling between those who may be parties to the same. Conciliation, in a word, may be defined as informal arbitration. Arbitration, on the other hand, is formal. It sits in judgment. It implies that matters in dispute by mutual consent or by previous contract have been submitted to arbiters whose decision is final and binding on both parties." Mr. Henry Crompton, an eminent English authority, in his work on "Industrial Conciliation," says, when discussing the difference between conciliation and arbitration: "Conciliation aims at something higher, at doing before the fact that which arbitration accomplishes after. It seeks to prevent and remove the causes of dispute before they arise, to adjust differences and claims before they become disputes. Arbitration is limited to the larger and more general

questions of industry, those of wages or prices, or those concerning a whole trade. Conciliation deals with matters that could not be arbitrated upon; promoting the growth of beneficial customs; interfering in the smaller details of industrial life; modifying or removing some of the worst evils incidental to modern industry, such, for example, as the truck system, or the wrongs which workmen suffer at the hands of middlemen and overseers."

It will readily be seen that the greatest good must naturally flow from conciliatory methods, the primary object being to step in at once when the difference arises, divest it of its serious aspects, and effect an amicable settlement before the parties have time to become in any way estranged. On the other hand, if the efforts in this direction should prove ineffectual, then the question becomes a proper subject for arbitration.

While a history of the boot and shoe industry would be replete with forcible illustrations of the causes which give rise to the demand for peaceable methods of settling disputes, as well as the obstacles which tend to make it difficult to satisfy both sides, there is, nevertheless, no reliable record of such matters prior to 1860. On February 22 of that year the shoe workers in Lynn, Mass., engaged in one of the most memorable strikes in the history of the industry. The questions at issue could have been easily adjusted by arbitration, but the application of this principle to the settlement of labor troubles was little thought of in those days. It remained for the period following the late war to witness the completion of the transition which had been going on in the industry and which finally led to a more intelligent consideration of trade matters. It was about 1868 that the old hand method of production and the old-fashioned 14 by 12 shoemakers' shops were forced to give way to the improved machine and the modern factory system, and the hitherto independent shoemaker became gradually transformed into a machine operator or feeder. Under the old system he was practically his own master, his tools and his workshop were his own, and he could work or play at his pleasure. But under the new order of things he took another man for his master; he owned neither tools nor workshop, and his freedom to play was curtailed.

With the factory system came great subdivision of labor. By the old method of manufacture one man performed all or a greater portion of the work, but under the new order his efforts were restricted to the accomplishment of a single part. With the division of labor came the need for grading the work and regulating the price that was to be paid for doing it. As might be supposed, this proved to be a difficult task. The manufacturers desired to obtain whatever benefits there were to be derived from the introduction of improved machinery, but the workmen were not at all anxious to encourage them in their efforts. The inability of the latter to obtain what they considered to be their just dues in this respect finally led to the formation of the organization known as the Knights of St. Crispin.

THE JOINT BOARD METHOD.

Lynn has always been the leading shoe manufacturing center of the country, and it was in this city that the new organization had its largest growth and exercised its greatest sovereignty. It was here, also, that the first board of industrial arbitration in this country was established, as far back as July 21, 1870, and it is to the wisdom and persistence of the Lynn shoemakers that their fellow-craftsmen in other localities are indebted for one of the principal methods in force today.

Next to regulating wages, the matter of teaching green hands was the most important thing that the Crispins had to deal with, and their rules upon this point were very arbitrary. During the first two years of their existence they had little difficulty in regulating matters to suit themselves. In the meantime the manufacturers became dissatisfied with the arbitrary rules in force, so in the spring of 1870 they determined to make an effort to bring about more favorable conditions. But before their plans had matured, one of the leading manufacturers, who wanted to avoid serious trouble, submitted a proposition to the Crispins that the whole matter be left to arbitration. This idea met with their approval, and accordingly a mass meeting was held and a committee of five appointed to confer with a like number of manufacturers. This joint committee met July 21, 1870, and after two days' labor a list of prices was agreed upon and adopted, to continue in force for one year. This was the first attempt at industrial arbitration in this country of which there is any reliable record. The Crispins were pleased with the result, especially over the fact that they had been recognized by the manufacturers as a body to be negotiated with on equal terms.

The manufacturers generally were well satisfied, and felt that they had at least established a plan whereby they could have more voice in regulating wages than they had in the past. At the expiration of the time agreed upon, another committee of manufacturers met with a committee from the Crispins. They congratulated each other upon the success which attended the fulfillment of the agreement just ended, and made out a new list of prices for the ensuing year. This list had been in force but a short time when it became apparent that the hopes of those who sought to perpetuate the principle of arbitration were doomed to disappointment. Some of the manufacturers had cut under the established prices and the Crispins were unable to remedy the matter or even enlist the sympathy of those who had taken an active part in establishing the board. To add to the complexity of things, some of the workmen had entered into secret contracts with the manufacturers to work for less than the regular rates. Matters continued in this way until June 10, 1872, when the price list expired by limitation.

The Crispins notified all the manufacturers that they were ready to meet with a committee for the purpose of arranging a price list for the coming year, but the manufacturers paid no attention to them whatever. During the course of the next few weeks some of the large firms

notified their workmen that they would either have to work for reduced prices or stop work altogether. This naturally aroused the ire of the Crispins. Mass meetings were held and resolutions denouncing the action of the manufacturers were passed, and the workmen who were employed in the factories where wages had been reduced were ordered to stop work. In a short time nearly all the factories in the city had ceased operations and both sides were struggling for supremacy. Finally, on August 17, a committee from the Crispins waited upon the manufacturers and submitted a proposition for a settlement, which was such a manifest concession on their part that it was confidently expected it would be accepted. In this, however, they were mistaken, for from the beginning the one thing aimed at by the manufacturers was the complete overthrow of the Crispin organization, and they were now too near the goal to think of receding. When the news of this last failure to effect a settlement spread abroad, the workmen were greatly disheartened. It was clear to them now that the manufacturers would not recognize their organization, so they concluded to return to work on the best terms possible, and by the latter part of August the strike was virtually at an end. In the course of the next few months what there was left of the Crispin organization gradually dwindled away, and in the early part of 1873 the last charter was surrendered to the grand lodge.

No further attempt to organize the workmen was made until the early part of 1875, when they formed what was known as the Shoemakers' League. But, as this organization did not meet with the approval of a majority of the workmen, on the 7th of December, 1875, it was decided to again apply for a charter under the Knights of St. Crispin. The most objectionable features of the old order were now done away with. No claim was made to any right of interference with employers in the hiring and discharge of workmen nor in the teaching of green hands. They established what was called a board of arbitration, but which, in fact, was nothing more than an executive committee with more discretionary power than had previously been bestowed upon such a body. The provisions of their by-laws clearly indicate that they meant to have this committee exercise all the functions of a regular board of arbitration, but as the manufacturers would not appoint a committee to meet them, their efforts were necessarily restricted to conciliatory methods. During the first year they were able, by peaceable means, to settle in the neighborhood of one hundred cases. This system seemed to meet all requirements and gave better satisfaction than any that had heretofore been resorted to. The new Crispin organization continued to flourish, and experienced but slight opposition until January, 1878. By this time the manufacturers had again become dissatisfied with the way things were going, so they got together and issued an iron clad declaration which aimed at the total abolition of the Crispins. After a hard and bitter struggle, lasting

about two months, the Crispin organization was forced to the wall and it never recovered.

The last attempt to establish a joint board of arbitration in Lynn was made in the fall of 1885, when a movement in the interest of higher wages was instituted under the direction of District Assembly No. 77, Knights of Labor, and was pushed with such vigor as to disconcert the manufacturers and compel them to seek some way by which they could fix a standard of wages that would be fair to all. They realized that an open conflict with the labor unions meant nothing short of a total loss of the season's trade, and that was a thing which they wished to avoid. Besides this, they had grown weary of the general state of uncertainty which seemed to prevail throughout the city, and were anxious to establish some sort of a system whereby they could have some assurance of being able to conduct their business without interruption. The result of this feeling was soon made manifest by one of the leading manufacturers, who suggested that the whole matter should be left to a joint committee consisting of manufacturers and delegates from the district assembly. This idea was approved by the labor leaders, and at the next meeting of the assembly a committee of seven was appointed to form a board of arbitration in conjunction with the manufacturers.

In the meantime the manufacturers had organized an association and appointed a committee to represent them on the board.

After several preliminary conferences the joint board was organized, and the following rules and regulations were adopted:

RULES AND REGULATIONS TO GOVERN THE BOARD OF ARBITRATION OF THE SHOE AND LEATHER ASSOCIATION AND KNIGHTS OF LABOR OF LYNN.

RULE 1. The joint board of arbitration shall consist of seven members from each organization, who shall serve for one year, or until their successors shall be appointed or elected. Five members from each side shall constitute a quorum, and a majority vote shall be final in all cases, except as hereinafter provided.

Comment.—When by sides there is a difference of opinion, the same number of persons only on each side shall cast a vote. But when the vote is not by sides, all at the meeting may vote, and the majority decides the question.

RULE 2. In case of a tie vote, each side shall select a disinterested person, and these two shall select a third person, and their decision shall be final.

RULE 3. All grievances arising in a factory of the Shoe and Leather Association, in a department covered by the Knights of Labor, shall hereafter be adjusted by the joint board, after first being approved by their respective executive boards.

RULE 4. Pending the discussion and decision of any difference or dispute there shall be no lockout, strike, stoppage, or cessation of work by either employer or employee. All matters referred to the joint board must be settled within fifteen days after presentation; if not, it must be settled as provided for in Rule 2.

RULE 5. No member of the Shoe and Leather Association shall discharge any employee because he or she is a member of the Knights of Labor. Neither shall he employ any person who is objectionable to the Knights of Labor, after he has been officially notified by the joint board of arbitration.

Comment.—The intent of this rule is not to compel any person to become a member of the Knights of Labor.

RULE 6. No employee shall be allowed to work more than ten hours a day, and on Saturday nine hours, in any department covered by the Knights of Labor; except in extreme cases, an employer may employ help not more than three hours extra per day, for five days in any one month, without permission from the joint board of arbitration.

RULE 7. No member of the Knights of Labor shall be required to pay for rent, heat, light, or findings, unless a special consideration be paid therefor.

RULE 8. No contract shall be given in any department covered by the Knights of Labor, unless the person taking said contract shall pay the standard prices of such work.

RULE 9. All employees to be paid weekly.

RULE 10. The joint board of arbitration shall meet within two days after being notified by the executive board of either organization at such time and place as may hereafter be agreed upon. No complaint shall be considered, unless stated in writing and the causes of the complaint are specified and signed by the complainants.

RULE 11. There shall be no interference with the employment of persons by the week (except as provided for in Rule 5) if the wages paid are satisfactory to the joint board of arbitration. But in a department working under a piece price, the system shall not be changed without consent of the joint board of arbitration; but in all cases the amount paid by the week must be equivalent to the piece price for the same work.

These rules shall govern the joint board of arbitration until June 1, 1886.

During the first three months the board was in session almost every day, sometimes devoting ten hours per day to the work in hand. At the end of that time they had succeeded in grading the work and making price-lists for several departments, which were to continue in force until October 1, 1886.

It is worthy of note that the price established in the upper-cutting department has been maintained to the present day. During the last three months of the period the prices in most of the other departments were agreed upon by subcommittees and indorsed by the board, but before they became operative the workmen, who had been gradually growing dissatisfied, protested against the continuance of the board. They were striving for trade autonomy, and threatened to withdraw from the Knights of Labor if their wishes were not complied with. The manufacturers earnestly protested against such a course, but without effect. The district assembly finally acceded to the demands of the shoe operatives, and withdrew their delegates from the joint board. This virtually put an end to the board, and defeated one of the most successful attempts at arbitration that has ever been made in Lynn.

As regards the work which was accomplished by this board, the testimony of those who are familiar with its history all goes to show that the shoe operatives of Lynn never entertained any adequate conception of the magnitude of the work or the difficult task that the members had before them. Two of the Knights of Labor delegates to the board were seen and were found to be practically of one opinion. They

spoke in the highest terms of the manufacturers and their manifest intention to establish and maintain a peaceable method of adjustment. They stated also that if the price lists which had been made out had become operative fully 60 per cent of the employees throughout the city would have received an increase in wages, and not over 5 per cent would have been reduced. They further stated that the abolition of the joint board was brought about by the efforts of the shoe operatives' delegates who were constantly opposing the work of the board in the meetings of the district assembly.

On the other hand, the manufacturers stated that when the board was established they looked forward to a long period of peace and prosperity in the industry. They deplored the discontinuance of the board at the time it occurred, as they believed that it was the only available method for handling such grievances as were constantly arising in the factories. They feel, however, that their efforts were not altogether fruitless, as the principle of fairness, which had taken root during the proceedings of the board, has always been manifest in subsequent dealings with the workmen, and enabled them to come together and discuss their differences with more intelligence and a greater degree of satisfaction than had ever been attained under previous conditions.

Simultaneously with the formation of the joint board in Lynn in 1885, the manufacturers of Brockton, Mass., issued a manifesto and price list to the workmen in the lasting department, allowing them four days in which to consider and adopt the same. A mass meeting was held, and after discussing the proposition of the manufacturers it was finally decided to appoint a committee representing all the labor organizations in the city to wait upon the manufacturers' executive committee for the purpose of inducing them to leave the matter of prices to a joint board of arbitration. This proposition was declined and a few days later all the factories operated by members of the manufacturers' association were closed and 5,700 operatives were thrown out of employment.

After three weeks' suspense, the manufacturers finally consented to meet a committee from the unions with a view to arranging a basis of settlement. Several days were spent in discussing details, and on December 5 an agreement providing for the establishment of a joint board of arbitration with rules and regulations to govern its proceedings was adopted and signed by both sides. The board consisted of six members from each side, and one of the rules provided that in case of a tie vote each side should select a disinterested person, and these two should select a third; the decision of the three to be final. The board immediately went to work upon the lasters' price list, but as they could not agree the matter was referred according to the foregoing rule. A decision was rendered on December 22, and after five weeks' idleness the factories were again opened and the operatives returned to work. On February 8, 1886, the board made out a price list for the finishing

department, which was to continue in force until January 1, 1887. This virtually completed their work, and after settling up a few minor grievances the board gradually went out of existence. The price lists established by the board were adopted by all concerned and have served as a basis for subsequent changes.

A history of the attempts which have been made toward establishing peaceable methods for adjusting trade disputes in Haverhill, Mass., would in many respects be merely a repetition of what has already been said in connection with the shoe industry of Lynn. The employees have had their labor unions with agents to represent them; they have endeavored to regulate wages and have met with reverses; they have lived to realize the folly of strikes under prevailing conditions, and have finally come out openly and fought for industrial peace. They have struggled for years under varying and at times disheartening conditions, shifting from one form of labor union to another, and gaining little, if anything, except such wisdom as usually comes from sad experience.

Previous to 1892 there had been no concerted movement on either side toward establishing a permanent system for settling trade disputes. The agent system had been in force for a number of years, but as this was confined mostly to the lasters, the remainder of the operatives were left to struggle along as best they could.

As might be expected under such circumstances, their relations with the employers were not altogether harmonious. In the dull season the manufacturers would reduce wages and when business was brisk the workmen would get together and demand a restoration or an increase. After a while the operatives became strong enough to employ an agent to look after their interests and for a time matters ran along without much friction. Then they began to neglect their organization, and the manufacturers, who were always kept informed of what was going on, were not slow in resorting to the old method. Wages were reduced here and there and always in the parts that were the least able to resist.

With a full knowledge of these facts, and prompted by the desire to bring about more favorable conditions, the Central Labor Union of Haverhill, in the spring of 1892, sent a communication to the local ministers inviting them to deliver a sermon on some phase of the labor question. The invitation was accepted and on the following Sunday about 300 members of the labor organizations attended services at the First Baptist Church and listened to a sermon by the Rev. W. W. Everts on the peaceful settlement of labor troubles by arbitration. The workmen were more than pleased with the manner in which the subject was treated and expressed the hope that the principles enunciated by the minister would meet with the approval of the manufacturers.

Now that the subject of arbitration had been brought to the front, several of the local ministers took an interest in the matter and

willingly set to work to see what could be done toward bringing the manufacturers and workmen together. After considerable effort they finally induced the manufacturers to form an association. Without wasting any time the association immediately proceeded to act, and on October 27, 1892, passed a resolution requesting the president to notify the Central Labor Union that they had organized and were ready to proceed with the formation of a joint board of conciliation and arbitration. This communication met with the hearty approval of the labor organizations, and they immediately appointed a committee to confer with the manufacturers.

After several conferences a plan of action was decided upon and the following constitution and by-laws adopted:

AGREEMENT OF 1892 BETWEEN THE SHOE MANUFACTURERS AND SHOE WORKERS OF HAVERHILL.

We, the undersigned, shoe manufacturers and shoe workers of Haverhill, that we may maintain harmonious relations with one another, and may unite in the adoption of such measures as shall tend to improve the condition of the business and promote the general welfare of all employed in it, do hereby form an organization and adopt the following constitution for our government:

CONSTITUTION AND BY-LAWS.

ARTICLE I.—*Name.*

This body shall be known as the Board of Conciliation of the Shoe Trade in Haverhill.

ARTICLE II.—*Object.*

Its object shall be to conciliate employers and employed in all difficulties that may be by them referred to this board.

ARTICLE III.—*Membership.*

This board shall be composed of two delegates from each affiliated labor organization, and a number of delegates from the manufacturers' organization, equal to the sum of those from the several labor organizations.

ARTICLE IV.—*Delegates, terms, and how elected.*

SECTION 1. Term of office of all such delegates shall be one year, beginning on December 1, and such delegates shall be elected during the month preceding the beginning of the term.

SEC. 2. Delegates shall be elected in any manner approved by their respective constituents.

ARTICLE V.—*Officers.*

SECTION 1. The officers shall consist of a president, vice-president, and two secretaries. These officers shall constitute the standing or executive committee of the board.

SEC. 2. Two or more candidates for president shall be nominated by the representatives of the manufacturers, and the one of these candidates receiving a majority of all votes cast shall be declared elected.

Two or more candidates for vice-president shall be nominated by the representatives of the labor organizations and elected in the same manner as the president.

Each side shall nominate two or more candidates for secretary, from which one

from each body shall be elected by the full board in the same manner in which the president and vice-president are elected.

SEC. 3. There shall be also elected a substitute standing or executive committee of the board.

The nominees for each office receiving the second largest vote shall be declared the substitute standing or executive committee.

SEC. 4. The duties of the several officers shall be those usually pertaining to their respective offices.

SEC. 5. When a difficulty is referred to the board, the executive committee shall investigate and confer with both parties, and endeavor to adjust the same to the satisfaction of both sides. Failing at their attempt at conciliation, they shall call a meeting of the full board and submit the result of their investigation.

SEC. 6. Should a member of the executive committee be a party to the question under consideration, his or her place on the board shall be filled by the corresponding member from the substitute committee.

SEC. 7. A full representation of the executive committee shall constitute a quorum of such committee.

ARTICLE VI.—*Terms of officers and when elected.*

SECTION 1. The terms of officers shall be for one year, commencing immediately after the annual election.

SEC. 2. Officers shall be elected the first Thursday in December, which shall be the annual meeting.

ARTICLE VII.—*Vacancies.*

Vacancies may be filled at any meeting.

ARTICLE VIII.—*Methods of procedure for the board.*

When a case is presented by the executive committee to the board, the board shall hear the results of the investigation of the committee, and do all in their power to bring the parties together and to effect a satisfactory adjustment of the matter in dispute. Should the attempt at conciliation prove a failure, the matter in dispute shall be referred to a board of arbitration, whose decision shall be final, and there shall be no strike or lockout pending a settlement.

ARTICLE IX.—*Board of arbitration.*

SECTION 1. The board of arbitration shall be formed as may be mutually agreed upon by the parties interested, and no member of the board of conciliation shall be a member of the board of arbitration.

SEC. 2. A board of arbitration formed for the settlement of a dispute shall decide the date at which the settlement shall take effect.

SEC. 3. If the parties in dispute can not agree as to the formation of the board of arbitration, the board of conciliation shall decide for them.

ARTICLE X.

Delegates may be instructed or recalled at the pleasure of their constituents.

ARTICLE XI.—*Meetings of the board.*

SECTION 1. The standing committee shall call a meeting of the full board whenever five members of the board of conciliation shall in writing request them to do so.

SEC. 2. A quorum shall consist of at least five (5) members from each organization.

SEC. 3. At any meeting of the board, if either the party of the manufacturers' association or the shoe workers shall be in a minority, each member of such minority shall be entitled to one and such fraction of a vote as shall make the number of votes of each party equal.

ARTICLE XII.—*Expenses.*

Any expense incurred in the administration of the board shall be borne one-half by the manufacturers' organization and one-half by the labor organization.

ARTICLE XIII.

It is agreed by the members of the Haverhill Manufacturers' Union that hereafter they will employ only members of the affiliated labor union represented in the joint board of conciliation when satisfactory workers can be furnished by said union, excepting, however, workers already employed at the present time, so long as they remain with their present employers.

It is agreed by the labor unions represented in the joint board of conciliation that they will use no other joint board of conciliation as a board of last resort for settling difficulties, and will not bring a case for settlement before this board unless both parties are members of organizations in this board.

ARTICLE XIV.

This constitution can not be annulled, amended, or suspended except by a vote of three-fourths of the members.

Under this plan the board commenced operations. During the first year in the neighborhood of fifty cases were acted upon, a majority of which called for the settlement of new price lists, consequent upon the introduction of new styles of shoes. A new price list calling for an increase of $1 per week for upper cutting was adopted by the executive committee of the board, but only two firms agreed to pay it. They also made a price list for turned work that was adopted generally throughout the city.

In the fall of 1893 the manufacturers lost interest in the board and neglected to attend the meetings, consequently it was allowed to sink into a state of dormancy, in which condition it remained for over a year. In the meantime the effects of the general depression which prevailed throughout the country began to be felt in Haverhill, and reductions in wages soon followed. The unions were not able to resist the efforts of the manufacturers in this direction, so they contented themselves with whatever they could get.

Matters continued in this condition until December 10, 1894, when the lasters became involved in a controversy with several firms over the adoption of a new price list for machine lasting. The trouble soon spread from one factory to another, and by the end of the month all the larger firms in the city were more or less involved. The officials of the International Union, to which most of the workmen outside of the lasters belonged, now took a hand and declared their intention to enter upon a general strike. They claimed that they would be justified in such a course, as during the previous winter the manufacturers ignored the joint board and reduced their wages. More than that, they felt that the time had come when they should make some effort to abolish the contract system of hiring workmen, which was in force in some of the larger factories. Following this declaration, eight of the local

ministers issued an appeal to both sides to refer all questions in dispute to arbitration, but the manufacturers were not yet ready to adopt that course. On New Year's Day, 1895, the employees held a mass meeting at the city hall, where they were addressed by Miss Frances E. Willard, Lady Henry Somerset, and others. This same day the agent of the International Union and the president of the manufacturers' association conferred with a view to reviving the board of conciliation. Seeing that the matter of reviving the board was favored by some of the manufacturers, the unions now determined to force the issue. Accordingly, on January 4, they drew up the following agreement:

We, the undersigned shoe manufacturers of Haverhill, do hereby agree to become members of the local board of conciliation and will leave all disputes as to conditions and prices now existing, or that may hereafter arise, between any or all of us and those in our employ, to said board, and to abide by the rules, regulations, and conditions of said board pertaining to the settlement of said difficulties.

Armed with this, the agent of the union called upon the manufacturers and informed them that they must either pay the scale of prices that had been made by the joint board in 1892 or sign the agreement, otherwise their employees would stop work.

Every day thereafter witnessed some new turn in affairs. The manufacturers who were parties to the agreement of 1892 got together and issued the following letter, which was sent to every manufacturer in the city:

HAVERHILL, MASS., *January 29, 1895.*

DEAR SIR: We inclose a blank application of membership in the manufacturers' association, which we trust you will sign and return to the secretary before Saturday, February 2.

This is the association from which the manufacturers get their representation on the board of conciliation and arbitration, to which we are all looking for a settlement of the present labor trouble, and it is necessary that all manufacturers and contractors should join in order to receive the benefits to be derived from the joint board.

But 50 manufacturers, all told, took any notice of this letter. On the other hand, the agent of the union had been busily engaged in calling upon the different firms, and besides inducing many of them to pay the price list, he also succeeded in obtaining 75 signatures to the agreement to join the local board. The lasters had now succeeded in having their price list accepted by several firms and the center of trouble had narrowed down to the few factories where the contract system was in force. Members of the State Board of Arbitration and Conciliation visited these firms several times, but they were unable to bring about any kind of a settlement. By this time the local board of conciliation had been reorganized and the work of settling the differences was begun. With the exception of the price list for machine lasting, all matters brought before the board were settled by the executive committee. Owing to their inability to agree upon the price for machine lasting, the matter was referred to the State Board of Arbitration and Conciliation. The decision of the board was rendered on May 27, 1895,

and it was accepted and adopted in 18 different factories throughout the city.

The meetings of the local board were continued with some degree of satisfaction up to the latter part of the year, when, owing to the failure of the manufacturers' delegates to attend, it was almost impossible to transact any business. The last attempt in this direction was made on February 17, 1896, but as there was no quorum on the part of the manufacturers' delegates no meeting was held.

During the time that this board was in operation, besides attending to a number of grievances, price lists were made for several departments, but they were adopted by only a few firms.

As regards the probability of reviving the local board there is a diversity of opinion. On both sides there are those who are inclined to be somewhat pessimistic in their views. The manufacturers of this class contend that it is impossible to induce a majority of their number to join an association and be bound by the rules of a local board, and that every attempt thus far has only developed this fact. They claim that the competition and jealousy which exist among the manufacturers dominate their actions and will always defeat the good intentions of those who are earnestly engaged in trying to effect a permanent organization.

The workmen of this class contend that while they favor the idea and always lived up to the rules of the local board, their observation and experience teaches them that a permanent system of conciliation and arbitration can only be maintained when the workmen are thoroughly organized and strong enough to force the manufacturers to recognize and adopt it. In support of this they point to the proceedings of the local board, which show that out of six different price lists approved by the executive committee of the board but one was ever adopted by any considerable number of manufacturers, and that by reason of the weakness of the labor unions the workmen were unable to enforce the adoption of the others.

Another class of workmen, which happily is more numerous than the former, entertain a brighter view of the matter. They believe in the principle of arbitration and have always taken an interest in the local board. They point to the fact, that while the board was in operation there was very little trouble in the factories and a general feeling of satisfaction prevailed throughout the city. They contend that some kind of a peaceable method for adjusting trade disputes is really necessary for the successful conduct of the business of the city, and they have full faith in the probability of reviving the board.

Representatives of the workmen stated that the idea of establishing a permanent peaceable method had been discussed by the unions for several years and when the opportunity came they were very happy to join with the manufacturers in forming the joint board; that while the results attained during the first year were not as satisfactory as they

might have been, still, they had felt that when the purpose of the board was fully understood, the manufacturers would take more interest in the matter and give it their support; but, instead of this, they not only abandoned the board but when hard times came on they took advantage of their employees and reduced their wages. It was no easy matter for the workmen to forget this action, and the following year when the trouble over the lasting machines arose they took advantage of the opportunity to demand the restoration of prices and the revival of the board. When the board commenced operations the second time they felt that the manufacturers would profit by the experience of the thirteen weeks' struggle through which they had just passed and live up to their agreement. But, as subsequent events have shown, they reckoned without their host. A majority of the manufacturers who signified their willingness to resort to the board never took any further interest in the matter and absolutely refused to adopt the price lists approved by that body.

Notwithstanding this experience, the labor representatives and the conservative workmen still have hopes of being able to establish some kind of a permanent system for the peaceful settlement of their difficulties. They feel that something of the kind must eventually come, and, as one of them said, "While we have not accomplished much thus far, we have pointed out the road which sooner or later they all must travel."

The Philadelphia system of arbitration is often referred to in other sections as the most complete of its kind that there is in the country. Unlike all the other places where there is any considerable number of people employed in the shoe industry, this city is the only place where a board of arbitration has ever been kept in regular working order for more than one year at a time. And perhaps what is more interesting in this connection is the fact that the system itself originated with and has practically been kept in existence through the efforts of the manufacturers.

Beginning with the demand of the manufacturers' association in the spring of 1884, the idea of establishing a peaceable method for settling trade disputes was constantly pressed to the front until at last they succeeded in planting the seeds from which the present system has grown.

During the period between 1880 and 1884 the shoe operatives throughout the city had become thoroughly organized, and, like their fellow-craftsmen in other places, they sought to regulate trade matters to suit themselves. As might have been expected, this could not be accomplished without incurring more or less opposition from the manufacturers. The latter were not satisfied with the methods of the unions, and after several ineffectual attempts to induce them to agree upon some method of arbitration they finally concluded to take the initiative

and at a meeting held November 21, 1884, the following resolution was adopted:

Resolved, That the executive committee notify District Assembly No. 70, Knights of Labor, that the Boot and Shoe Manufacturers' Association demand a joint board of arbitration on all questions in dispute, and unless the request is granted by December 6, 1884, all the shoe manufacturers connected with this association will close their factories.

This sudden change of front was more than the employees had looked for, and it naturally created a great deal of unfavorable comment. After discussing the matter for several days, the district assembly decided not to accept the proposition to form a joint board of arbitration until the threat to close the factories was withdrawn, and the manufacturers were notified of their action. No notice was taken of this communication, and on December 6 the resolution of the manufacturers was carried into effect and the employees of 22 factories were locked out.

On December 15, through the intervention of a representative of the Universal Peace Union, a meeting of both executive committees was arranged for the 20th of the same month. At this meeting it was agreed that each organization would appoint a committee of seven to meet three days later with full power to complete a system of joint arbitration. With this understanding, the manufacturers promised to open their factories on December 26, or as soon thereafter as possible.

On December 23 the committees met, and after a prolonged discussion, lasting several days, they finally agreed upon a scheme of arbitration, with rules and regulations to govern their future relations, and on January 3, 1885, they were adopted and signed by both sides.

For a year or more after the joint board was formed matters progressed very smoothly, and nothing of importance arose until the fall of 1886.

It appears that it was the understanding of the board that each manufacturer should settle the question of wages with his own employees, subject, of course, in case of dispute, to an appeal to the joint board. This was a prerogative that the manufacturers jealously guarded. On the other hand, the assemblies were not satisfied with this way of doing business. They claimed that it led to no end of abuse, and that there was no uniformity in the wages of the employees. What they desired was a uniform price list for all factories making similar grades of shoes, and in accordance with this the assemblies set to work to prepare price lists for the different departments. These lists were styled "uniform assembly bills," and were prepared with the understanding that they would be presented to the manufacturers by the grievance committee of each factory. The efforts of the assemblies to carry out this programme were unavailing. At the outset they were met by the united and determined opposition of the manufacturers, who were in some instances reenforced by their employees; so the matter was

dropped until early in June, 1887, when the time arrived for the consideration of new price lists for the ensuing season.

According to the rules prevailing in most of the factories, price lists were to be arranged at a meeting of the employees and handed to the grievance committee for presentation to the employer. Instead of pursuing this course, a prominent member of the Hand-sewed Men's Assembly, who was also a member of the joint board, presented an assembly bill to the grievance committee of one of the factories with instructions to present it to the manufacturer as the employees' bill. The firm, being aware of the proceedings, failed to make a satisfactory settlement, and referred the case to the joint board. This body, after considerable discussion, appointed a special committee to investigate and, if possible, arrange matters satisfactorily.

In the meantime price lists were presented in six other factories, but only in one of them was the assembly bill insisted upon. In this factory the employees went out on a strike to enforce the bill, and two days afterward the matter was compromised.

After a long investigation the committee which was appointed in June to settle the price list for hand-sewed work presented a report to the joint board on September 26, recommending its adoption. The report was acceptable to the five firms making hand-sewed goods, and it was expected that it would be agreeable to the workmen. On the contrary, they were determined to enforce their assembly bill, and with this intent they took the matter into their own hands, and on October 5, 1887, all the "hand-sewed workmen" were ordered to stop work.

This led to a protracted controversy between the executive committees of both organizations, but all to no purpose. Finally, the manufacturers notified the district assembly that until they could be guaranteed that the rules of the joint board would be observed and enforced the board was useless, and they therefore withdrew their members therefrom.

On receipt of this communication the district assembly anticipated the intention of the manufacturers to close their factories by ordering a general strike on October 19. Over 3,000 operatives were now out of employment. Three days after this event the executive committee of the district assembly endeavored to arrange a meeting with a view to effecting a settlement, but the manufacturers refused to meet them.

Nothing further of importance occured until November 12. By this time the manufacturers had decided to inaugurate the "free-shop" system and also establish a system of arbitration which would enable them to deal directly with their employees. In pursuance of this idea the following preamble and rules were adopted:

PHILADELPHIA, *November 12, 1887.*

The twenty-four firms, members of the Boot and Shoe Manufacturers' Association, believe that to longer make an effort to deal with an organization without power to enforce contracts is useless, unbusinesslike, unjust to ourselves and those of our

late employees who wish to work, and invites a risk of capital, reputation, and business that we can not entertain. Therefore, profiting from past experience and from observation of various manufacturing industries, we propose to open our factories on Monday, November 14, 1887. We will not discriminate for or against any person because he or she is or is not a member of any organization; [we] will meet a committee of our working people as a board of arbitration, and those who wish to work in our factories will be fully protected in their workings by the following rules and regulations. The bill of wages paid prior to the strike will be paid in each of the branches in the several factories until December 1, 1888, and should there be any change desired at that time the rules make provision for such change.

RULES AND REGULATIONS FOR GOVERNING THE SHOE FACTORIES OF THE BOOT AND SHOE MANUFACTURERS' ASSOCIATION OF PHILADELPHIA.

ADOPTED NOVEMBER 12, 1887.

[In reading these rules, the rule and comment should be read together.]

RULE 1. The right of the manufacturer to employ or discharge employees must be acknowledged.

Comment.—This rule means that the right to employ and to discharge laborers belongs to those who own the business. There could be no other rule. No prudent man would invest capital in business if he could not control it by employing the laborers he thought necessary and proper for conducting it. This is the inseparable incident of capital.

RULE 2. Employers or employees must not discriminate for or against any individual because he or she is not a member of any organization.

Comment.—No employer shall discharge or refuse to hire a man or woman because he or she is not a member of any organization. Nor shall any man or woman refuse to work with or for any person because he or she is not a member of any organization. This is but equal justice to all, and will promote the freedom of conscience we boast of as American citizens.

RULE 3. Each manufacturer is to regulate his or their working hours, but in no case shall a day's work exceed ten hours, except in two or three departments, in order to fill orders on time.

Comment.—Each manufacturer shall say at what time hands shall begin work in the morning and when they shall stop, not exceeding the time named in the rule. When extra work is to be done, the manufacturer shall direct it in order to meet the engagement calling for it. But for the extra labor performed the employee shall receive extra pay. Business will decide the departments.

RULE 4. SECTION 1.—Shop meetings to be held only after working hours.

Comment.—The purpose of this rule is that there may be no interference with business.

SEC. 2. Grievance committee of shops not to meet oftener than once a week.

Comment.—The committee need not meet once a week unless it has business.

RULE 5. Pending the discussion and decision of any difference or dispute, there shall be no lockout, strike, stoppage, or cessation of work by either employer or employed.

Comment.—It is the object of this rule to substitute reason and right instead of violence, in whatever form, by either employer or employed; and during no dispute or difference shall the work in any shop or department of it be stopped or interfered with.

If the interests of parties can not be so adjusted and harmonized that the parties can continue the relations of employer and employee, then, according to the real or supposed interests of the parties, they must separate, not in violence, but according to reason. This rule implies that in no case is it necessary to resort to lockouts,

strikes, or violent means in any form, it being the office of reason, acting according to the Golden Rule, to adjust and settle all human interests.

RULE 6. In case of a disagreement between employer and employee it shall be the duty of the grievance committee to settle, if possible, the matter in dispute; but in the event an agreement can not be reached the matter in dispute shall be submitted to the board of arbitration.

Comment.—This rule is sufficiently plain without explanation.

RULE 7. There shall be no interference with the employment or wages of hands hired by the week, when the wages are satisfactory to the employer and employees, so that competent workmen may be protected.

Comment.—Business requires that some "hands be hired by the week," and that wages are paid to the skill of the hand. It is the object of the rule to protect both the laborer and the manufacturer.

It is to give to the manufacturer the advantage of skilled labor, and to give to skilled labor a just remuneration. Of course, the manufacturer may employ inferior skill and give it inferior remuneration. This may be important at some times and for some purposes. It is the right of the manufacturer to determine how his business shall be conducted. Capital and labor should each receive its equitable reward.

If the wages are not satisfactory, the hand may quit work; and if not satisfactory to the employer he may dismiss him.

With any other rule business could not be safely carried on.

RULE 8. SECTION 1. The joint board of arbitration shall consist of seven members of the manufacturers' association, actively engaged in manufacturing, and seven employees working for members of the manufacturers' association; must come uninstructed, hear testimony, examine witnesses, and decide on the merits of the case. Said members shall serve for one year, or until their successors are appointed or elected. Five members from each side shall constitute a quorum. A majority vote shall be final in all cases.

SEC. 2. No person shall be questioned or held accountable as individuals or as members of any organization for their actions or doings as arbitrators.

Comment.—Seven manufacturers and seven employees compose the board. These are appointed by the respective associations. It is required that the members of the joint board shall each be actively engaged as manufacturers of the association or actively engaged as employees of manufacturers of the association; were it otherwise, manufacturers or employees might be eligible whose interest it would be to create strife rather than to promote harmony. Members of the joint board form what is similar to a jury, and what jury could give a fair verdict if its members were instructed how to decide before hearing the testimony?

Each arbitrator must be guaranteed that his freedom of opinion and conscientious action as an arbitrator will be fully protected by both the association of employers and employees; otherwise qualified parties might hesitate to accept the position or act as their judgment and conscience dictated. When by the sides there is a difference of opinion, the same number of persons only on each side shall cast a vote. But when the vote is not by sides all at the meeting may vote, and the majority decides the question.

RULE 9. In case of a tie vote, each side shall select a disinterested person, and these two shall select a third person, and their decision shall be final.

Comment.—In a warm contest both parties might not agree on a third person, and hence the provision of the rule. When the three persons are chosen, the majority vote cast by them shall be decisive and final.

RULE 10. The joint board of arbitration shall meet semimonthly, at such time and place as may hereafter be agreed upon. No complaints shall be considered unless stated in writing and the causes of complaint are specified and signed by the complainant.

Comment.—All parties seek to avoid trivial complaints. The rule requires the complaint to be in writing in order that the person may see it in that form, and that the board may have something definite before it

RULE 11. Complaints shall be presented to the board at the first meeting after the cause thereof shall arise, or it will be deemed that there are no grounds for complaint.

Comment.—This rule is vigorous and might work hardship if the cause of complaint should arise just before a meeting. But there should be no delay. It is improper to introduce stale complaints.

RULE 12.—No bill of wages will be received from any organization, but all bills shall originate with and be presented by either employer or employee, on or before October 1 of each year, where any changes are desired, and shall be settled by November 1, to take effect December 1 following and continue in force one year.

After the bill of wages has been presented the employer shall adjust with each full branch the difference asked by either party, and when all have been adjusted the shop organization shall approve and attest the bill. Up to this point there shall be no interference permitted on the part of the manufacturers' association or any other organization; but in case the difference can not be mutually adjusted by the employer and any branch or branches, these points of difference shall be stated in writing and submitted to the joint board of arbitration, and their decision shall be final and binding on both parties.

Where no bill is presented by October 1 of any year the old bill shall continue in force for another year, except in change of system or introduction of machinery or new work between dates of annual settlement of bills; in these cases the prices fixed shall be for the balance of term of general contract.

Comment.—This rule recognizes the fact that the employer and employees of any branch know better what facilities there are for doing each kind of work in a factory and what labor is worth as it is given to them than any outside party can, and also that their judgment is fair and not influenced by those whose interest it might be to interrupt instead of give them employment.

RULE 13. It is the manufacturer's exclusive right without arbitration to use whatever stock he thinks proper, to introduce whatever machinery he deems necessary, and divide and subdivide his work as he sees fit or his business may require, and it is the right of the employee to be paid just wages for the labor performed by him.

Comment.—In order that a manufacturer may originate improvements and adopt those of others to meet competition of other localities, he must be guaranteed that he can manage his business without interference. On the other hand, these new demands must not encroach on just remuneration of the employee, but he must be paid for the labor he does.

RULE 14. The minutes of each meeting of the joint board of arbitration must be printed and posted in each factory within five days from the date of meeting.

Comment.—That all employers and employees may be fully informed of the proceedings and decisions of the joint board of arbitration.

Addendum.—If any difference shall arise hereafter touching any matter not provided for in the foregoing rules, such difference shall go before the board of arbitration for adjustment and decision.

The trouble from this time was of short duration. One shop's crew after another returned to work, and in the course of a few weeks the strike was a thing of the past.

Soon after the factories had resumed operations the employees formed an organization that has since been known as the Central Convention of Shoe Workers, and on December 15, 1887, they notified the manufacturers that they had appointed seven delegates as an executive committee with full power to confer with them and form a joint board of arbitration.

The board organized in conformity with the rules of the manufacturers' association and has continued its operations without interruption up to the present time. The officers of the board consist of a

president, vice-president, and two secretaries. The president is always a manufacturer, the vice-president is chosen from the employees' delegates, and the secretaries are selected one each from the manufacturers and employees.

The Central Convention of Shoe Workers is composed of representatives from the various factories operated by the Boot and Shoe Manufacturers' Association. The object of this convention is stated to be to discourage and prevent as far as possible strikes and lockouts, believing them to be injurious and detrimental to the interests of workingmen, and to substitute a more legitimate and satisfactory method by appealing to intelligence and reason through the medium of arbitration.

Each factory has what is called a shop association, with a regular board of officers and a grievance committee. The dues are 1 cent per month and every employee must belong to the shop association. When an employee has a grievance, he first tries to adjust it with the employer. If he fails to do this, the matter is referred to the grievance committee, whose duty it is to inform themselves upon the facts and endeavor to effect a settlement with the employer. If they do not succeed, the grievance is referred back to the employee and by him submitted in writing to the joint board of arbitration. When the case comes up before the board, both the employer and employee must attend the meeting and present their respective claims.

During the eight years that the board has been in operation the records show that there have been 45 grievances submitted—34 by the employees and 11 by the manufacturers. Of this number 24 cases were settled by the board, 16 were withdrawn and settled by the parties, and 5 cases were declared to have no status, owing to the failure to submit their grievances within the time prescribed by rule 12. Of the 24 cases settled by the board 17 were favorable to the employees, 4 were in favor of the manufacturers, and 3 cases were compromised. As no record has been kept of the grievances that have been settled without recourse to the joint board, it is impossible to state just how many there were, but the parties interviewed say that there must have been at least 500.

The manufacturers claim that this is the best system that has ever been devised; that it has done away with strikes and lockouts, and established peaceful relations between their employees and themselves. They are positive that it has helped to bring more business to the city, and consequently has given steadier employment to the workmen and increased their earnings to a considerable degree. They claim that, while the general tendency of wages in certain parts of the industry has been downward, the Philadelphia shoemakers have not suffered any more in this respect than the workmen in other localities. When it was pointed out that the piece-workers do not receive as much as they do in other places on similar grades of work, and that those who are paid by the week are obliged to do more for the same or less wages

than is paid in other shoe centers, they invariably refer to still other localities where the workmen do not receive nearly so much for their labor as they do in Philadelphia. They further claim that their employees have broken away from the old idea of striving for a few weeks of "big pay" during the busy season, and are quite content with the present arrangements, whereby they have steadier employment and are able to earn more in the aggregate than they ever could before.

When attention was called to the rumor which prevails in other shoe centers to the effect that the Philadelphia manufacturers have everything their own way, and that the disposition to crowd the workmen has not been wholly eradicated, it was admitted that this was a matter that had given the manufacturers' association a great deal of serious concern. They feel proud of the record of the joint board and point with much satisfaction to the many instances wherein both sides have been able to come together and discuss without prejudice the various matters which have been presented for consideration, and they emphatically deny that any man has ever been discharged for submitting a grievance and appearing before the board in his own behalf. They know that the existence of the board and its power to do good depends altogether upon the sincerity and integrity of those who subscribe to its rules, and while they are not at all times able to control the actions of all parties, still, whenever the occasion demands it, gross violations are dealt with summarily.

In speaking with one of the manufacturers on this point he stated that from the beginning they realized the importance of dealing honorably and leaving nothing open to suspicion or doubt, and it was to provide for this that rule 14 was adopted. By referring to this rule it will be seen that the minutes of each meeting of the board must be printed and posted in each factory. This gives all the employees an opportunity to keep informed upon the work of the board.

The employees who were interviewed stated that, while there might be some defects in the system, it had nevertheless given better satisfaction than the former methods. They asserted that it had prevented serious trouble, and had been the means of bringing the manufacturers and workmen nearer together. As regards the effect upon wages, they admitted that the tendency has been downward, but this, they said, is a matter they can not always control and applies with equal force to other industries. With respect to the rumor that the system was one-sided and that the workmen were afraid to push their grievances, it was admitted that such was formerly the case, and doubtless existed in certain factories at the present time. They contended, however, that whatever fault there is in this respect is due more to the workmen themselves than to the manufacturers. They also asserted that if it were not for the opportunity that their joint organization affords for discussing trade conditions, and the manifest fairness of the manufacturers who are on the board, the conditions of employment would be far worse

and the wages of the employees greatly inferior to what they are at the present day. And, furthermore, that wherever reductions had occurred, they were, in most cases, assented to by the workmen themselves, and that it has been no part of the business of the joint board of arbitration to reduce wages.

THE AGENT METHOD.

After the dissolution of the Crispin organization in Lynn in 1878, some of the workmen began to consider the defective features which had been brought out under its workings. They saw clearly that with the great improvements in machinery and the consequent subdivision of labor it would be useless to attempt to organize the entire craft upon a basis that would be acceptable to all.

In keeping with this idea a small number of workmen in the lasting department got together and on December 27, 1879, organized what has since been known as the Lasters' Protective Union. From the beginning the larger firms were averse to dealing with the new union, and it was not until several of their number had found it necessary to arrange price lists upon a union basis that the others gradually fell into line. In two years' time friendly relations prevailed on all sides and have, to a very large extent, been maintained up to the present time.

The most commendable and progressive step taken by this union was the appointment of one of their number to represent them in all matters of importance with the manufacturers. This was a decided departure from former methods and, as subsequent events have shown, proved to be one of the greatest benefits that has ever been bestowed upon the workmen. Generally speaking, in the selection of a man to fill this important position due care is always had to the character and ability of the candidate. He must be beyond reproach and worthy of the respect and confidence of the manufacturers and workmen alike. Furthermore, he must be a practical workman and possess a thorough knowledge of the part that he represents. His entire time is devoted to the duties of his office and he is paid a regular salary for his services.

The ordinary duties of an agent are very plain. He must, as far as possible, keep himself fully informed on all matters pertaining to the industry, note all changes in styles, methods, etc., and be ready at any time to inform the workmen or union upon the same.

In most cases the agent is subject to the orders of an executive committee. When the workmen have a grievance which they can not settle themselves or the manufacturers desire to make a change in price or method, the agent is called in and after ascertaining the facts, if the grievance or change is one which requires the consideration or sanction of the executive committee, he reports the matter to that body, and whatever action they take is communicated to the parties at interest

at the earliest opportunity; but, if the matter is such that it does not need to be reported to the executive committee, the agent usually has power to adjust it. On the other hand, if it should happen to be a case in regard to which the ideas of the manufacturer and the executive committee conflict, then it becomes the duty of the agent to step in and by conciliatory pleading with both sides endeavor to effect an amicable settlement.

The warmest advocates of the agent method do not claim that it is perfect, nor do they claim that it prevents strikes in every case, but they are firmly convinced, and the facts go to show, that it has removed many of the obstacles which have heretofore barred the way to an intelligent consideration of trade matters and which have tended to engender bitter feelings between the manufacturers and workmen. They believe, also, that with certain liberal changes, such as the granting of more discretionary power to the agents, it will answer every legitimate purpose. On the other hand, the opponents of this method are, as a rule, men who have had some unpleasant experience with the agents and labor unions in the past. They prefer to deal directly with the workmen and feel that that is the only proper way to conduct their business. There can be no doubt that most of this class of employers are honorable men and mean to deal equitably with their workmen, nor can it be denied that some of them have good cause for not wanting to resort to any other system. But, after all has been said, it is quite clear that under present industrial conditions the successful operation of the direct method and the benefits accruing to the workmen therefrom depend altogether upon the integrity and good will of the employer. In the hands of unscrupulous employers direct dealings usually result disastrously to the workmen.

After the disbanding of the joint board in 1885, the local assemblies of the Knights of Labor appointed agents to look after their interests, and the work of regulating prices was commenced in earnest. They had proceeded but a short time when a controversy arose in one of the large factories over the discharge of several workmen who had taken a prominent part in the proceedings of the joint board. The manufacturer refused to reinstate the men or to have any dealings with the agents who represented them. After several ineffectual attempts to settle the matter, it was finally decided to appeal to the State Board of Arbitration and Conciliation, which had been recently organized. On December 17, 1886, both sides joined in an application to the board, and, besides the matter of discharging the workmen, the general question of wages was also submitted, with the understanding that the prices recommended by the board would apply to every factory in the city for work of a similar grade. This plan suited the manufacturers, as it gave them an opportunity to complete a part of the work of the joint board, which had been abruptly cut short a few months previous by the district assembly. The board immediately went to work upon

the case and in the course of a few weeks rendered their decision. They recommended that the workmen should be reinstated, and on the matter of prices they reported a list which was accepted by all parties and the work of readjusting the prices in the other factories to which it applied devolved upon the different agents.

The following year the agent of the Upper Stitchers' Union and one of the largest stitching contractors in the city joined in an application to the State board asking them to grade the work and fix a standard list of prices for each grade. The board took the matter in hand, and after a protracted investigation rendered their decision. This decision practically established the price for upper stitching throughout the city, and for a long time afterward the agent of the union was kept busy arranging matters so as to conform with it.

In this manner the agent method has grown upon the manufacturers, and it is now looked upon as a permanent institution.

As regards the workings of this method, both the manufacturers and workmen agree in saying that, giving due consideration to the conditions which have always existed in the shoe industry, and accepting the fact that labor unions will doubtless continue to exist, it is a decided improvement over preceding methods; that, while it does not in every instance accomplish all that is desired, it has, nevertheless, promoted a friendly feeling on all sides and has enabled them to settle many grievances which might have resulted in serious trouble; and that, by having an opportunity to meet with a man who thoroughly understands the details of the part which he represents, the work of arranging wage lists and settling grievances has been reduced to a minimum; and further, that since the introduction of the method wages have been regulated with better effect, consequently there has been more uniformity in the labor cost of the product.

In Brockton the agent method was instituted by the Lasters' Union at the time of the lockout in 1885. After the joint board of arbitration which was organized at that time had ceased to exist, the affairs of the lasters were looked after by their agent, and this course has been pursued up to the present time.

In the meantime the employees in the other departments have appointed agents to transact their business so that now the agent method is recognized generally throughout the city. In its practical operations it appears to have met with the same degree of success that has been attained in Lynn. The ideas and statements of the employers and employees seem to harmonize on all the important features, and, with perhaps one or two exceptions, it can safely be said that it has worked beneficially to both sides. It has kept them nearer together, and according to their own admissions has prevented many serious outbreaks.

In Haverhill the agent method has been in force for a number of years with various degrees of success. At the present time quite a

number of the manufacturers deal with the agents of the unions and they express themselves as perfectly satisfied with the results, some of them going so far as to say that they would rather deal with the agents than with the workmen. Several instances were given wherein they received more consideration at the hands of the agents than the workmen were willing to concede. This, they say, was owing to the fact that the agents' knowledge of methods and conditions was superior to that of the workmen; consequently they were able to act more intelligently when dealing with the manufacturers.

The agent method was instituted in Marlboro by the Knights of Labor assemblies in January, 1886, and the following year the Lasters' Protective Union adopted a similar course.

Prior to that time such differences as arose between the manufacturers and workmen were settled either by the parties directly interested, or through the agency of special committees that were appointed for the purpose.

When it is understood that the people of this thriving little city have always been dependent upon the prosperity of the boot and shoe industry, the importance of having some kind of a system that will promote harmony and help to perpetuate kindly feelings between the employers and employees will be more readily appreciated.

From the beginning of their organization, in 1884, the shoe workers of Marlboro have always been known as the best organized body in the entire industry, and, notwithstanding the fact that every factory in the city has been practically under their control during all this time, they have always been disposed to conduct their business in a peaceable manner. They were among the first to enter into agreements with the manufacturers to refer their disputes to arbitration, and, with some slight modification, they adhere to these agreements at the present time. Since 1888 one of the firms has had a written agreement with the lasters to refer all matters which they can not agree upon to the State Board of Arbitration and Conciliation. The same firm entered into a similar agreement with all the other departments in October, 1890, but owing to a disagreement over the questions which were to be submitted under it, the agreement was canceled in July, 1892. While the other firms have never had any written agreement upon the matter, they have always adopted a similar policy. During the last eight years there have been 11 cases referred to the State Board of Arbitration and Conciliation, and the decisions have always been accepted and lived up to by both sides.

The last case which was submitted to the State board furnishes a very good illustration of the difficulties that are frequently met with in adjusting labor disputes in this industry. This case was the outcome of a strong desire on the part of the manufacturers to obtain a general reduction in the labor cost of their product.

For a year or more they had been complaining of their inability to

pay the prevailing rate of wages and compete with the country factories in Maine and New Hampshire, as well as other places in Massachusetts where the labor cost was considerably less than in Marlboro, and they all predicted that if the employees did not make some concession the business of the city would suffer irreparable loss.

The agitation dragged along until early in the fall of 1895, and by this time the entire community had become deeply interested in the result. It was generally understood that the manufacturers were determined to force an issue of some kind, but the exact course that they would pursue was a matter of doubt. Neither side wanted to engage in a conflict that would result in closing the factories, nor did they wish to perpetuate conditions which would tend to drive any portion of the business from the city. The local merchants took an interest in the matter and endeavored to bring the representatives of the labor organizations and the manufacturers together with a view to arranging a satisfactory settlement, but they did not meet with much encouragement.

In behalf of the employees, the agents informed them that they were ready and willing at all times to leave the question of wages to the State Board of Arbitration and Conciliation. This proposition was looked upon as perfectly fair and legitimate by the average citizen, but it did not meet with the approval of the manufacturers. They claimed that the nature of the situation was such that the State board could not act in reference to some of the differences that existed; that their principal competitors were either located outside of the State or running nonunion factories within the State. In the former instance, the experts of the board were not allowed to go outside the State in their official capacity to obtain information on prices and methods, and, as regards the nonunion factories, it was claimed that the proprietors would not allow the experts to obtain a schedule of the prices that they paid. Under such circumstances they declared that it would be impossible for the board to act intelligently upon the matter.

On November 15, 1895, the manufacturers effected a permanent organization, and, after carefully considering the gravity of the situation, they decided that immediate steps should be taken to remedy the differences existing between the operatives and themselves. A committee was appointed to confer with the representatives of the labor organizations to see if some means could not be adopted whereby all questions in dispute might be amicably adjusted. During the conferences that were held the manufacturers submitted a price list that they had arranged, but, as it called for a general reduction, the representatives of the operatives would not agree to it. The manufacturers now realized that it would be useless to make any further attempt to settle with the operatives, and, not being disposed to take the matter into their own hands, they finally agreed to resort to the usual course, and the whole question was referred to the State Board of Arbitration and

Conciliation. After hearing the testimony of both sides the board took the case in hand and, aided by expert assistants, they rendered a final decision June 22, 1896.

In speaking of the operation of this method, the manufacturers stated that, with one or two exceptions, it had been quite satisfactory. They are averse to labor troubles of any kind, and are disposed to go to the extreme limits of forbearance rather than become involved in a strike or lockout. In referring to the agent method generally, they state that while it is preferable to preceding methods, there is still need for improvement. As it is at present, they claim that the agents do not have sufficient authority, consequently there are many minor matters which ought to be settled at once that are sometimes put off for several days before they are finally adjusted. This is a source of great annoyance at times, and they express the hope that the labor unions will see the necessity of granting more discretionary power to the agents, and that the latter will not hesitate to use it.

Another fault they find is that the employees as a whole do not seem disposed to consider the great disadvantage that the manufacturers are working under in their efforts to provide employment and sell their goods at a profit. They state that the entire product of the city comes in direct competition with the product of the low-wage centers of Maine and New Hampshire; also, the nonunion factories of Massachusetts and New York. Several instances were cited where the labor cost was from 3 to 6 cents per pair less than in Marlboro on a similar grade of goods. This, they say, is more than they are able to realize on any part of their product; that for many years past they have been obliged to manufacture thousands of dollars' worth of goods at cost in order to hold their trade, and they feel that they are very fortunate indeed when they are able to realize 2 or 3 cents per pair profit. In this connection, a representative of the largest firm in the city stated that they were willing to pay more for their labor than their competitors in the country factories, but the percentage of difference should be less than it is at the present time. He further stated that the manufacturers always endeavored to act honorably with the employees, and they had done everything in their power to avoid trouble. When it was first proposed to refer their disputes to the State Board of Arbitration and Conciliation, they were perfectly satisfied to adopt that course, as they felt that a comparison of the wages paid by their competitors would result in some benefit to themselves; but, owing to the difficulties which confront the board in this respect, they are now convinced that they can not hope for the required relief from that source, consequently they feel greatly embarrassed over the matter, and some of them are seriously contemplating a change of policy.

The representatives of the labor unions state that the success of the shoe workers of Marlboro during the past ten years can be attributed to two things. First, to the fact that it has always been the policy of

the unions not to be too aggressive and to favor peaceable methods, and, secondly, to the fact that, as a rule, the manufacturers have been fair and honorable in their dealings with the operatives. They have the utmost confidence in the agent method and appear to be thoroughly convinced that it is the most practicable method that can be employed with any hope of obtaining a just consideration of the rights of the operatives. They speak very highly of the manufacturers, and state that they have always lived up to their agreements and treated the employees with more consideration than is usually accorded to the operatives in other localities.

In referring to the desire of the manufacturers to reduce the labor cost of their goods, they stated that when the matter was first agitated the employees did not take very kindly to the proposition, but as the manufacturers were determined to effect a change, the unions could see no other way out of the difficulty than to refer the whole question to the State board, and they felt that this was as far as they could be expected to go in the matter. By the decision in this case the manufacturers were granted a reduction ranging from $\frac{1}{8}$ to 1 cent per pair in the labor cost of their product.

In three other places in Massachusetts, namely, Hudson, Rockland, and South Framingham, several factories were visited where the agent method has been in operation for a number of years with very good results. The employers and employees get along harmoniously and they have little difficulty in settling whatever differences arise.

SHOP COMMITTEE METHOD.

Besides the joint board and agent methods there are a number of places where the manufacturers deal with the employees through a committee. This method is known in the industry as the shop committee method. There are no regular rules to govern the proceedings of these committees, and the manner of procedure is very simple. About the only time that the services of a committee are required is when there is a rearrangement of prices, and this seldom happens more than twice a year. On such occasions the employees appoint a committee with full power to adjust the matter with the employer. Whenever any grievances arise they are usually settled by the parties interested and the employer; and in all cases it is understood that any matter in regard to which they can not agree shall be referred to a disinterested third party for a final decision.

As regards the workings of this method, it is safe to say that wherever it has been adopted it has given general satisfaction. It has been in force in two large factories in Brockton since 1885, and the employers and employees appear to be very well satisfied with the results.

In both factories a large number of the employees are members of the local labor unions, and at the last readjustment of prices in the lasting department the price lists that were agreed upon by the shop

committees and the manufacturers were afterwards sanctioned by the union.

Besides Brockton, the shop committee method is in operation in Whitman, Rockland, Stoughton, North Abington, Hudson, and South Braintree, Mass., also in two establishments in New York City. In each place the employers and employees manifest the utmost satisfaction with the results thus far attained.

SHOP UNION METHOD.

This method has been in operation in one of the largest factories in Lynn since February, 1892, and applies to every department except the lasting. In this department the firm deals with the agent of the lasters' union. The shop union is incorporated, and membership is optional with the employees. The dues are 10 cents per week. When busy the firm gives employment to 300 people, and one-half of this number are members of the shop union.

A perusal of the constitution and by-laws shows that, while they contain all the essential features of a fraternal benefit association, there is almost an entire absence of such provisions as are usually found in the constitution and by-laws of a labor union. The object of the union is stated to be for the promotion of fraternal relations and the payment of sick benefits to the members. In case of disability from any cause the members are allowed $8 per week for the period of five weeks, with the proviso that no member shall receive more than ten weeks' benefits in any one year, except by special order of the board of directors. Since the union was organized $3,500 have been paid out in benefits; medical attendance is also provided free of charge to the members. The board of directors is selected from the different departments in the factory and has full charge of the affairs of the union. The following clause in the by-laws gives the directors all necessary power for settling whatever grievances arise:

> The board of directors, as a whole, shall be a grievance committee to whom members may appeal at any time if they feel they have cause for complaint or matter for adjustment.

This is the only provision in the constitution and by-laws of the union from which it can be inferred that it possesses any of the functions of a labor union. It is evident, however, from the course of procedure that this simple provision answers all ordinary purposes. The course of procedure is as follows: When any member has a grievance the matter is reported to the director who is employed in the department where it arises; this director calls a meeting of the board and the party having the grievance is notified to appear before them and present his case. After a thorough discussion, if the grievance is considered to be well founded, the directors wait upon the firm and endeavor to effect a satisfactory settlement. While there is no written agreement governing the conduct of the parties in this respect, it is further understood that

any question in regard to which the directors and the firm are unable to agree shall be left to the decision of a disinterested third party.

As regards the workings of this method the employer was enthusiastic in his praise of the manner in which the union has been conducted, and he feels convinced that it will answer every legitimate purpose. He stated that he had no antipathy toward regular labor organizations so long as they were not too unreasonable in their demands, and that the shop union, which had its origin in a labor trouble some years since, would never have been thought of had it not been for the manifest lack of wisdom on the part of some of the local labor leaders.

A number of the employees who were interviewed stated that they had no occasion to find fault with the way they were treated; they received the standard rates of wages, and the conditions of employment were as favorable as in any other factory in the city; and that, as far as the union was concerned, they had absolute control over it, and that their employer never attempted to influence them in any particular. They further stated that the beneficial features of the union had done much toward creating a fraternal feeling among the employees, and had proved to be a source of great benefit to some of the workmen who had been incapacitated by sickness, one case being cited where one of the workmen received $120 in one year from the sick fund, and at his death his widow received $125 additional in contributions from the employees.

This firm has always been ranked among the best class of employers in the city, giving employment to a large number of people, and paying out in wages in the neighborhood of $150,000 per annum. During the few years that the method has been in operation there have been no labor troubles in the factory, and at the present time there is a general feeling of contentment on all sides.

This method was in operation in another factory in the city for several years, but owing to the action of the firm in discharging their union lasters and declaring that they would never have any more dealings with labor organizations almost all of the other employees, including those who belonged to the shop union, "struck" in sympathy with the lasters, and this practically disrupted the shop union. Membership in this union was restricted to those who were not connected with any other labor union.

AGREEMENT TO ARBITRATE A PREREQUISITE TO EMPLOYMENT.

This is one of the most commendable methods that there is to be found in any industry. It has been in operation in one of the largest factories in Brockton during the last eight years and has proved eminently satisfactory to all concerned.

The method itself is very simple and consists merely of a written agreement to refer all matters in dispute to the State Board of Arbitration and Conciliation.

The following is a copy of the agreement:

BROCKTON, MASS., *January 1, 1896.*

As I am a firm believer in the principle of arbitration, I propose to inaugurate that principle in my business.

Now, therefore, I, John Smith, a shoe manufacturer in the city of Brockton, Mass., of the first part, and we, the undersigned employees of said Smith, shoe manufacturer of Brockton, of the second part, hereby mutually agree that whenever hereafter any grievance, controversy, or difference shall arise between said party of the first part and the undersigned employees of the second part, we will mutually submit the subject-matter of such controversy or difference to the State Board of Arbitration and Conciliation in the manner provided by our statutes, and that pending the decision of said board the work and labor in the factory of said Smith shall suffer no interruption, and that we will respectively abide by the decision of said arbitration.

JOHN SMITH,
Manufacturer.
WM. JONES,
CHAS. BROWN,
Employees.

This agreement is signed by every employee in the factory, but it does not debar them from belonging to or participating in labor organizations. In fact, a similar agreement has been in force with the Lasters' Protective Union since December 10, 1888. In this case the employer agrees to deal with the agent of the union instead of each laster individually.

During the time that the agreement has been in force, two cases have been referred to the State board, and both of them were decided in favor of the employees. Notwithstanding this the employer stated that he was a firm believer in the principle of arbitration and stood ready at any time to submit any grievance that could not be settled between his employees and himself to the State board. He further stated that, as far as he could ascertain, his employees were satisfied with the method, and what he considered to be the greatest proof of its success was the fact that they had always lived up to the agreement.

The testimony of the employees shows very clearly that this manufacturer is one of the most honorable employers in the city. He has always taken a lively interest in the welfare of his workmen, and has doubtless done more than any other employer in the entire industry to demonstrate that when both sides manifest a disposition to be fair and honest in their dealings harmonious relations can be maintained, and that when prompted by the desire to obtain nothing but what is equitable and just they can well afford to submit their respective claims to the calm consideration and unbiased judgment of a properly qualified board of arbitration.

CONCLUSION.

In the foregoing pages the workings of the different methods have been dwelt upon in as brief a space as possible. While the importance of the subject might justify a more thorough discussion of some of the important features, it would hardly be possible in a report of this kind to give more than passing notice to many of the events which have marked the adoption and progress of peaceable methods in this industry.

Commencing with the establishment of the first board of arbitration, in July, 1870, we have been able to note the various steps that have been taken up to the present time. On the part of the employees, we have seen how the arbitrary methods of the Crispin organization, together with the duplicity of some of its members, eventually led to its total extinction; and that, while the organization itself passed away, the principle of combining for mutual protection had become too firmly inculcated in the minds of the intelligent and progressive portion of the craft to be allowed to go by default. It survived, and when the workmen came together again the lines were more clearly defined. With each branch looking after its own interests, we have noted the change from the slow and unsatisfactory committee method to the more progressive and business-like agent system, and, despite the opposition, it has become an established fact.

On the part of the manufacturers we have seen that from the beginning they were not slow to resist the aggression of the operatives; that in most cases there was a natural aversion to risking the outcome of an industrial struggle, and that, while some of their number resorted to dishonorable methods, there were those who at all times earnestly advocated conservative action. We have seen that in every instance where the employers and employees have had recourse to these methods, and that so long as they lived up to their agreements, their relations have been eminently harmonious and satisfactory.

We have seen, also, that wherever there has been a disposition to be arbitrary or unreasonable, when either side ignored the rights of the other, there has always been more or less friction, and in some cases this has led to open warfare.

Doubtless the reader may have noticed that considerable space has been devoted to the part taken by labor organizations in this connection. The reason for this is quite plain when it is understood that the history of peaceable methods in this industry is so closely allied with that of labor organizations that they are practically inseparable. Indeed, during the last ten years the efforts to establish and maintain these methods have come mainly from the employees.

During the course of the investigation 85 establishments in all were visited where the employers and employees have established methods for settling their differences. In the busy season these establishments give employment to 25,000 people, and during the last year

they paid out in wages over $10,000,000. In every section it was found that the introduction of improved machinery, new styles, change of method, and, in places where cheap and medium grade goods are produced, the competition of country factories constituted the greatest cause of controversy between the employers and employees. It was found, also, that, as a rule, the demand for wage reductions and the opposition to present methods are mostly confined to the manufacturers of cheap and medium grade goods.

The reason for this is obvious. Since the establishment of country factories and the entry of convict-made goods into the market the manufacturers in the high-wage centers have been compelled to meet the competition from those quarters. Thus far they have been able to do this by scaling down their profits and the labor cost and at the same time producing a finer finished product. It happens, however, that no matter how low they cut the price of their goods the country manufacturer and the prison contractor have always stood ready to go still lower. The consequence of such a condition of affairs is, that many manufacturers have accepted the situation and transferred their business, either in whole or in part, to the country towns, where rent and labor are cheap, while those who still remain in the high-wage centers are being gradually forced to give up the manufacture of cheaper grade shoes. It is because of a natural disinclination to abandon this portion of their business that these manufacturers are constantly demanding a reduction in the labor cost, and they do not take very kindly to any method which tends to retard their efforts in that direction.

While a comparison of the different methods may not be altogether possible in every instance, there are, nevertheless, some important features that should not be passed unnoticed. Taking the joint-board method as it exists in Philadelphia, it has every appearance of success. The employers and employees appear to be satisfied with the results which have been attained, and they evidently feel that they have the best system that can be devised. As regards the board itself, this can not be denied, for its record shows that the employees have fared fully as well as could be expected. But, while all this may be true, it is quite clear that the rules regulating the settlement of grievances preliminary to submitting them to the board admit of certain abuses, and it is also clear that some of the manufacturers have taken advantage of the opportunity that these rules afford when arranging matters with their employees. The effect of this kind of procedure is felt directly by the employees, and must eventually have some influence upon the actions of the other manufacturers.

It is only when the employers and employees are thoroughly organized that the best results of arbitration can be reached, provided, of course, that both sides are governed by sufficiently liberal views. In this instance the employers are well organized, and the employees are supposed to be, but, from the admissions of some of them, it is evident

that they retain their membership in the employees' organization merely to hold their positions in the factories, and they have but little faith in the liberality of some of the manufacturers. They feel, however, that through the influence of the joint board, and the efforts of some of the more liberal manufacturers, they will be able to remedy this unpleasant feature.

Attention has already been called to the agent method, and there is little more to add in this connection, further than to emphasize the fact that in some localities there is great need for bestowing more discretionary power upon the agents. As it is at present, they are oftentimes obliged to postpone the settlement of trifling matters, and this is not at all satisfactory to the manufacturers. Among those who are conversant with the facts, it is admitted that such a condition of affairs does not tend to promote the best of feeling between the employers and employees, and it is confidently expected that more liberality will be shown in this direction.

As regards the shop committee methods, they are in operation either in factories where the manufacturers have had trouble with labor unions or in places where the employees are not sufficiently numerous to support an agent. While the course of procedure is somewhat different in each place, they seem to have answered every purpose and have proven entirely satisfactory to the employers and employees.

The greatest obstacle in the way of maintaining a joint board of arbitration in this industry is the suspicion and jealousy that exist among the manufacturers. While there are in all shoe factories certain operations that admit of but slight variation, it is quite possible that the working conditions may vary to a considerable degree.

For example: In factory No. 1 the work comes in large lots. The system is so arranged that the workmen do not have to wait for their work—and this is very important among pieceworkers—the firm does not require more than ordinary results, a "passing job" will suffice, the stock is good, and can be worked up easily, etc., while in factory No. 2, where the same quality of shoes is made, the reverse of all or a greater part of the above conditions is very apt to be found. Now, in such a case, and it is not an uncommon one, it can readily be seen that the workmen in factory No. 1 are in a position to earn more than their fellow-craftsmen in factory No. 2. It is the consideration of such things as these that has always been a source of great annoyance when arranging a wage list which would be satisfactory to both sides, and wherever the attempt has been made the suspicion and jealousy which have always been dominant among the manufacturers have come to the surface and prevented anything like a fair comparison of methods and conditions.

There are many considerations which govern the manufacturers in such cases. Manufacturer A does not care to have manufacturers B, C, and D go through his factory on a tour of inspection, nor does he want to have his methods and trade secrets laid bare to the scrutinizing

gaze of men who are likely to be his competitors in the market. Yet this is just what must be done by a committee or board of arbitration if they wish to act intelligently in arranging a wage list that will be just and equitable to all concerned. This is the usual course of procedure in such cases, and it has always resulted in the final dissolution of the local boards.

There is, however, a way by which this difficulty can be overcome, and herein lies the great advantage that the agent system, as exemplified by some of the labor unions, has over the old special committee system. If the manufacturers are honest and sincere in their declarations, if they desire to establish a system that will enable them to have an equal voice in the settlement of all matters in which they are equally interested with their employees, and at the same time render strikes and lockouts unnecessary, they should organize an association for their own protection and appoint a committee of conciliation and arbitration to act in conjunction with a like committee from the labor union. Not stopping here, they should take an advanced step and appoint a permanent agent with full power to visit all factories and inform himself upon all matters pertaining to the industry. Then when their joint board meets for the purpose of arranging wage lists or any other matter that properly comes before the members, they will be in a position to act intelligently. Their agent will be their expert and counsellor, he will be armed and equipped like the agent of the labor union and both sides will be upon equal footing in the submission and conduct of the case at hand.

With such a system in force, supported by men who desire nothing but what they are justly entitled to, men who are broad enough to throw aside their suspicion and jealousy and meet their employees or their representatives upon a common level and discuss and adjust their differences upon a fair and honorable basis, there will be less friction between these two great factors, and they will have little difficulty in arriving at a settlement which will be satisfactory to all.

Whatever opinion may be entertained as to the wisdom and feasibility of these methods, it is a radical error to regard them as worthless. They have been an invaluable aid to the employers and employees and have made it possible for them to come together and arrange the conditions which govern their relations upon a more humane and equitable basis. It is not claimed that they are perfect, nor can it be said that they accomplish all that is desired, and the reason for this is at once apparent if we but bear in mind that they were devised and are administered by men who are very human and not altogether unselfish. It would be strange indeed if, under such circumstances, we could record the fact that they had reached the acme of perfection.

There are yet some obstacles which must be overcome, and it is to be hoped that the employers and employees will bend their energies in this direction.

Throughout the entire investigation it was found that with very few

exceptions the employers and employees and the representatives of labor organizations were heartily in favor of settling their disputes through the medium of arbitration. Experience has taught them that under present industrial conditions strikes and lockouts are very apt to result disastrously to both sides, and they have no desire to engage in them. When it is understood that it was only a few years ago that the sentiment in favor of arbitration was confined to a few localities, the significance of this change will be more readily appreciated. It is the best evidence in the world that the employers and employees in this industry have profited by their experience, and have come to recognize that each side has certain rights which must be respected, and that so long as they are guided by reason and have respect for the rights of each other they need have no fear but that harmony will prevail, that wages and conditions of employment will be more satisfactory, that there will be no necessity for strikes or lockouts, and that greater prosperity and peace of mind will result to all.

RAILWAY RELIEF DEPARTMENTS.

BY EMORY R. JOHNSON, PH.D. (*a*)

A railway relief department is a special part of the railway service established by the railway corporation for the purpose of enabling its employees to contribute definitely fixed sums from their monthly wages toward a fund administered by the department for the benefit of its members. The organization is managed conjointly by the corporation and the employees. Membership is sometimes voluntary and sometimes compulsory. The members receive aid in case of sickness or accident, and at their death their families or other beneficiaries are paid definite amounts, the benefits derived from membership being proportioned to payments.

Railway relief departments are to be distinguished from the other and less comprehensive arrangements by means of which several railway companies unite with their employees in furnishing temporary relief. Hospitals are frequently maintained by the companies for their employees, the companies in some instances paying all the hospital expenses, and in other cases requiring the men employed to contribute a part of the cost of maintenance. Many railway companies provide their force with free surgical attendance outside of hospitals, and others contribute something to associations formed by the employees to provide themselves with relief. It is customary for railway managers, when possible, to provide partially disabled men, or those grown old in the service, with the kind of labor they are capable of performing. The railway companies having relief departments provide more systematic and comprehensive relief, covering sickness, accident, old age, and death.

Relief departments are one of the three agencies by means of which railway employees can secure relief and insurance. (*b*) The other agencies are (1) the accident and life insurance companies and (2) the associations or brotherhoods, of which there are several of national scope, each open to a particular class of railroad workmen. Some railway companies recommend their employees to insure in an accident or life insurance company with which a special arrangement has been made. At present, however, relief and insurance is most frequently obtained through membership in an employees' association or order.

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a Assistant Professor of Transportation and Commerce, University of Pennsylvania.

b In this paper the provisions of the relief departments for the payments of death benefits have been designated as "insurance." Railroads, however, have no authority to transact an insurance business. The department that pays the death benefits has the nature of a trust and is not an insurance organization in the ordinary acceptance of that term.

These orders are of two kinds, the less important class consisting of the employees of a single railroad. More frequently the associations are of the type of the International Brotherhood of Locomotive Engineers or the Order of Railway Conductors of America, eligibility to membership in which depends upon the class of work done and not upon connection with the service of a particular railroad company. These large and influential orders maintain relief features in which all eligible members are required to participate. In 1895 the Grand International Brotherhood of Locomotive Engineers had 536 divisions, with a total membership of 32,000; the Order of Railway Conductors of America had 370 divisions, with a total membership of 19,827. In the same year the Brotherhood of Railroad Trainmen comprised 556 divisions and had 24,000 members. The Brotherhood of Locomotive Firemen now includes 519 lodges and 22,978 members.

The kind of insurance and relief afforded by the orders of railway employees is much the same as other labor organizations and secret societies provide their members. The railway relief departments under discussion in this paper are organized upon a different plan and provide the members not only with payments on account of death but also with assistance of definite amounts in case of sickness or accident. The present paper must confine itself to the history of railway relief departments, their plan of organization, and results accomplished. A complete presentation of the subject of railway employees' relief and insurance is not attempted; that would necessitate a study of the plans for relief and insurance that have been adopted by the employees' orders, the scope of their work, the results they have accomplished, and finally a comparison of the orders and the railway departments as relief agencies. (*a*)

HISTORY OF RELIEF DEPARTMENTS.

Thus far relief departments have been established in connection with six large railway systems, namely, Baltimore and Ohio, Pennsylvania Railroad, Pennsylvania Company (lines west of Pittsburg and Erie), Chicago, Burlington and Quincy, Philadelphia and Reading, and the Plant System.

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a No official investigation of the relief and insurance work being done by the railway companies and by the employees has been made since 1889. In 1890 appeared the Fifth Annual Report of the Commissioner of Labor dealing with the general subject of railroad labor. The facts regarding the relief and insurance of railway employees contained in that report were based upon an investigation made in 1889 by the Interstate Commerce Commission and published in the third annual report of the Commission (pp. 102–104 and 341–390). The two reports, however, contain only an outline of the various plans of assistance. There was no attempt made to classify the data nor to give a systematic discussion of the subject. Railway relief departments have been treated in a paper by the author, published in the Annals of the American Academy of Political and Social Science, November, 1895, and printed also as a special publication (No. 162) of the academy. No comprehensive study of the relief and insurance work of railway employees' orders has yet appeared in print.

Each of the six relief departments is administered conjointly by the companies composing the railway system to which the department belongs. All the companies of the Baltimore and Ohio are associated in the relief organization of that system. The Pennsylvania Railroad's department comprises the Pennsylvania Railroad (lines east of Pittsburg and Erie), Northern Central, Philadelphia, Wilmington and Baltimore, and the West Jersey and Seashore.

The motive that impelled the employees to unite with the railway companies in the establishment of relief departments was the desire to secure aid in case of sickness or accident and to obtain a life insurance that would insure their dependents against want. Railway employees are a comparatively well-paid class of laborers, but both their itinerant life and the intermittent character which the alternating periods of activity and inactivity in business give to much of their work militate against economical living and habits of saving. The employees have adequate reasons for favoring systematic relief and insurance agencies.

The railway companies were moved partly by philanthropic and partly by financial motives. In the establishment of relief departments, as in the case of many other measures taken by corporations, philanthropy and economy go hand in hand. The desire on the part of the managers and directors of many of the large railway systems to promote the material and ethical well-being of their employees is attested not only by the existence of relief departments, but also by the railroad Young Men's Christian Associations, reading rooms, libraries, and other well-known institutions supported in large part by the employing corporations. Without doubt, however, the conviction that money expended in helping maintain relief departments for the promotion of the material welfare of the operatives would prove a good financial investment was the most potent of the forces that influenced the action of the railway companies. The directors of some railways, at least, became convinced that the best interests of the roads, even when these interests were viewed strictly from a business standpoint, required that the employed should be connected with the companies they serve by some other bond than that created by the payment of current wages, and the companies thus realized that their greater good required them to identify as fully as possible their own and their employees' interests. Indeed, in this way only is it possible to create such an *esprit du corps* as makes strikes impossible and prompts men to give their employers the highest possible grade of service. In 1889 Mr. E. P. Ripley, when general manager of the Chicago, Burlington and Quincy Railroad, stated that "the object of the company in establishing a relief department was to enable its employees to make provision for themselves and families at the least possible cost to them in the event of sickness, accident, or death. The company has established this department not only because it has the interest of its

employees at heart, but because it believes that the department will serve to retain and attract a good class of employees, lessen the amount of discontent caused by improvidence, diminish the amount of litigation in cases of accident, and increase the good will of the employees toward the company and their confidence in the good will of the company toward them." (*a*)

The first relief organization of the kind under consideration in this paper was established May 1, 1880, by the Baltimore and Ohio Railroad. The Baltimore and Ohio Employees' Relief Association was instituted largely through the efforts of Dr. W. T. Barnard, of Baltimore, a man who also took much interest in the education of railway men, and spent several years of his life as a teacher of them. Membership in the association was made compulsory upon every person entering the permanent employment of the company. The organization was chartered by the State of Maryland May 3, 1882. The plan that Dr. Barnard adopted was worked out by him after making a careful examination of European and Canadian railway benevolent associations. Employees' relief organizations had existed in England since 1850, and in Canada since 1873, at which latter date the Grand Trunk Railway organized an Employees' Accident Insurance Association. On April 1, 1889, the State of Maryland abolished the charter of the Baltimore and Ohio Employees' Relief Association, but the railroad company at once established as a regular part of its service a relief department, which assumed the liabilities of the association. Those employees who had claims against the association were given the choice of having their claims paid or of becoming members of the newly organized department, and 19,467 out of 20,626 chose to become members of the department. All persons entering the permanent service of the company after the establishment of the relief department were required to join the organization. This compulsory membership feature of the Baltimore and Ohio Relief Association and its successor, the relief department, gave rise to hostile criticism. Dr. Barnard, however, believes that this was a good thing for the relief organization, because "it forced those to examine its provisions that would otherwise have passed them by with indifference."

The advantages and disadvantages in making membership compulsory seem to be equal at present; three of the six railway relief departments make membership compulsory, and in three membership is voluntary.

The Pennsylvania Railroad Company was the second system to form a relief department. This was on February 15, 1886, a little more than three years before the Baltimore and Ohio's relief work was transferred from the Employees' Relief Association to the department managed as a part of the company's service. Mr. J. A. Anderson, of Trenton, N. J., was the author of the Pennsylvania Railroad Company's plan of relief,

a Third Annual Report of the Interstate Commerce Commission, p. 349.

and to him, who has been superintendent of the department from the beginning, is due in large measure its development and successful management.

The Chicago, Burlington and Quincy organized its relief department March 15, 1889, the companies included being the Chicago, Burlington and Quincy (including the Burlington and Missouri), Hannibal and St. Joseph, Kansas City, St. Joseph and Council Bluffs, St. Louis, Keokuk and Northwestern, Chicago, Burlington and Kansas City, and Chicago, Burlington and Northern. Mr. Anderson's plan of organization was adopted with modifications, to which reference will be made later.

The Philadelphia and Reading Relief Association embraces all the Reading's affiliated, controlled, and leased lines. It was established October 30, 1888, in Reading, Pa., at a meeting of the representatives of the employees of the various divisions and departments of the system. Membership, as in the case of the Baltimore and Ohio, was made compulsory upon those subsequently entering the service of the company, i. e., permanent employment in any branch of the railroad's service.

The Pennsylvania lines west of Pittsburg and Erie (now comprising the Pittsburg, Cincinnati, Chicago and St. Louis Railway, and the Pennsylvania Company) established a relief department April 16, 1889, following the plan of organization previously adopted by the Pennsylvania Railroad Company. The department went into operation July 1, 1889.

The Plant System Relief and Hospital Department was established July 1, 1896, modeled after the relief feature of the Baltimore and Ohio's department. The Plant System and its employees maintained a hospital for fifteen years. Up to 1895 only one hospital was maintained; then a second one was erected. These hospitals proved so popular that it was necessary to add two more in the spring of 1896. It was then that Mr. Plant decided to establish a relief department, to be managed conjointly with the four hospitals, under the name of the Relief and Hospital Department. Membership was made voluntary for all employees in the service of the company July 1, 1896, and obligatory upon all persons entering the service or receiving promotion in the service subsequent to that time. Ninety-five per cent of the employees have voluntarily joined the department. The Plant System includes four steamship lines and thirteen railway companies, owning in all 2,000 miles of railroads. The Relief and Hospital Department comprises the employees of both the steamship and railway companies.

PLAN OF ORGANIZATION.

As has been indicated, the relief departments of the Pennsylvania Railroad and the Baltimore and Ohio have served as models in the organization of the departments of the four other systems. An outline of the plans of these two departments will present the essential

features of the other four. Reference will be made to the more important variations which the plans of the other companies make from the two organizations that have been taken for models.

In the Pennsylvania Railroad Voluntary Relief Department any employee may become a member upon passing a satisfactory physical examination. The funds of this department and all other relief departments are derived mainly from the monthly payments of the members, but the associated railway companies pay the expenses of management and administration. The railway companies aid in maintaining the departments in four ways:

(1) The department is maintained without expense to its members as a part of the companies' service.

(2) The department has the assistance of the entire organization of the railways to aid it in carrying on its work.

(3) The railway companies act as trustees of the funds of the department and pay interest on money held in trust.

(4) The chief aid, though not the most expensive one financially, given by the companies consists in guaranteeing the payment of all benefits promised by the department and in agreeing to make up any deficiency which the funds may have at the end of each period of three years. (*a*)

The minimum monthly payment of the members is 75 cents, the maximum $3.75, (*b*) the amount being determined by the wages, the class to which the employee belongs, and by the amount of the death benefit to which he is entitled. The Pennsylvania Railroad Company's department divides the employees into five classes. In the first class are those whose monthly wages do not exceed $40; the wages of class 2 are between $40 and $60; of class 3, between $60 and $80; of class 4, between $80 and $100; of class 5, more than $100. (*c*) The monthly pay-

a The Philadelphia and Reading is an exception to this; it does not guarantee the payment of benefits and deficiencies, but contributes regularly to the funds of its association. It paid 10 per cent as much as the members until the company and employees together had contributed $1,000,000; since then the company's payments have been 5 per cent of those of the members. Besides guaranteeing the fulfillment of the department's obligations, the Baltimore and Ohio contributes $6,000 a year toward the support of the relief feature, and $2,500 annually to pay for the physical examination of employees. The relief department of the Baltimore and Ohio has a pension feature that is maintained by annual appropriations of $50,000, of which about $35,000 is given by the company. The Plant System contributes about $12,000 a year, besides assuming the responsibility for the payment of all benefits promised by its relief and hospital department.

b This secures an ordinary death benefit. To secure a larger death benefit a larger monthly payment must be made. This is explained on page 47.

c These figures regarding the monthly wages are taken from paragraph 16 of the rules now in force, but the maximum wages of the several classes are in reality $5 less. The department followed the practice of dividing the wages classes at $35, $55, etc., upon the authority of a special paragraph of the existing regulations which provides that "any employee becoming a member, whose pay is within $5 of the highest limit of the class determined by his pay, may enter the next higher class if he so desires." By the new regulations to go into effect January 1, 1897, the maximum wages of the five classes are lowered to $35, $55, etc. In the table on page 45 this change is shown.

ments made by the five classes are 75 cents, $1.50, $2.25, $3, and $3.75, respectively. On the Burlington system the first class includes those receiving $35 a month or less, and the points of division between the five wage classes are fixed at $35, $55, $75, and $95. On the Baltimore and Ohio and the Plant System the points of division are at $35, $50, $75, and $100. The Baltimore and Ohio and the Plant System separate the members of the relief departments into two divisions before dividing them into five classes. The first of the two general divisions includes those operating the trains or rolling stock; the second general division includes all other employees. The monthly payments required and the death benefits paid are also larger in these two departments. In all relief departments a member may enter a higher class than that to which his wages entitle him, provided he is not over 45 years of age (50 years in case of the Baltimore and Ohio and Plant System), has been in the company's service continuously for five years, and can pass a satisfactory physical examination.

The members of the relief departments receive free surgical attendance during a disability due to an accident received while in the service of the company and definite money benefits in case of accident, sickness, or death. The Burlington and the Plant System give free surgical attendance whether the accident occurs on or off duty. Any member of the Plant System's department is entitled to free board and treatment in a hospital whether the disability be due to sickness or accident. This extra privilege, however, is secured by larger payments. The monthly payments are not collected from a member during a disability entitling him to benefits; but if the incapacity be due to sickness and lasts more than 52 weeks payments for the death benefits must be renewed. The following tables indicate for each class of members in the departments of the Pennsylvania Railroad Company and the Baltimore and Ohio the monthly payments and the accident, sickness, and death benefits that may be claimed:

CONTRIBUTIONS AND BENEFITS OF MEMBERS OF THE PENNSYLVANIA RAILROAD VOLUNTARY RELIEF DEPARTMENT.

Wages class.	Wages per month.	Contributions per month.	Disablement benefits, per day.			Death benefits.	
			For accident on duty.		For sickness, or accident off duty, first 52 weeks, except first 3 days. (a)	Ordinary	Maximum.
			First 52 weeks.	Thereafter until recovery.			
First	Not more than $35	$0.75	$0.50	$0.25	$0.40	$250	$500
Second	Between $35 and $55	1.50	1.00	.50	.80	500	1,000
Third	Between $55 and $75	2.25	1.50	.75	1.20	750	1,500
Fourth	Between $75 and $95	3.00	2.00	1.00	1.60	1,000	2,000
Fifth	More than $95	3.75	2.50	1.25	2.00	1,250	2,500

a To members who remain sick after 52 weeks the companies, at their own expense, pay half benefits when length of service and the necessities and worthiness of the members warrant. In no case does such payment exceed 50 cents per day.

CONTRIBUTIONS AND BENEFITS OF MEMBERS OF THE BALTIMORE AND OHIO RELIEF DEPARTMENT.

Class and wages per month.	Contributions per month.		Disablement benefits, per day, not including Sundays and legal holidays.			Death benefits.		
			For accident on duty.		For sickness, first 52 weeks, not including first 6 working days.	Death from accident.	Death from sickness.	
	First division.	Second division.	First 26 weeks.	Thereafter until recovery.			Ordinary.	Maximum.
A (not more than $35)	$1.00	$0.75	$0.50	$0.25	$0.50	$500	$250	$1,250
B (between $35 and $50)	2.00	1.50	1.00	.50	1.00	1,000	500	1,250
C (between $50 and $75)	3.00	2.25	1.50	.75	1.50	1,500	750	1,250
D (between $75 and $100)	4.00	3.00	2.00	1.00	2.00	2,000	1,000	1,250
E (more than $100)	5.00	3.75	2.50	1.25	2 50	2,500	1,250	1,250

A table showing corresponding data for the Plant System Relief and Hospital Department would differ from the Baltimore and Ohio Relief Department's table only in figures giving monthly payments and maximum death benefits. On account of the hospital privileges the monthly payments on the Plant System are larger, being as follows:

MONTHLY PAYMENTS OF MEMBERS OF THE PLANT SYSTEM RELIEF AND HOSPITAL DEPARTMENT.

Division.	Class A.	Class B.	Class C.	Class D.	Class E.
First	$1.25	$2.50	$3.50	$4.50	$5.50
Second	1.00	2.00	2.75	3.50	4.25

The maximum death benefit on the Plant System is $3,000.

The foregoing tables indicate that the relief afforded members disabled by accidents received while on duty is continued as long as the disability lasts. Members of the Reading's department receive full accident benefits for 52 weeks, and may obtain them at full rate or less thereafter as the advisory committee shall determine. The departments of the Pennsylvania Railroad, the Pennsylvania lines west of Pittsburg and Erie, and the Burlington pay such benefits at the full rate for 52 weeks, and at half rate thereafter; the departments of the other roads begin paying at half rate after 26 weeks. The benefits paid in cases of sickness continue during 52 weeks. With the exception of the Philadelphia and Reading Relief Association, the assistance given those whose sickness lasts more than a year has been paid for by the railway companies when any has been rendered. During the fiscal year ending December 31, 1895, the companies comprised in the Pennsylvania Railroad Voluntary Relief Department contributed $36,632.55 for this purpose. The Pennsylvania lines west of Pittsburg and Erie follow the same plan as the other Pennsylvania companies and gave company relief to the amount of $6,691.25 during the

fiscal year ending June 30, 1896. The Baltimore and Ohio Relief Department's regulations provide that, if at any time the funds appropriated by the company for the payment of superannuation annuities should exceed the amount required, the surplus shall be given to those members most in need of help. The assistance of those whose sickness lasted more than a year was contemplated in this regulation, and several such persons have been aided thereby, but the funds applicable have not been adequate to the relief of all deserving. The Philadelphia and Reading Relief Association bears the expense of this form of relief, paying the same from the surplus fund of the association. The amount thus spent during the fiscal year ending November 30, 1895, was $4,722.80. The Reading Relief Association also paid $4,167 in accident benefits to those whose disability had lasted over a year, giving in all for this class of sickness and accident payments $8,889.80. The Burlington Relief Department makes no provision for this form of relief, and no reference is made to the subject in the printed regulations of the recently established department of the Plant System.

Two kinds of death benefits, ordinary and maximum, are noted in the tables. The ordinary death benefits are those to which a member is entitled by making the prescribed payments of the wages class to which he belongs. A member of any of the relief departments, except that of the Philadelphia and Reading, may increase his monthly payments and thus secure larger death benefits. The members of the Burlington's department and the two Pennsylvania departments can secure additional death benefits by making the following payments: For each additional $250 of death benefit, 30 cents a month for members not over 45 years, 45 cents for those over 45 but not over 60, and 60 cents for those over 60 years of age. The maximum benefit thus obtainable by a member of either of the Pennsylvania departments is twice the ordinary death benefit of his wages class. The Burlington's department permits a maximum of four times the ordinary death benefit of the member's wages class. The regulations of the departments of the Baltimore and Ohio and the Plant System permit members under 50 years of age to increase their death benefits by paying 25 cents a month for each additional $250 of insurance, the maximum set by the Baltimore and Ohio being five times the lowest death benefit, or $1,250, and that set by the Plant System being twelve times the lowest death benefit, or $3,000.

In three of the relief departments membership is entirely lost by the employee who leaves or is dismissed from the service of the company upon whose relief fund he had claim. The departments connected with the Burlington, the Baltimore and Ohio, and the Plant System allow their members to keep up the death benefit feature of their membership after they have resigned or have been dismissed from service. The Burlington does not require that members shall be honorably dis-

missed, the other two companies do. The Baltimore and Ohio and the Plant System permit members leaving the service to maintain a claim upon their natural death benefit; the Burlington permits the continuance of a claim upon only the minimum death benefit to which the member had been entitled during the last year of his connection with his employing company. All departments allow members who have been furloughed or suspended from service, but not dismissed, to retain their membership several months by making their monthly payments in advance and otherwise complying with the regulations.

Each of the six relief departments refuses to pay benefits to a member whose disability is the result of grossly immoral conduct. The following regulation of the Plant System's department is typical: "Benefits will not be paid for injury or sickness which is in any way caused or increased, in whole or in part, by intoxication, the use of intoxicating liquors, sexual immorality, breach of the peace, or any other violation of the law on the part of the member, or for death by the hand of justice." This regulation of the departments benefits the railway companies and the public by raising the standard of efficiency among the railway employees.

The general plan of administration is the same for all the relief departments. The supervision of the department is vested in the superintendent and assistant superintendent, usually chosen by the board of directors of the railway system or by its president. The officers of the relief department are assisted by an advisory committee, a part, usually a half, of whose members are chosen by the employees belonging to the relief department. An officer of the railway company is the chairman of this advisory committee, and, in some though not all departments, the committee's acts, as well as those of the officers of the department, are subject to revision by an officer of the company or a committee of the board of directors. The advisory committee of the Pennsylvania Railroad Voluntary Relief Department consists of twelve members, six of whom are elected by the employees "from among themselves." The general manager of the Pennsylvania Railroad is chairman of the committee and the superintendent of the relief department is the secretary. The superintendent is the administrator of the department, having immediate charge of all business matters, including the employment of the necessary medical and clerical forces, his actions being subject to the general manager's approval.

As this paper is restricted to the work of regularly organized relief departments, no reference is made to relief work of the railway companies that have not established relief departments. Several railway companies, notably the Lehigh Valley and the Northern Pacific, levy assessments on their employees to pay the expenses of affording assistance in case of accident, sickness, or the death of employees. (*a*)

a Consult the Third Annual Report of the Interstate Commerce Commission.

PENSION AND SUPERANNUATION FEATURE.

It has been pointed out that American railway relief departments were adaptations of the relief agencies of foreign railways. These foreign associations always include a pension and superannuation feature, and, with the exception of the Burlington, each American relief department contemplated the creation of a fund to pension aged employees. The Burlington decided not to hold out the promise of establishing a pension feature, but provided for somewhat more liberal accident and sickness benefits than other companies did. It did not believe that the department which had been established would accumulate a large enough surplus to enable it to redeem its promises if it established a pension feature. The Baltimore and Ohio established a pension feature at the outset, and the other departments, the Burlington excepted, stipulated—to quote from the Plant System's regulation—that "any net surplus existing in the funds of the department at the end of each year" should "be invested for the purpose of creating a pension fund to be used in providing for superannuated employees or those permanently disabled."

There is justice and wisdom in pensioning aged and permanently disabled railway employees, (*a*) and in including a pension feature in the relief departments. The Baltimore and Ohio has set the other railway systems a commendable example. With the exception of the Reading, all the departments give definite relief beyond the first year to those employees permanently disabled while in service; but the Baltimore and Ohio, through its pension feature, also grants superannuation annuities to employees who have reached the age of 65, have served the company ten consecutive years, and have been members of the relief department four years. The pension is paid to the employees upon retiring from service. The total appropriation available for the maintenance of this fund is now $50,000 a year, of which $15,000 is derived from the interest on $375,000 of the department's surplus; the rest is granted by the railway company.

The amount of pension received by the superannuated member is one-half the allowance granted to sick members. If the pensioner has been a member of the relief department fifteen years he gets 5 per cent more than this amount, and if his membership has covered twenty years he receives 10 per cent additional. The following table gives the amount of pension received by each of the five wages classes.

a Consult the author's paper on "Railway Relief Departments," published in the Annals of the American Academy of Political and Social Science, November, 1895, pp. 82–88.

SUPERANNUATION BENEFITS OF MEMBERS OF THE BALTIMORE AND OHIO RELIEF DEPARTMENT.

Class in relief feature.	Daily benefit.		
	Members of 4 years or more.	Members of 15 years.	Members of 20 years.
A	$0.25	$0.26¼	$0.27½
B	.50	.52½	.55
C	.75	.78¾	.82½
D	1.00	1.05	1.10
E	1.25	1.31¼	1.37½

The other relief departments, with the exception of the Burlington, are accumulating a surplus for the basis of a pension fund. At the close of 1895 the Pennsylvania Railroad department had a surplus of $284,837.49. Of this sum $270,000 has been securely invested, and the last report of the department says: "The subject of the utilizing of this fund for the intended purpose has received earnest attention during the year, and plans are now under consideration which it is hoped may lead to the desired result." On November 30, 1895, the Reading department's surplus amounted to $352,380. The surplus that the department connected with the Pennsylvania lines in the West has collected is small, being estimated at $24,826.15. It is to be hoped that all relief departments will before long establish pension features. The pensions granted might well be larger than those paid by the Baltimore and Ohio, and a part of the expense of maintaining the pension fund might possibly be borne by the members of the department.

SAVINGS FEATURE.

The relief department of the Baltimore and Ohio includes a relief feature, a pension feature, and a savings feature. None of the other departments has the last feature; but the Pennsylvania Railroad Company manages a savings fund for its employees. The two objects of the Baltimore and Ohio in establishing the savings feature were to provide the employees and their near relatives with a savings bank and to loan them money with which to acquire or improve a homestead. The company guarantees 4 per cent interest on deposits; but as the depositors receive the actual earnings of the funds they have regularly obtained 5 per cent on their investments. For the fiscal years ending June 30, 1895 and 1896, they obtained 5½ per cent.

Any employee, or his wife, child, father, or mother, may deposit money in sums of not less than $1 nor more than $100 in one day, and "any adult employee of the company who is a member of the relief feature and has been continuously in the service not less than a year may borrow from the funds of the savings feature sums not less than $100 at the interest rate of 6 per cent per annum." Each borrower must

carry insurance, either in the relief feature or in a regular life insurance company, equal to the amount loaned him. Money can be borrowed only for buying or improving a home, or paying a mortgage on a home; and the property, except in large cities, must be situated within a mile of the Baltimore and Ohio lines. The money loaned is not paid directly to the borrower, but is applied to the payment of bills approved by him. The loans are repaid by deductions from the borrower's monthly wages of $1.50 for each $100 of the debt.

According to the report of the Baltimore and Ohio Relief Department for the year ending June 30, 1896, the savings feature branch owed depositors $818,048.38, the deposits during the year having been $244,974.03. The outstanding loans amounted to $701,005.27, the loans during the year having been $185,514.63. From the inauguration of the fund August 1, 1882, to June 30, 1896, the total deposits were $2,732,904.50; the total loans, $1,888,046. With the funds thus loaned, 916 houses have been built, 870 bought, 192 improved, and 416 released from liens.

The Pennsylvania Railroad accepts the savings of its employees in trust and invests the money for them, but makes no loans to its men. The company's last report, made December 31, 1895, stated that 4,513 employees were depositors in the savings fund. At that date the amount of the fund was $1,578,884.37, of which $1,500,000 was securely invested.

RESULTS ACCOMPLISHED BY RAILWAY RELIEF DEPARTMENTS.

In order to measure the results accomplished by the relief departments it remains to make a statistical examination of their membership, of the nature and extent of the assistance rendered, and of the source of the funds from which the expenses have been drawn, and to close with a comparative survey of the past operations of the several departments. The data for this statistical presentation have been taken mainly from the annual reports of the departments. Correspondence with the superintendents of departments has supplied the remainder of the necessary facts.

MEMBERSHIP.

The six railway systems with which relief departments are connected own or operate about one-seventh of the total mileage of the United States, and have in their service about one-fifth of the railway employees of the country. The following table shows the membership of each relief department at the close of each fiscal year since organization. The Plant System's department was established in 1896, hence does not appear in the table.

MEMBERSHIP OF RAILWAY RELIEF DEPARTMENTS.

Year.	Pennsylvania Railroad Company, December 31.	Pennsylvania lines west, June 30.	Philadelphia and Reading, November 30.	Baltimore and Ohio, June 30.	Chicago, Burlington and Quincy, December 31.
1886	19,952	.....	.....	.....	.....
1887	18,744	.....	.....	.....	.....
1888	19,332	.....	.....	.....	.....
1889	21,457	.....	13,030	22,930	5,027
1890	24,984	12,168	14,596	22,313	9,407
1891	27,200	11,666	15,035	21,920	10,336
1892	31,640	11,391	15,216	19,894	12,283
1893	32,827	12,464	14,748	22,637	11,476
1894	33,405	11,463	15,160	20,479	11,768
1895	36,432	13,619	15,781	20,710	13,463

The growth in the membership of each railway relief department was steady until the business depression of 1893 and 1894 came and compelled the railway companies to reduce their labor force. The year 1895 shows a marked increase in membership, particularly in the Burlington and Pennsylvania relief departments. The statistics for 1896 are not all at hand, but they show decided gains in most cases. The membership of the Pennsylvania Railroad Company's department in December, 1896, was over 40,000. The department of the Pennsylvania lines west had 15,884 members June 30, 1896. On the same date the membership of the Baltimore and Ohio Relief Department was 23,189. The present total membership of the six railway relief departments includes over one-eighth of all the railway employees in the United States. The Baltimore and Ohio, the Reading, and the Plant System, by making membership in the relief department a condition of employment, include practically all their permanent working force in the enrollment of their relief organizations. The total number of men employed by the Reading November 30, 1896, was 16,286, and the members of the relief department numbered 14,711. The voluntary relief departments of the Pennsylvania Railroad and of the Burlington enroll 55 per cent and 55.63 per cent, respectively, of the employees of those systems. The department of the Pennsylvania lines west of Pittsburg and Erie comprised 64.6 per cent of all employees of that company June 30, 1896. Not all persons connected with the service are eligible to membership. In the case of the Pennsylvania Railroad the 55 per cent of all employees equals 80 per cent of those eligible to join the relief department.

RELIEF AFFORDED.

It is to be expected that the number of disablements and deaths will be large in associations composed entirely of railway employees. The following tables give the record of disablements and deaths for each railway relief department during the two fiscal years ending in 1894 and 1895. The average membership of each department is also given as well as the per cent of members constantly disabled, the number of deaths, and the number of deaths per 1,000 members.

DISABLEMENTS IN RAILWAY RELIEF DEPARTMENTS DURING THE FISCAL YEARS ENDING IN 1894 AND 1895.

Relief department.	Average membership.		Disablements.							
			By accident.		By sickness.		Total.		Per cent of members constantly disabled.	
	1894.	1895.	1894.	1895.	1894.	1895.	1894.	1895.	1894.	1895.
Pennsylvania Railroad	32,624	35,017	4,731	5,515	13,073	15,915	17,804	21,430	3.23	3.34
Pennsylvania lines west	11,894	12,186	2,197	2,530	3,243	3,156	5,440	5,686	3.8	3.8
Baltimore and Ohio	21,288	20,947	3,584	a3,233	8,022	a3,260	11,606	a6,493	3.3	3.7
Reading	14,500	15,150	2,467	3,085	5,117	5,602	7,584	8,687	b7.0	b7.0
Burlington	11,400	12,458	2,773	3,019	4,469	5,295	7,242	8,314	3.1	3.2

a Cases of disablement upon which benefits were paid. This explains why the figures for 1895 are so much less than those for 1894, which are for total benefit orders drawn for disablements.

b This percentage is higher than those shown for the other departments because it includes nonbeneficial cases (members who return to duty in seven days), cases in which wages are paid during disablement, and canceled cases.

DEATHS IN RAILWAY RELIEF DEPARTMENTS DURING THE FISCAL YEARS ENDING IN 1894 AND 1895.

Relief department.	Average membership.		Deaths.							
			From accident.		From natural causes.		Total.		Per 1,000 members.	
	1894.	1895.	1894.	1895.	1894.	1895.	1894.	1895.	1894.	1895.
Pennsylvania Railroad	32,624	35,017	69	108	304	347	373	455	11.5	12.9
Pennsylvania lines west	11,894	12,186	41	33	121	113	a162	146	13.8	12.0
Baltimore and Ohio	21,288	20,947	65	55	178	155	243	210	11.4	10.0
Reading	14,500	15,150	56	59	110	118	166	177	11.4	11.7
Burlington	11,400	12,458	28	35	64	66	92	101	8.1	8.1

a Number of death benefits paid during the year; 164 deaths occurred.

These tables, being limited to two years, are to be taken as illustrative of the burdens assumed by the relief departments, rather than to be made the basis of deductions drawn from comparing the departments with each other. Furthermore, while the statistics of deaths occurring indicate the number of death benefits paid, the number of disablements and the number of disablement benefits are not identical. Benefits are not paid in all cases of disablement reported, because recovery takes place within the period—from three days to a week—that must elapse before benefits are payable. Nevertheless, the number of benefits paid exceeds the number of cases of disablement reported, because a member whose disablement is a prolonged one receives several payments. Other things being equal, the number of benefits paid by the department of the Pennsylvania Railroad will be proportionately greater, because that department begins to give aid after three days of disability. The tables will indicate the risks carried by the several departments, provided the above limitations are kept in mind.

The aid which the members of the several railway relief departments actually obtain is shown by the subjoined table giving the average benefits paid during the two fiscal years ending in 1894 and 1895:

AVERAGE BENEFITS PAID BY RAILWAY RELIEF DEPARTMENTS DURING THE FISCAL YEARS ENDING IN 1894 AND 1895.

Relief department.	For disablement from—				For death from—			
	Accident.		Sickness.		Accident.		Sickness.	
	1894.	1895.	1894.	1895.	1894.	1895.	1894.	1895.
Pennsylvania Railroad	$13.49	$12.79	$11.19	$9.73	$611.25	$636.36	$565.15	$557.72
Pennsylvania lines west	a 17.00	a 16.41	13.71	14.66	621.13	492.42	638.84	584.26
Baltimore and Ohio	b 12.33	b 12.30	15.30	15.36	1,075.62	1,123.85	589.43	589.67
Reading	17.00	17.13	14.50	15.75	451.00	462.50	460.50	427.35
Burlington	25.31	24.91	31.86	28.65	869.57	808.33	694.63	668.78

a Not including surgical expenses.
b Not including surgical expenses, averaging $2.79 per case in 1894 and $2.60 per case in 1895.

The payments, except in the case of the Burlington, represent the average amount of the benefit orders drawn. A member may be sick or receive injuries several times during a year, or a prolonged disablement may entitle him to several benefit orders or payments, as these are usually given out monthly. The disablement payments credited in the table to the Burlington department indicate not monthly or partial benefit payments, but the total average amount paid within the entire year for each case of disablement. The larger figures do not indicate that the Burlington employees suffer more serious disablements, nor that the Burlington's department pays larger benefits in cases of accident and sickness.

The funds from which these benefits are paid and the departments operated are derived, as was stated in outlining the plan of organization, from the members' contributions and the appropriations made by the railway companies. The following table shows, for each relief department for the fiscal year ending in 1895, the amounts paid by the members, the contributions made by the companies, and the per cent the companies' payments are of the total receipts:

RECEIPTS OF RAILWAY RELIEF DEPARTMENTS FROM THE MEMBERS AND FROM THE RAILWAY COMPANIES DURING THE FISCAL YEAR ENDING IN 1895.

Relief department.	Average membership.	Payments by members.	Payments by the companies. (a)	Total.	Per cent paid by the companies.
Pennsylvania Railroad	35,017	$641,849.12	$143,468.69	$785,317.81	18.27
Pennsylvania lines west	12,186	247,939.66	b 53,978.81	301,918.47	17.88
Baltimore and Ohio (c)	20,947	365,993.47	68,443.59	434,437.06	15.75
Reading	15,150	222,170.66	26,971.43	249,142.09	10.83
Burlington	12,458	267,161.45	b 53,397.36	320,558.81	16.66

a Including interest on monthly balances, which, strictly speaking, is not a contribution by the companies.
b These figures do not include the deficits made up by the companies at the end of three-year periods. The Pennsylvania lines west have paid about $22,000 and the Burlington has paid $42,532.94 to cover deficits.
c The "relief feature" only is included.

It appears from the foregoing table that, with the exception of the Reading, from one-sixth to one-fifth of the receipts of the relief departments come from the railroad companies. The contributions of the Reading appear small, but are due to the very small operating expenses. They are only a third of the operating expenses of the Pennsylvania lines west, the Baltimore and Ohio, or the Burlington. Foreign railway companies contribute from a third to a half of the total funds of the associations that afford employees relief, pensions, and insurance. The wages paid on American railroads, however, are higher than those paid by European companies, and the American employee can, in consequence, more easily secure relief and insurance in stock companies or labor organizations. A fund to which the railroad companies might with especial justice increase their contributions is one for bearing the expense of more adequately pensioning aged or permanently disabled employees.

A good idea of the results of the relief work of railway departments is to be obtained by examining a summarized record of the work that has been accomplished by each of the departments since its establishment.

The relief work of the Baltimore and Ohio Company's organization has been in progress since 1880. The following table shows the number and kind of benefits paid and the expenses that this relief work has entailed:

BENEFITS PAID BY THE BALTIMORE AND OHIO EMPLOYEES' RELIEF ASSOCIATION AND ITS SUCCESSOR, THE RELIEF DEPARTMENT, FROM MAY 1, 1880, TO JUNE 30, 1896.

	Number.	Cost.	Average per case.
Deaths from accidents	1,072	$1,134,512.22	$1,058.31
Deaths from other causes	2,161	997,356.63	461.53
Disablements from accidental injuries received in discharge of duty	61,919	790,149.47	12.76
Disablements from sickness and other causes than as above	86,305	1,279,367.77	14.82
Surgical expenses	36,406	165,975.92	4.56
Total benefits	187,863	4,367,362.01	23.25
Expenses, etc., during same period	.....	630,771.22	.....
Total disbursements for all purposes	.....	4,998,133.23	.....

The Pennsylvania Railroad Company's relief department completed the first ten years of its operation December 31, 1895. The following is a statement of the department's receipts and disbursements during this ten-year period:

RECEIPTS.

From members	$4,599,091.90
Interest on current balances and surplus	113,643.98
Contributions of companies for deficiencies, company relief, and operating expenses	1,037,536.30
Total receipts	5,750,272.18

DISBURSEMENTS.

For accidents	$834,690.15
For sickness	1,646,118.61
For deaths from accidents	483,944.45
For deaths from natural causes	1,470,513.19
Total benefits	4,435,266.40
Operating expenses	735,213.33
Total disbursements	5,170,479.73

The operations of the Burlington's relief department during the period of its history from June 1, 1889, to December 31, 1895, are shown by the following summary:

RECEIPTS.

Contributions of members	$1,475,985.71
Interest paid by companies on monthly balances, at 4 per cent	5,725.89
Operating expenses paid by companies	336,659.48
Deficiencies paid by companies	42,532.94
Total receipts	1,860,904.02

DISBURSEMENTS.

Benefit orders for sickness (29,947 cases) and for deaths from sickness (384 cases)	$667,315.50
Benefit orders for accidents (19,356 cases) and for deaths from accidents (303 cases)	755,607.10
Total benefit orders	1,422,922.60
Operating expenses	336,659.48
Total disbursements	1,759,582.08

The receipts and disbursements of the Philadelphia and Reading Relief Association during its first seven years, ending November 30, 1895, were as follows:

RECEIPTS.

Contributions of members	$1,504,452.00
Interest on current balances and surplus	64,769.58
Contributions of Philadelphia and Reading Railroad Company, including operating expenses	230,608.67
Total receipts	1,799,830.25

DISBURSEMENTS.

Deaths from accident (548 cases)	$254,801.70
Deaths from natural causes (756 cases)	320,448.23
Disablements from accident (19,095 cases)	398,640.93
Disablements from natural causes (17,351 cases)	319,934.90
Total benefits	1,293,825.76
Operating expenses	110,878.54
Expenses of medical examiners	42,745.24
Total disbursements	1,447,449.54

The receipts and disbursements of the relief department of the Pennsylvania lines west of Pittsburg and Erie during its first seven years, ending June 30, 1896, were as follows:

RECEIPTS.

Contributions from members	$1,626,507.84
Contributions from companies:	
Account company relief	27,714.65
Interest	16,227.90
Operating expenses	315,982.13
Total receipts	1,986,432.52

DISBURSEMENTS.

Disablements from accident (17,785 cases)	$427,329.85
Disablements from sickness (26,265 cases)	535,618.20
Deaths from accident (255 cases)	152,716.69
Deaths from natural causes (738 cases)	456,757.78
Company relief	27,690.25
Operating expenses	315,982.13
Total disbursements	1,916,094.90

The railway relief department is an institution that benefits the employees, the companies, and the public, because it is based upon the sound principle that "the interests and welfare of labor, capital, and society are common and harmonious, and can be promoted more by cooperation of effort than by antagonism and strife." The railroad companies are enabled to do more in relieving the sufferings of their employees. Both the public and the railroad companies share in the benefits that result from the higher standard of efficiency which the regulations of the relief departments require of the railway staff.

The relief departments are competitors of the relief and insurance feature of the railway employees' orders. Both methods of providing relief have proven themselves successful and beneficial. A comparison of their merits and a judgment as to which institution is to be preferred, when viewed from the standpoint of all interests concerned, can not be given without considering the plan of organization of the relief work of the railway employees' orders, the principles upon which the plan is based, and the results which have been accomplished. That having been done, fruitful comparisons may be drawn.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

MASSACHUSETTS.

Twenty-sixth Annual Report of the Massachusetts Bureau of Statistics of Labor. Part I, Relation of the Liquor Traffic to Pauperism, Crime, and Insanity. 1896. Horace G. Wadlin, Chief. vii, 416 pp.

The information presented in this report was collected in pursuance of a legislative act passed in 1894. The ground covered by the investigation can best be stated by quoting from the act, which directs the bureau "to ascertain, from all sources available, facts and statistics showing the number of commitments to all institutions, penal and charitable, resulting from the use or abuse of intoxicating liquors; the number of crimes committed by persons while under the influence of intoxicating liquors; the number of crimes of each class thus committed; the number of paupers whose present condition can be traced to the use or abuse of intoxicating liquors by themselves, or by their parents, guardians, or others; the number of persons who have been pronounced insane and whose condition can be traced to the use or abuse of intoxicating liquors by themselves, their ancestors, or by others; and in general, such other data as will tend to show the relation of the liquor traffic to crime, pauperism, and insanity."

The investigation, which covered a period of twelve months ending August 20, 1895, was conducted by means of personal interviews had by special agents of the bureau with the inmates of prisons and of the different State institutions for the reception of paupers and the insane. Supplementary information was obtained by the examination of the records of courts, prisons, and other public institutions.

The report is divided into three principal sections—pauperism, crime, and insanity.

The number of cases of pauperism, crime, and insanity covered by the inquiry represents cases of commitments during the twelve months, irrespective of individuals. There were 3,230 returns made as to pauperism, 26,672 as to crime, and 1,836 as to insanity, making a total of 31,738 cases returned.

The returns relating to crime are reported to be more complete and trustworthy than those relating to pauperism and insanity, because in the case of criminals more definite information as to their habits could be obtained from the records, and also because prisoners as a class are much more intelligent, and, therefore, much more capable of giving

evidence. The report is so comprehensive in its character that only some of the main facts derived from the investigation can be here presented.

PAUPERISM.—With respect to the drinking habits of paupers, it is found that out of a total of 3,230 found in the State institutions during the twelve consecutive months, 2,108, or 65.26 per cent, were addicted to the use of intoxicating liquors, 866, or 26.81 per cent, were total abstainers, and in regard to 256, or 7.93 per cent, the drinking habits could not be ascertained. Of those who used liquor, 505 were reported as excessive drinkers, the others being persons who drank occasionally, either in public places or only at their own homes. Nearly one-half of the total abstainers, or 429, were minors, 281 being under 10 years of age. Thirty-one minors were addicted to the use of liquor.

Regarding the direct influence of the use of intoxicating liquors answers could not be obtained for all of the 3,230 paupers reported. Out of 2,701 cases ascertained, 1,274, or 47.17 per cent (39.44 per cent of the whole number returned), attributed their pauperism to their own intemperate habits. The influence of intemperate habits of parents is surprisingly small, only 156 out of a total of 2,890 cases ascertained, or 5.40 per cent (4.83 per cent of the whole number returned), considering their condition of pauperism due to the intemperance of one or both parents. In 47 out of 2,903 cases ascertained, the paupers attributed their condition to the intemperate habits of their legal guardians, and in 99 out of 2,883 ascertained cases, to the intemperate habits of others. In 1,542 out of a total of 2,379 ascertained cases, or 64.82 per cent (47.74 per cent of the whole number returned), either one or both parents of the paupers were addicted to the use of intoxicating liquors.

As to the nature of the intoxicants consumed by the paupers the report shows that among 2,108 who used such beverages 535 used wine, 1,850 used lager beer, 1,870 used malt liquor, and 1,584 used distilled liquor, the average number of kinds of liquor used by each person being 2.77. In 480 cases, or 22.77 per cent of the whole, the persons indulged in but one kind of liquor.

The returns as to the political condition of paupers show that by far the greater portion are aliens. Of the 3,230 paupers reported 1,019, or 31.55 per cent, were citizen born, 320, or 9.91 per cent, were naturalized, and 1,867, or 57.80 per cent, were alien. In 24 cases, or 0.74 per cent, this information could not be ascertained. The parents of paupers were both native in only 305 cases, or 9.44 per cent of the number returned, while in 2,652 cases, or 82.11 per cent, the parents of paupers were both foreign. In the remaining cases the parentage could not be ascertained, or only one of the parents was foreign.

The liquor habits of paupers and the number whose pauperism was directly due to the use or abuse of intoxicants are shown, by sex and occupations, in the following table.

LIQUOR HABITS OF PAUPERS AND THEIR RELATION TO PAUPERISM, BY SEX AND OCCUPATIONS.

Occupations.	Liquor habits of paupers.				Condition due to use or abuse of intoxicants.	Condition not due to use or abuse of intoxicants.	Cause not reported.	Total paupers.
	Excessive drinkers.	Other drinkers.	Total abstainers.	Not reported.				
MALES.								
Agents	2	6	1	.....	5	4	.....	9
Bakers	2	21	1	2	13	11	2	26
Barbers	2	20	3	.....	14	11	.....	25
Blacksmiths	6	19	1	3	19	8	2	29
Bookkeepers	1	3	1	1	2	3	1	6
Boot and shoe makers	14	26	5	6	26	18	7	51
Brass workers	1	7	.....	.....	5	3	.....	8
Butchers	.....	2	2	1	1	3	1	5
Carpenters	6	26	4	4	18	18	4	40
Chair makers	1	3	1	.....	4	1	.....	5
Clerks	3	6	3	1	7	5	1	13
Cooks	8	28	3	3	26	13	3	42
Coopers	2	4	2	1	4	4	1	9
Cutters, stone	1	19	2	.....	9	13	.....	22
Domestic servants	.....	2	1	2	.....	3	2	5
Employees, railroad	1	11	1	2	6	8	1	15
Factory operatives	23	99	22	12	62	79	15	156
Farmers	3	20	10	5	13	20	5	38
Firemen	19	20	1	7	32	9	6	47
Fishermen	4	3	1	2	5	3	2	10
Furniture makers	1	5	.....	2	4	3	1	8
Gardeners	1	7	1	2	4	5	2	11
Harness makers	1	2	2	1	3	2	1	6
Junk dealers	5	1	.....	.....	6	.....	.....	6
Laborers	253	717	107	94	633	435	103	1,171
Leather workers	9	14	1	1	16	9	.....	25
Machinists	10	21	4	3	20	14	4	38
Mariners	5	53	8	8	18	48	8	74
Masons	11	24	4	2	26	13	2	41
Metal workers	3	10	2	1	5	10	1	16
Molders	4	7	.....	.....	7	4	.....	11
Painters	10	39	3	1	31	21	1	53
Peddlers	.....	7	1	2	2	6	2	10
Personal service	6	16	5	3	12	15	3	30
Printers	2	6	3	2	5	7	1	13
Quarrymen	1	10	1	.....	7	4	1	12
Salesmen	1	4	2	.....	1	6	.....	7
Sorters	1	3	.....	1	4	1	.....	5
Stable hands	7	41	4	4	27	26	3	56
Steam fitters	1	6	.....	.....	5	2	.....	7
Tailors	7	17	3	3	9	18	3	30
Teamsters	15	35	5	10	33	26	6	65
Upholsterers	1	5	.....	.....	3	3	.....	6
Other occupations	23	87	23	15	61	79	8	148
No occupation	.....	2	203	9	2	42	170	214
Not reported	.....	6	2	1	2	5	2	9
Total males	477	1,490	449	217	1,217	1,041	375	2,633
FEMALES.								
Cooks	2	9	5	1	6	10	1	17
Domestic servants	18	65	164	20	31	212	24	267
Factory operatives	4	14	46	5	10	55	4	69
Housewives	2	7	20	3	2	26	4	32
Laundresses	1	2	6	1	3	6	1	10
Personal service	1	1	6	.....	1	7	.....	8
Seamstresses	.....	3	6	2	2	8	1	11
Table girls	.....	2	6	.....	.....	8	.....	8
Other occupations	.....	5	14	4	.....	19	4	23
No occupation	.....	3	141	1	2	30	113	145
Not reported	.....	2	3	2	.....	5	2	7
Total females	28	113	417	39	57	386	154	597
Total both sexes	505	1,603	866	256	1,274	1,427	529	3,230

The most numerous class shown in the table is that of laborers, of whom there were 1,171. Of these 633, or 54.06 per cent, attributed their condition of pauperism to the use of intoxicating liquors; 253, or

21.61 per cent, were excessive drinkers. The next in number were the female domestic servants, namely, 267, of whom 31, or 11.61 per cent, report their condition due to the use of intoxicating liquors, 18 being excessive drinkers. Taking the 51 principal occupations of both sexes in which five or more paupers had been engaged, as shown in the above table, it is found that in eight of them over one-fourth of the cases reported were those of excessive drinkers, namely: Junk dealers, 83.33 per cent; firemen, 40.43 per cent; fishermen, 40 per cent; molders, 36.36 per cent; leatherworkers, 36 per cent; boot and shoe makers (male), 27.45 per cent; masons, 26.83 per cent; machinists, 26.32 per cent. In the case of the following 20 occupations of males over one-half of the paupers in each case reported their present condition due to the use of intoxicants: Junk dealers, 100 per cent; chairmakers, 80 per cent; sorters, 80 per cent; steam fitters, 71 per cent; firemen, 68 per cent; blacksmiths, 66 per cent; leatherworkers, 64 per cent; molders, 64 per cent; masons, 63 per cent; brassworkers, 63 per cent; cooks, 62 per cent; painters, 58 per cent; quarrymen, 58 per cent; barbers, 56 per cent; agents, 56 per cent; clerks, 54 per cent; laborers, 54 per cent; machinists, 53 per cent; boot and shoe makers, 51 per cent; teamsters, 51 per cent.

CRIME.—During the twelve months covered by the investigation, there was 26,672 convictions for various offenses, of which 17,575, or 65.89 per cent, were for drunkenness, and 657, or 2.46 per cent, for drunkenness in combination with other offenses. In 21,863 cases, or 81.97 per cent, the offender was in liquor at the time of committing the offense. Taking only the cases in which drunkenness did not form part of the offense, or 8,440, there were still 3,640 cases, or 43.13 per cent, in which the offender was in liquor at the time the offense was committed, and 4,852 cases, or 57.49 per cent, where the offender was in liquor at the time the intent was formed to commit the offense.

In response to the inquiry whether the intemperate habits of the criminal led to a condition which induced crime, an affirmative reply was made in 22,514 and a negative reply in 4,142 cases, the facts being unknown in 16 instances. Disregarding the cases in which drunkenness was a factor, there remain 4,294 out of 8,440 cases of conviction for other crimes, or 50.88 per cent, in which the intemperate habits of the criminal led to a condition which induced the crime. In 16,115 out of 26,672 cases of conviction for crimes, including drunkenness, the criminals reported that the intemperate habits of others were influential in leading them to a condition which induced crime. In 217 cases this information was lacking. Taking only the 8,440 cases of conviction for crimes other than drunkenness, it is found that 3,611, or 42.78 per cent, attributed their condition to the influence of the intemperate habits of others.

As to the drinking habit of criminals, it is found that 25,137, or 94.24 per cent of the whole number, used intoxicating liquors, and 1,535, or 5.76 per cent, were total abstainers. Of the former, 4,516 were

excessive drinkers, and the others drank occasionally or in moderation. Taking only the cases of crime in which drunkenness did not figure in the conviction, there were 680 out of 8,440 cases where the offenders were excessive drinkers. Of the total abstainers, 632, or 41.17 per cent, were minors. Of the whole number of offenders, 15,440, or 57.89 per cent, had fathers who were addicted to the use of liquor, and 5,464, or 20.49 per cent, had mothers who used intoxicating liquors.

As to the nature of the intoxicants consumed by criminals, it is found that among the 25,137 cases returned, 8,891 used wines, 23,355 used lager beer, 22,233 used malt liquors, and 20,251 used distilled liquors. Dividing the total by the number of cases returned, it is found that on an average each person indulged in 2.97 kinds of intoxicating beverages. One kind of liquor only was used in 5,147 cases.

Regarding the political condition of criminals, as in the case of paupers, foreigners and their immediate descendants preponderate, although in a less degree. Of the whole number of offenders, 14,131, or 52.98 per cent, were citizens born, 3,726, or 13.97 per cent, were naturalized, and 8,815, or 33.05 per cent, were alien. There were 4,089, or 15.33 per cent, of whom both parents were native, and 21,204, or 79.50 per cent, of whom both parents were foreign. The others were either of wholly or partly unknown parentage, or had father or mother foreign.

In the following table are shown, by sex and occupations, the liquor habits of criminals and the number of those who were or were not under the influence of liquor at the time the crime was committed:

LIQUOR HABITS OF CRIMINALS AND THEIR RELATION TO CRIME, BY SEX AND OCCUPATIONS.

Occupations.	Liquor habits of criminals.			Criminal under the influence of liquor at time crime was committed.	Criminal not under the influence of liquor at time crime was committed.	Cause not reported.	Total criminals.
	Excessive drinkers.	Other drinkers.	Total abstainers.				
MALES.							
Agents, canvassers, traveling salesmen, etc	9	80	8	67	29	1	97
Blacksmiths and wheelwrights	52	253	12	282	35	.....	317
Bookbinders	3	18	1	18	4	.....	22
Bookkeepers, clerks, and salesmen	44	261	44	228	121	.....	349
Boot and shoe makers	268	1,239	71	1,367	211	.....	1,578
Bottlers	.....	14	.....	10	4	.....	14
Brickmakers	1	9	1	10	1	.....	11
Broom and brush makers	1	7	1	6	3	.....	9
Building trades	446	2,014	75	2,198	336	1	2,535
Button makers	1	5	3	6	3	.....	9
Candy makers	2	17	1	14	6	.....	20
Carriage and bicycle makers	.....	12	2	10	4	.....	14
Cigar makers	7	72	4	61	22	.....	83
Coachmen and stable employees	92	527	27	543	102	1	646
Dealers, traders, peddlers, etc.	135	640	90	592	273	.....	865
Electricians, electric work employees	6	33	4	29	14	.....	43

LIQUOR HABITS OF CRIMINALS AND THEIR RELATION TO CRIME, BY SEX AND OCCUPATIONS—Concluded.

Occupations.	Liquor habits of criminals.			Criminal under the influence of liquor at time crime was committed.	Criminal not under the influence of liquor at time crime was committed.	Cause not reported.	Total criminals.
	Excessive drinkers.	Other drinkers.	Total abstainers.				
MALES—concluded.							
Farmers and farm laborers	106	513	53	546	125	1	672
Furniture makers and finishers	26	102	8	115	21	.....	136
Glass workers	3	28	5	25	11	.....	36
Hat makers and finishers	7	36	.....	34	9	.....	43
Hotel, boarding house, and restaurant proprietors and employees	5	45	10	33	27	.....	60
Housekeepers and domestic service	27	155	13	146	49	.....	195
Laborers	1,371	5,974	221	6,501	1,062	3	7,566
Leather makers and workers	71	381	6	429	29	.....	458
Machinists	67	401	29	404	93	.....	497
Mariners and fishermen	73	422	12	436	71	.....	507
Messengers and porters	5	50	30	36	49	.....	85
Metal workers	115	560	14	606	83	.....	689
Musical instrument makers	3	16	.....	17	2	.....	19
Paper makers	10	57	2	63	6	.....	69
Personal service	187	889	96	872	300	.....	1,172
Printers (compositors and pressmen)	34	198	18	198	52	.....	250
Professional service	20	91	24	77	58	.....	135
Rubber factory operatives	5	32	.....	34	3	.....	37
Stone cutters and polishers	34	182	5	192	29	.....	221
Tailors and garment workers	45	147	12	156	48	.....	204
Textile factory operatives	181	1,377	64	1,393	229	.....	1,622
Transportation, teamsters, expressmen, etc	227	1,206	75	1,256	252	.....	1,508
Watch and clock repairers	1	7	.....	6	2	.....	8
Wood workers and finishers	40	165	11	182	34	.....	216
Other occupations	10	43	7	49	11	.....	60
Not reported	50	273	181	262	242	.....	504
Total males	3,790	18,551	1,240	19,509	4,065	7	23,581
FEMALES.							
Bookkeepers, clerks, and saleswomen	2	8	5	7	8	.....	15
Boot and shoe makers	4	9	2	12	3	.....	15
Button makers	.....	1	.....	1	.....	.....	1
Candy makers	1	2	1	2	2	.....	4
Cigarmakers	.....	2	.....	2	.....	.....	2
Dealers, traders, peddlers, etc	4	6	4	5	9	.....	14
Hotel, boarding house, and restaurant proprietors and employees	8	41	12	34	27	.....	61
Housewives and domestic service	546	1,488	186	1,728	491	1	2,220
Personal service	26	64	15	65	40	.....	105
Professional service	4	9	6	9	9	1	19
Rubber factory operatives	.....	4	1	.....	5	.....	5
Tailoresses and seamstresses	18	52	19	57	32	.....	89
Textile factory operatives	89	335	24	380	68	.....	448
Wood workers and finishers	.....	3	2	3	2	.....	5
Not reported	24	46	18	49	39	.....	88
Total females	726	2,070	295	2,354	735	2	3,091
Total both sexes	4,516	20,621	1,535	21,863	4,800	9	26,672

As regards the sex of criminals, the above table shows a larger proportion of excessive drinkers among the females than among the males, namely, 23.49 and 16.07 per cent, respectively. There were only two occupations, both of females, in which over one-fourth of the criminals were reported to be excessive drinkers, namely, dealers, peddlers, etc.,

28.57 per cent, and boot and shoe makers, 26.67 per cent. The most numerous class of criminals reported was that of laborers, being 7,566, and the next in number were those who had been engaged in the building trades, or 2,535. A larger proportion of males than females committed their crimes while under the influence of liquor, namely, 82.73 and 76.16 per cent, respectively. As regards occupations, the highest percentages of crimes committed under the influence of liquor were found among brickmakers, leather makers and workers, paper makers, and rubber-factory operatives, the proportion in each case being over 90 per cent.

The influence of liquor legislation upon drunkenness, as far as it relates to the granting or not granting of licenses, is shown in the following statement: During the twelve-months period covered by this investigation there were 35 towns which changed their policy with respect to license. In 19 of these the average number of arrests per month for drunkenness was larger, and usually considerably larger, under license than under no license. In five small towns there were no arrests for drunkenness under either system, and in one small town there was one arrest for drunkenness during four months of license and two during eight months of no license. There were five cities which changed their policy with respect to license during the twelve months. The average number of arrests per month for drunkenness was smaller in all of these cities under no license than under license, as is shown in the following table:

AVERAGE ARRESTS PER MONTH FOR DRUNKENNESS UNDER LICENSE AND NO LICENSE IN FIVE CITIES.

City.	Number of months.		Average arrests per month for drunkenness.	
	License.	No license.	License.	No license.
Haverhill	8	4	81.63	26.50
Lynn	4	8	315.00	117.63
Medford	8	4	20.12	13.25
Pittsfield	4	8	93.25	36.75
Salem	4	8	140.50	29.63

INSANITY.—The information with reference to insanity is practically of the same character as that relating to pauperism and crime, but is much less complete. Out of 1,836 cases found in the institutions canvassed during twelve consecutive months, there were 671 instances, or 36.55 per cent, in which the persons were addicted to the use of liquor, and 677, or 36.87 per cent, in which they were total abstainers. Information as to drinking habits could not be ascertained in 488 cases, or 26.58 per cent of the whole number returned. There were 311, or 16.94 per cent, who were excessive drinkers. Fifty-five of the abstainers and 12 of those using intoxicating liquor were minors. Excluding all minors and persons for whom the facts could not be ascertained, there

were 1,281 adults, of whom 659, or 51.44 per cent, were addicted to the use of liquor, and 622, or 48.56 per cent, who were total abstainers.

As to the direct influence of the use of intoxicating liquors upon insanity, information could be obtained in only 1,506 out of the 1,836 cases returned. Of these there were 383, or 25.43 per cent, in which the intemperate habits of the person were considered the cause of insanity. In 20 out of 941 ascertained cases, or 2.13 per cent, the persons were thought to be insane on account of the intemperate habits of either one or both parents, and in 184 out of 354 ascertained cases, or 51.98 per cent, on account of the intemperance of grandparents. The intemperate habits of others, neither parents nor grandparents, was considered the cause of insanity in 123 out of 880 ascertained cases, or 13.98 per cent.

Of the 671 cases reported as using intoxicating liquors, 192 used wine, 553 used lager beer, 542 used malt liquors, and 524 used distilled liquors, the average number of kinds of liquors used by each person being 2.70. In 165 out of 671 cases the persons indulged in but one kind of intoxicating liquor.

The inquiry regarding the political condition of the insane shows, as in the cases of pauperism and crime, a preponderance of foreigners and persons of foreign parentage. Of the 1,836 cases returned, 1,002, or 54.58 per cent, were citizen born; 107, or 5.83 per cent, were naturalized; 718, or 39.11 per cent, were aliens, and 9 were unknown. The parents of but 575, or 31.32 per cent, were both native, while those of 1,087, or 59.20 per cent, were both foreign. The others were either of wholly or partly unknown parentage or had only one of the parents foreign.

The accompanying table shows, by sex and occupations, the liquor habits of insane persons and the number whose condition of insanity was due to the use or abuse of intoxicants:

LIQUOR HABITS OF INSANE PERSONS AND THEIR RELATION TO INSANITY, BY SEX AND OCCUPATIONS.

Occupations.	Liquor habits of insane.				Condition due to use or abuse of intoxicants.	Condition not due to use or abuse of intoxicants.	Cause not reported.	Total insane.
	Excessive drinkers.	Other drinkers.	Total abstainers.	Not reported.				
MALES.								
Agents, convassers, and collectors	3	7	2	2	5	8	1	14
Blacksmiths and wheelrights	1	5	1	.....	1	4	2	7
Bookkeepers	2	3	1	4	2	7	1	10
Boot and shoe makers	17	12	15	26	19	29	22	70
Building trades	3	9	6	6	6	14	4	24
Carpenters	7	8	13	7	8	25	2	35
Cigar makers	2	2	1	1	2	3	1	6
Clerks and salesmen	5	10	6	6	7	15	5	27
Dealers, traders, peddlers, etc	17	14	15	7	17	28	8	53
Domestic service	.....	3	.....	2	.....	3	2	5

LIQUOR HABITS OF INSANE PERSONS AND THEIR RELATION TO INSANITY, BY SEX AND OCCUPATIONS—Concluded.

Occupations.	Liquor habits of insane.				Condition due to use or abuse of intoxicants.	Condition not due to use or abuse of intoxicants.	Cause not reported.	Total insane.
	Excessive drinkers.	Other drinkers.	Total abstainers.	Not reported.				
MALES—concluded.								
Factory operatives	21	21	16	27	24	41	20	85
Farmers and farm laborers	11	14	6	28	15	30	14	59
Furniture makers and finishers	1	2	2	2	2	3	2	7
Government service	1	2	2	.....	1	3	1	5
Laborers	63	62	13	64	80	69	53	202
Leather makers and workers	6	5	4	3	7	9	2	18
Machinists	4	6	2	2	5	8	1	14
Manufacturers	3	1	1	5	2	6	2	10
Mariners and fishermen	4	4	3	4	6	6	3	15
Mechanics	1	7	.....	2	2	5	3	10
Messengers	.....	4	1	.....	.....	5	.....	5
Metal workers	11	11	4	6	12	16	4	32
Painters	5	6	1	4	6	6	4	16
Personal service	13	6	7	7	13	13	7	33
Printers	1	5	3	2	3	8	.....	11
Professional service	3	6	6	4	4	13	2	19
Stable keepers	4	1	.....	6	5	1	5	11
Stonecutters	2	5	1	.....	3	3	2	8
Students	.....	.....	5	2	.....	7	.....	7
Tailors and garment workers	3	2	3	3	5	5	1	11
Transportation, teamsters, expressmen, etc	14	11	5	6	16	15	5	36
Wood workers	1	1	2	1	.....	3	2	5
Other occupations	6	7	4	9	6	14	6	26
Not reported	11	7	33	27	12	54	12	78
Total males	246	269	184	275	296	479	199	974
FEMALES.								
At home	.....	1	8	5	.....	9	5	14
Domestic service	16	18	74	38	22	96	28	146
Dressmakers	.....	5	10	3	2	15	1	18
Factory operatives	5	7	25	22	7	40	12	59
Hotel and boarding-house proprietors	.....	2	2	1	.....	5	.....	5
Housekeepers	4	9	49	26	7	63	18	88
Housewives	28	31	168	65	34	222	36	292
Housework	2	1	16	7	3	18	5	26
Personal service	2	3	12	1	2	14	2	18
Professional service	.....	.....	12	1	.....	13	.....	13
Tailoresses and seamstresses	1	2	13	2	1	17	.....	18
Other occupations	2	3	15	3	2	21	.....	23
Not reported	5	9	89	39	7	111	24	142
Total females	65	91	493	213	87	644	131	862
Total both sexes	311	360	677	488	383	1,123	330	1,836

As in the cases of pauperism and crime, so among the insane, laborers comprise the most numerous class. Among the females the most numerous class, as regards occupations, is that of housewives. Taking the 43 occupations in which five or more of the insane had been engaged, as shown in the above table, there were only three instances in which the number of cases of insanity due to the abuse of intoxicating liquors

was greater than the number due to other causes. These were laborers, stable keepers, and persons engaged in transportation, such as teamsters, expressmen, etc. In the case of 13 occupations, all of males, over one-fourth of the insane were excessive drinkers, namely, transportation, etc., 39 per cent; personal service, 39 per cent; stable keepers, 36 per cent; metal workers, 34 per cent; cigar makers, 33 per cent; leather makers and workers, 33 per cent; laborers, 32 per cent; dealers (peddlers, traders, etc.), 32 per cent; painters, 31 per cent; manufacturers, 30 per cent; machinists, 29 per cent; mariners and fishermen, 27 per cent; tailors and garment workers, 27 per cent.

VIOLATIONS OF THE LIQUOR LAW.—Statistics on this subject are of interest as showing the degree of difficulty experienced in enforcing laws of this character. The following table shows the nature of violations and the number and sex of persons fined and imprisoned in each case:

CASES OF FINE AND IMPRISONMENT FOR VIOLATIONS OF THE LIQUOR LAW, BY SEX AND KIND OF OFFENSE.

Sex and offense.	Cases of fine only.	Cases of imprisonment only.	Cases of fine and imprisonment.	Cases of fine or imprisonment.
MALES.				
Liquor carrying	2	.....	2	.....
Liquor keeping	58	5	12	3
Liquor nuisance	25	9	18	1
Liquor selling	106	14	41	8
Total	191	28	73	12
FEMALES.				
Liquor keeping	12	1	7	.....
Liquor nuisance	5	2	5	1
Liquor selling	38	2	11	.....
Total	55	5	23	1
BOTH SEXES.				
Liquor carrying	2	.....	2	.....
Liquor keeping	70	6	19	3
Liquor nuisance	30	11	23	2
Liquor selling	144	16	52	8
Total	246	33	96	13

The aggregate number of convictions as shown in the table is as follows: Liquor carrying, 4; liquor keeping, 98; liquor nuisance, 66; liquor selling, 220.

The report also deals to some extent with statistics of the use of tobacco and drugs among paupers, criminals, and the insane.

MINNESOTA.

Fifth Biennial Report of the Bureau of Labor of the State of Minnesota. Part I, Modern Variations in the Purchasing Power of Gold. 1895–1896. L. G. Powers, Commissioner of Labor. 528 pp.

This part of the report is devoted entirely to the subject of "Modern variations in the purchasing power of gold." It is an elaborate

presentation of facts and statistics relating to the prices of agricultural products from 1862 to the present time. One chapter is devoted to each of the following products and groups of products: Indian corn; oats; wheat; corn, oats, and wheat in combination; barley; rye; buckwheat; corn, oats, wheat, barley, rye, and buckwheat in combination; potatoes; hay; tobacco; corn, oats, wheat, barley, rye, buckwheat, potatoes, hay, and tobacco in combination; cotton and its combination with the nine preceding crops; live stock for the ten Mississippi Valley States; live stock for seven selected States; live stock for seventeen selected States and the United States; summary for all crops and live stock.

The tables are nearly all compiled from figures gathered and published each year since 1862 by the United States Department of Agriculture. Cotton crop statistics are obtained from the United States Statistical Abstract, and some other sources are also quoted for comparative purposes.

The object of this investigation is to "ascertain, as accurately as possible, for American agriculture, the effect of varying supply and demand and changes in the methods of production and transportation upon prices, and thus build the bridge that will enable us to utilize all our facts about general price movements to an orderly and systematic solution by the statistical methods of our vexed modern silver question." In other words, by eliminating the effect of changed supply and demand and of varying cost of production and transportation as factors, the price movement that remains is intended to measure the effect of currency changes.

The text of each chapter is supplemented by numerous tables in which are presented, by States and groups of States, the total crop and live stock product of each State for the period covered by the inquiry, its value in currency and gold, comparisons by index numbers, etc. With the analyses of tables are comments upon the influence of the separate factors which determine prices. These tables are so numerous and all so important to a clear understanding of the case that it is not possible by the selection of a few to briefly summarize in tabular form the results of the inquiry. A series of charts is also presented in conclusion showing the variations, by States and groups of States, in the prices of the farm products by four and seven year periods.

The conclusions reached by the compiler after analyzing the statistics are summarized as follows:

Taking all the farm products of the whole United States as a measure, with its leading crops, including cotton, and all its live stock interests, the purchasing power of gold in terms of farm products is the same on an average to-day as in the five years, 1862 to 1866, or the years 1874 to 1878. There have been since 1862 many transient causes that for a few years have greatly affected the prices of agricultural products, now enhancing and now depressing them. These factors have, therefore, transiently affected the purchasing power of gold for farm

products in the United States as a whole. Such factors affecting prices occurred notably in 1867 to 1873 and 1879 to 1882, enhancing prices then. Other allied factors depressing prices have been active since 1893. These transient changes in farm prices have been intimately associated with increasing or restricted foreign demand for the products of American farms, and have had no connection with such financial legislation as that of 1873.

Changing railway rates have greatly affected local prices. They have depressed prices in Seaboard States. Measured by the farm products of those States, gold has appreciated in value in thirty-five years. Cheap rates of freight transportation causing that appreciation takes from the farmers in those States the benefits that otherwise should have resulted to them from improved methods of farming and the use of better machinery and implements, and so leave them worse off relatively than they were before the era of high prices that began in 1866 to 1867. The only farmers in those Seaboard and Gulf States that have not suffered in this way from falling prices, due to changing railway rates, are those who have adopted a system of farming with crops but little modified in prices by fluctuation in rates of transportation. In contrast with those just mentioned, the farmers in the Upper Mississippi Valley as a whole have gained as much from the changes that have followed the modern revolution in methods of transportation and the rates for the same, as the Seaboard farmers have lost. For them the purchasing power of gold in terms of their farm products has greatly fallen. The final result, when the whole nation is included, is no change in average prices, no change in the purchasing power of gold over the average of all farm products in all sections of our common country. This statement involves the condition, that farm values as a whole shall be compared under like circumstances. High prices which have occurred at various times in the past thirty-five years and in all ages shall be compared with other periods of high price, and low shall be compared with low, and average with average price.

Regarding the purchasing power of labor, the compiler says:

While, taking all facts into consideration, no trace can be found of any permanent change in terms of farm products, at farm prices, in the purchasing power of gold in the United States there have been great changes in the producing power of human toil on the farm. In the Mississippi Valley that change has been since 1862 one that gives to the average farm worker a producing power above that possessed by his predecessor thirty-five years ago of not less than 60, and possibly 75 per cent. There has been a smaller relative gain in the Seaboard States where old systems of husbandry prevail and old methods of work are in vogue to a greater extent than in the newer West. The changed producing power of the average farm worker vastly increases the purchasing power of his toil, even though gold in exchange for his products on the farm is relatively the same as from 1862 to 1866. In this increase we note a tremendous fall in the purchasing power of gold over or in exchange for human labor, the only final measure for testing the value of gold or any other commodity. That decline in the purchasing power of gold in terms of human labor, its only final measure and test, has since 1862 in the United States been not less than 40 per cent, and for the Mississippi Valley farm workers 60 per cent.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

Report of the Departmental Committee on the Importation into the United Kingdom of Foreign Prison-made Goods; with minutes of evidence and appendices. 1895. 152 pp.

This report was made by a committee appointed by the British board of trade for the purpose of inquiring into the extent to which goods made in foreign prisons were imported into the country, and to report whether any, and if so, what, steps can be taken effectually to restrict the importation of such goods. The appointment of this committee was the outcome of questions addressed and complaints made to both houses of Parliament in reference to the competition of foreign prison labor, and of the action of the trades union congress in 1894 in instructing the parliamentary committee to promote and support legislation to prevent the importation of foreign prison-made goods.

During the period from May 2 to June 28, 1895, the committee sat on eleven days. Twenty-five witnesses were examined, including government officials and leading manufacturers and representative laboring men engaged in the production of the articles in question, namely, brushes, mats, buttons, horse collars, and articles of stationery.

The conclusions reached by the committee after hearing the evidence may be briefly stated. As to so much of their instructions as obligated them to inquire into the extent to which goods made in foreign prisons were imported into the country, they answered as follows:

1. That no evidence has been brought before them to show that goods made in foreign prisons are imported into this country in such quantities as to injure British trade generally.

2. That two trades only, the brush makers and the mat makers, have made serious complaints of injury, and their complaints were founded solely on the importation of Belgian and German goods, showing that British industries in general do not feel any evil results from the competition of the various other trades carried on in foreign prisons throughout the world.

That in the case of the brush-making industry of this country as a whole the allegations made of serious or lasting injury were not sustained and in the case of the mat-making industry the injury was found to be but slight.

That it was clearly established that the cheapness of the goods was no proof of their being prison made, as, owing to the cheapness of labor abroad, free labor could effectually compete with prison labor, and consequently if prison-made goods were prohibited the competition of free-labor goods would be quite as formidable.

3. That in the case of brushes it was further proved that brushes could be and were made in England by machinery as cheaply as or cheaper than they can be made by foreign prison labor or by any other description of labor. That in the case of mats, it was proved that foreign mats were not made more cheaply in prison than they were made outside. That the depression in the brush trade and mat trade was, so far as it existed at all, only connected with the production of the cheaper

descriptions of goods, and that, in the case of the higher descriptions of brushes, it appeared that the production in this country was actually on the increase.

With respect to the instructions directing the committee to report whether any, and, if so, what, steps could be taken effectually to restrict the importation of such goods they answered as follows:

Your committee reply that no cause has been shown for the necessity to take any steps to restrict the importation of prison-made goods, and that if causes were shown no steps can be taken to restrict such importation which would not produce more harm than good. Any prohibitory legislation would involve administrative action of a kind which would be most injurious to trade, which would probably create international difficulties, and which would fail in effecting the objects intended.

Vierteljahrshefte zur Statistik des Deutschen Reichs. Ergänzungsheft enthaltend Hauptergebnisse der Berufszählung vom 14. Juni 1895 im Deutschen Reich. Jahrgang 1896. Herausgegeben vom kaiserlichen statistischen Amt. 125 pp.

This is a supplement to the regular quarterly bulletin of the imperial statistical bureau and is published for the purpose of presenting in a preliminary form some of the results of the census of occupations taken June 15, 1895.

In this publication the individual occupations are not given, the population being grouped only according to sex, to the industry in which engaged, and to condition. Condition shows whether they are earning a livelihood in the various occupations, are engaged as domestic servants, are dependents, or are without occupations but not dependent directly upon members of their families. They are also grouped according to principal and secondary occupations.

A comparison of the figures for 1895 with those obtained from a census taken in 1882 shows some interesting results. The population of the German Empire in 1895 was 51,770,284, an increase of 6,548,171 since 1882. The following statement shows the population classified according to sex and condition:

POPULATION OF THE GERMAN EMPIRE, BY SEX AND CONDITION.

Condition.	Males.				Females.			
	1895.		1882.		1895.		1882.	
	Number.	Per cent of total male population.	Number.	Per cent of total male population.	Number.	Per cent of total female population.	Number.	Per cent of total female population.
Persons gaining a livelihood in various occupations	15,506,682	61.03	13,372,905	60.38	5,264,408	19.97	4,259,103	18.46
Domestic servants.	25,364	.10	42,510	.19	1,313,954	4.99	1,282,414	5.56
Dependents.....	8,859,061	34.83	8,082,973	36.49	18,667,214	70.81	16,827,722	72.94
Persons having no occupation.....	1,027,052	4.04	652,361	2.94	1,115,549	4.23	702,125	3.04
Total.....	25,409,159	100.00	22,150,749	100.00	26,361,125	100.00	23,071,364	100.00

A noticeable feature of the above table is the relative increase in the number of females who are earning a livelihood or are otherwise independently situated and the corresponding relative decrease in the number of women who are domestic servants and dependents.

In regard to the engagement of the population in the various occupations, the present census considers 207, while in that of 1882 there were 153 occupations considered. The following table shows the distribution of the population among the various industries. Those engaged as domestic servants, Government and ecclesiastical employees, professional men, and those having no occupation are not included.

POPULATION OF THE GERMAN EMPIRE ENGAGED IN VARIOUS INDUSTRIES.

Industry.	Persons earning a livelihood at their principal occupations.			Total persons dependent upon the industry.		
	1895.		1882.	1895.		1882.
	Number.	Per cent.	Per cent.	Number.	Per cent.	Per cent.
Agriculture, gardening and live stock	8,156,045	43.13	50.12	18,068,663	40.40	47.32
Forestry and fisheries	136,647	.72	.72	432,644	.97	.97
Mining, smelting, salt, and peat extraction	567,774	3.00	2.72	1,847,307	4.13	3.39
Stone work and earthenware	501,315	2.65	2.05	1,316,641	2.94	2.25
Metal work	862,035	4.56	3.26	2,152,789	4.81	3.37
Machinery, tools, instruments, etc	385,223	2.04	1.76	1,041,127	2.33	2.01
Chemicals	102,923	.54	.36	289,526	.65	.42
Forestry products, lighting materials, grease, oils, and varnishes	42,997	.23	.19	134,070	.30	.24
Textiles	945,191	5.00	5.25	1,899,904	4.25	4.65
Paper	135,863	.72	.56	306,547	.68	.50
Leather	168,358	89	.80	429,327	.96	.83
Woodenware and carved goods	647,019	3.42	3.22	1,688,592	3.78	3.45
Food products	878,163	4.64	4.09	2,078,607	4.65	4.29
Clothing	1,513,124	8.00	8.23	2,973,700	6.65	6.86
Building trades	1,353,447	7.16	5.84	3,705,773	8.29	6.98
Printing and publishing	119,291	.63	.43	251,503	.56	.37
Painting, sculpture, decoration, and artistic work of all kinds	28,546	.15	.15	61,080	.14	.13
Manufacturers, factory hands, artisans, etc., of whom the industry can not be classified	29,961	.16	.56	76,748	.17	.59
Commercial pursuits	1,205,133	6.37	5.20	2,939,619	6.57	5.73
Insurance	25,384	.13	.07	69,664	.16	.09
Transportation	615,331	3.25	2.70	2,002,706	4.48	3.66
Hotels, restaurants, etc	492,660	2.61	1.72	954,856	2.13	1.90
Total	18,912,430	100.00	100.00	44,721,393	100.00	100.00

It will be observed that there is a relative decrease in the number of persons engaged in agricultural pursuits and in the textile and clothing industries, while a relative increase is shown in the number engaged in the other industries. The population engaged in stonework and earthenware, food products, transportation, metal work, building trades, hotels and restaurants, and commercial pursuits has shown the most marked increase.

The census of occupations in detail will be shown in future special publications.

Geschichte und Organisation der amtlichen Statistik in Ungarn. Im Auftrage des kgl. ungarischen statistischen Bureau's verfasst von Gustav Bokor. Herausgegeben vom kgl. ungarischen statistischen Bureau. 1896. v, 291 pp.

April 18, 1896, marked the twenty-fifth anniversary of the creation of a central bureau for the collection of official statistics for the Kingdom of Hungary. The above work was published as a memorial of the event. It contains a history of statistical work in Hungary covering not only the twenty-five years mentioned, but going back to the very earliest statistical efforts.

The author gives an account of the organization and development of official statistical work in Hungary, especially since the creation of the bureau in 1871, and describes in detail some of the more important statistical undertakings, notably those relating to population, foreign trade, and agriculture. Very little has been done in the field of social statistics, but with respect to this class of work the author expresses the opinion that it will be of the greatest importance in the future.

An appendix contains a digest of laws relating to statistical work and a list of official statistical publications of the Hungarian Kingdom since 1868.

OFFICIAL BULLETINS OF FOREIGN LABOR BUREAUS.

In Bulletin No. 1 a notice was given of the labor bureaus which had been created by different foreign Governments. Since then the reports of these bureaus have been regularly noticed and their contents summarized in the bulletins. In addition to these regular reports, several of the bureaus issue monthly reviews devoted to chronicling the principal happenings in the labor world. The contents of these reviews being of such a varied nature can not well be summarized. In the following account the effort is made to show the general character of the contents of these reviews, together with the occasional reproduction of certain matter that is of general interest.

Labor Gazette: Journal of the Labor Department of the British Board of Trade. Published monthly. Vol. I, May-December, 1893; Vol. II, 1894; Vol. III, 1895; Vol. IV, 1896.

The issue of the Labor Gazette by the English labor department was commenced in May, 1893. In an introductory note to the first number the objects of the publication are clearly set forth. It was declared to be "a journal for the use of workmen and all others interested in obtaining prompt and accurate information on matters specially affecting labor."

In securing this information especial use is made of the material bearing on labor which is already collected by various Government bureaus, but which is not readily accessible to the workingmen, either because it is buried in large and expensive publications or because the workingmen have not as a rule the means of knowing where and how it can be obtained. Such, for instance, is the information obtained from the registrar of friendly societies concerning mutual aid societies, trades unions, cooperative organizations, etc., or from the inspectors of factories concerning accidents and the condition of labor in factories.

In the second place, the effort is made to secure the cooperation of trade unions, employers' associations, and other organizations in securing information concerning subjects with which they are specially concerned. Finally, through the consular officers and other sources, the attempt is made to follow the labor movement in foreign countries.

The Gazette as published, therefore, is for the most part devoted to giving information on certain definite subjects which are treated in every issue. Each number thus gives:

1. A summary of employment during the month, devoted to showing the extent of employment of labor in different localities and industries.

2. A record of strikes and lockouts and their arbitration and conciliation.

3. Prosecutions under the factory and workshop, mines, and other labor acts.

4 Jurisprudence—judicial decisions relating to labor rights and duties.

5. Changes of rates of wages and hours of labor based upon data obtained from local correspondents, employers, trade unions, and other sources.

6. Accidents to laborers in factories, mines, and on railways.

7. Industrial organizations registered or dissolved.

8. The work of employment bureaus.

9. Statistics of poor relief furnished by the local government boards.

10. Statistics of emigration and immigration.

11. Statistics of foreign trade.

12. The labor movement abroad, consisting of notes concerning important labor happenings in foreign countries.

13. Miscellaneous notices or short articles for the most part based upon official publications, and reports of industrial organizations and congresses, giving information on particular subjects of interest, such as cooperation and profit sharing, workingmen's insurance, etc.

Bulletin de l'Office du Travail, Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes, France. Published monthly. Vol. I, 1894; Vol. II, 1895; Vol. III, 1896.

The French bureau of labor was created in 1891. It was not until January, 1894, however, that it commenced the publication of its monthly bulletin. The purpose and character of this publication are in almost every respect those of the Labor Gazette of the British labor department. Each number is divided into distinct parts, each devoted to chronicling facts in a particular field of social economics. These sections are as follows:

1. The labor market, or information concerning the activity of industry and the extent to which labor is employed throughout France.

2. General information concerning social matters, such as contracts for public works, foreign commerce, business failures, building permits in Paris, operation of pawn shops in Paris, current prices at Paris, free employment bureaus, poor relief, the production of coal, iron, and steel, etc.

3. The trade association movement in France—information concerning the organization of trade unions and employers' associations.

4. Strikes, lockouts, and arbitration and conciliation during the month.

5. Provident associations, or the operations of the national banks for the insurance of workingmen against accidents, death, old age, and invalidity, and the national savings bank.

6. The social movement in foreign countries. Under this head are given notes concerning labor matters in countries other than France, largely taken from foreign official publications.

7. Laws and official documents—the reproduction of all laws and official decrees, orders, circulars, etc., relating to the regulation of labor.

8. Jurisprudence—quotations of decisions of courts interpreting laws relating to labor.

9. Bibliography—a brief notice of foreign and domestic official publications.

Revue du Travail: Publiée par l'Office du Travail de Belgique, Ministère de l'Industrie et du Travail. Published monthly. Vol. I, 1896.

The royal order of April 12, 1895, which organized the labor bureau of Belgium, provided, among other things, that it should issue a monthly bulletin in order to give prompt publicity to matters relating to labor. The scope of this bulletin can best be shown by reproducing the paragraph of the order in which its character is defined. Article 6 of this order reads:

The bureau of labor shall publish monthly an official bulletin under the title of Revue du Travail. This review must be particularly devoted to giving information concerning the labor market; nonemployment; industrial conflicts between employers and employees, whether commenced, in progress, or terminated; arrangements causing new conditions of labor; resolutions voted by the councils of industry and labor; accidents to labor, and judicial decisions rendered in virtue of legal provisions concerning responsibility for accidents; measures taken by public administrations concerning the hygiene and security of industrial establishments; the construction of workingmen's homes; the development of mutual aid, cooperative, and savings institutions; industrial, trade, and housekeeping education; congresses of workingmen's associations, and the work of societies which concern themselves with social questions.

It shall also give summary information concerning the fluctuations of commerce; exports and imports, if necessary; the effects of colonization; the retail prices of articles ordinarily consumed by the working classes, and comparative tables of wholesale prices in the principal markets of the world. Finally, it shall give notices concerning the principal events relating to labor, and the course of labor legislation in both Belgium and foreign countries.

In pursuance of these provisions the labor bureau has published since January, 1896, the above-entitled review. The resources of the bureau have not yet permitted it to fully carry out this programme as outlined in the order that has just been quoted. As published, each number of

the review contains about 100 pages, and is divided into a number of distinct departments. These departments are:

1. The labor market, consisting of information given by special but unpaid correspondents in the different industrial districts concerning the extent to which labor is employed, factories are in activity, etc. The bureau, however, disclaims all responsibility for the accuracy of the information.

2. Strikes, lockouts, and arbitration, giving a record of labor disturbances of the month and their settlement.

3. Mutuality in Belgium, or information concerning the organization and operation of mutual aid societies of all kinds.

4. The trade association movement in Belgium, or information concerning the organization of trade unions among laborers or associations of employers.

5. Retail prices of the principal food products in the chief cities of the Kingdom on the last day of the preceding month.

6. Labor chronicle, or notes concerning the principal events of the month relating to labor and industry either in Belgium or in other countries. To a large extent this information consists of excerpts from foreign official and other publications.

7. Labor legislation—the reproduction either in whole or in part of laws, both domestic and foreign, relating to labor.

8. Jurisprudence—judicial decisions on questions relating to labor.

9. The inspection of factories and workshops, consisting of reports from the inspection department, showing the amount of work done, and a table giving information concerning the number of accidents in factories, workshops, and mines.

10. Official acts—a reproduction of all official acts or orders concerning labor matters.

In addition to these regular departments short notices on other points are also occasionally given.

Of the information contained in these bulletins, that relating to retail prices of food products is of the most general interest to other than Belgian citizens. Tables are therefore here given showing these prices as published for February 29 and August 31, 1896.

RETAIL PRICES OF PRINCIPAL FOODS, ETC., IN BELGIUM, FEBRUARY 29, 1896.

Foods, etc.	Brussels.	Antwerp.	Mechlin.	Eecloo.	Bruges.	Tournay.	Gosselies.	Namur.	Verviers.
Wheat bread.....pound..	$0.023	$0.018	$0.018 to .019	$0.019 to .021	$0.021	$0.018 to .025	$0.018	$0.019	$0.020
Rye bread.....do....	.019	.....	.014	.014	.014	.....	.....	.....	.015
Wheat and rye bread..do....	.019	.....	.018	.018	.017	.016 to .019	.....	.018	.....
Coffee.....do....	.280	.175 to .333	.245 to .315	.245 to .280	.263	.114 to .123	.219	.271	.210
Milk.....quart..	.026	.033 to .046	.037	.037	.051	.037	.037	.037	.037
Eggs.....dozen..	.278	.185	.208	.208	.162 to .185	.185 to .204	.167	.148	.278
Butter.....pound..	.254	.175 to .245	.228	.228	.228	.219	.136	.263	.280
Artificial butter.....do....	.158	.105 to .175	.149	.123	.158	.114	.105	.166	.123
Tallow.....do....	.105	.102	.088	.136	.131	.131	.053	.096	.131
Beef.....do....	.175	.123 to .219	.158	.166	.158 to .175	.123 to .136	.088 to .158	.158	.131
Veal.....do....	.175	.158 to .219	.201	.175	.175	.158	.140	.158	.149
Mutton.....do....	.140	.105 to .175	.140	.158	.158	.158	.158	.158	.158
Pork.....do....	.175	.123 to .175	.123	.105	.123	.158	.088 to .123	.140	.131
Lard.....do....	.140	.123 to .175	.123	.140	.105	.158	.105	.114	.131
Potatoes.....do....	.013	.005 to .009	.005	.006	.005	.006 to .008	.005	.006	.007
Salt.....do....	.011	.004 to .009	.006	.011	.004	.009	.004	.006	.004
Sugar.....do....	.084	.088 to .096	.079	.066 to .079	.088	.105	.075	.079	.074
Rice.....do....	.056	.021 to .088	.026	.026 to .044	.035	.018	.044	.044	.022
Beans.....quart..	.073	.037 to .055	.080	.046	.073	.091	.064	.073	.073
Codfish, salt.....pound..	.105	.105 to .158	.114	.140	.088	.....	.061	.123	.053
Codfish, dried.....do....	.105	.....	.105	.175	.114	.....	.123	.131	.105
Red herring.....each..	.019	.015 to .023	.015	.031	.023	.010 to .019	.019	.019	.010
Olive oil.....quart..	.393	.320 to .502	.457	.511	.475	.....	.256	.365	.274
Chicory.....pound..	.042	.032 to .044	.031	.035	.035	.044	.032	.044	.044
Cheese.....do....	.210	.123 to .158	.140	.149	.175	.....	.053	.105	.061
Coal.....100 lbs..	.219	.263 to .350	.193	.210	.175	.201 to .245	.158	.175	.245
Petroleum.....pound..	.012	.009 to .011	.011	.013	.012	.011	.013	.011	.011

RETAIL PRICES OF PRINCIPAL FOODS, ETC., IN BELGIUM, AUGUST 31, 1896.

Foods, etc.	Brussels.	Antwerp.	Mechlin.	Eecloo.	Bruges.	Tournay.	Gosselies.	Namur.	Verviers.
Wheat bread.....pound..	$0.021	($0.018 to 021)	$0.019	$0.019	$0.021	$0.018	$0.018	$0.020	.....
Rye bread .....do....	.018	.....	.016	.014	.014	.....	.....	.018	$0.014
Wheat and rye bread..do....	.018	.018	.018	.016	.017	.016	.....	.019	.019
Coffee.....do....	.280	.175	.210 to .298	.236	.245	.236	.193	.210	.263
Milk.....quart..	.022	.037	.037	.029	.051	.037	.037	.....	.037
Eggs.....dozen..	.185	208	.162	.185	.208	.185 to .204	.222	.185	.232
Butter.....pound..	.249	.228	.245	.210	.258	.228 to .236	.280	.245	.254
Artificial butter.....do....	.149	.158	.096 to .123	.131	.096	.131	.158	.140	.131
Tallow.....do....	.105	.105	.088	.114	.131	.061	.088	.088	.114
Beef.....do....	.175	.131	.158	.149	.158	.088 to .123	.105 to .175	.123	.166
Veal.....do....	.175	.175	.158	.153	.158	.105 to .131	.175	.158	.175
Mutton.....do....	.140	.123	.140	.153	.149	.123 to .140	.175	.166	.140
Pork.....do....	.153	.140	.131	.074	.123	.131	.123	.140	.123
Lard.....do....	.131	.....	.105	.088	.105	.131	.105	.088	.123
Potatoes.....do....	.007	.008	.006	.004	.006	.005	.007	.009	.007
Salt.....do....	.011	.005	.006	.011	.004	.005	.004	.004	.007
Sugar.....do....	.084	.088	.079	.061	.079	.079	.075	.074	.088
Rice.....do....	.056	.....	.018 to .031	.026	.035	.018	.026	.023	.031
Beans.....quart..	.073	.064	.064	.....	.073	.051	.040	.064	.064
Codfish, salt.....pound..	.105	.105	.105	.131	.114	.....	.123	.105	.088
Codfish, dried.....do....	.105	.053	.105	.105	.088	.....	.105	.123	.088
Red herring.....each..	.019	.012	.015	.015	.019	.010	.019	.019	.019
Olive oil.....quart..	.402	.365	.457	.493	.475	.....	.256	.365	.457
Chicory.....pound..	.042	039	.028	.031	.035	.024	.049	.118	.053
Cheese.....do....	.210	.140	.140	.153	.175	.....	.061	.053	.105
Coal.....100 lbs..	.219	.....	.193	.193	.175	.201	.158	.193	.149
Petroleum.....quart..	.022	.022	.024	.022	.026	.020	.024	.026	.027

Journal of the Department of Labor: Issued by the Department of Labor of New Zealand. Published monthly. Vol. I, March-December, 1893; Vol. II, 1894; Vol. III, 1895; Vol. IV, 1896.

This publication was commenced in March, 1893, under the title of Journal of Commerce and Labor. In August of the same year its name was changed to its present title. The greater part of each number is taken up with the reproduction of statistics which have appeared in British and American reviews relating to labor questions. Its original matter consists of sections giving the condition of the labor market in different parts of the country, notes concerning labor conditions and occurrences in foreign countries, and statistics of commerce, customs, and shipping.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, will be continued in successive issues, dealing with the decisions as they occur. All material parts of the decisions are reproduced in the words of the courts, indicated, when short, by quotation marks, and when long by being printed solid. In order to save space immaterial matter, needed simply by way of explanation, is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—*Bloomquist v. Great Northern Ry. Co. 67 Northwestern Reporter, page 804.*—This was an action brought in the district court of Hennepin County, Minn., to recover damages for personal injuries suffered by the plaintiff, while in the employment of the defendant, through the alleged negligence of a fellow-servant. The plaintiff based his suit upon section 2701 of the General Statutes of 1894, which reads in part as follows:

"Every railroad corporation owning or operating a railroad in this State shall be liable for all damages sustained by any agent or servant thereof by reason of the negligence of any other agent or servant thereof, without contributory negligence on his part, when sustained within this State," * * *. The defendant demurred to the plaintiff's complaint and the district court issued an order sustaining said demurrer. From said order the plaintiff appealed to the supreme court of the State, which rendered its decision June 8, 1896, and reversed the order of the lower court. From the opinion of the supreme court, delivered by Judge Mitchell, the following, containing a statement of the facts in the case, is quoted:

The question presented by the demurrer to the complaint was whether the facts alleged brought the case within the operation of general laws, 1887, chapter 13 (Gen. St. 1894, § 2701), making railway companies liable to their servants for damages caused by the negligence of a fellow-servant. The allegations of the complaint were that plaintiff was employed by the defendant as one of a crew of section hands, who were engaged in repairing defendant's track; that while he with the rest of the crew were engaged in the performance of their duties, it became necessary for them to take up from the main track a heavy iron rail, in order to remove the old ties and replace them with new ones, and for that purpose it became necessary to lift and carry the rail, * * * and in so doing it was necessary to use great and extraordinary haste, so as to accomplish the work of replacing the rail before the approach of a coming train; that while the rail was being thus moved and carried by the plaintiff and another section man, who were ordered by the section foreman to make haste, so that the track might be put in order so as to

avert danger to a then approaching train, plaintiff's fellow-servant, who was engaged with him in carrying the rail, negligently and suddenly released his hold of the rail, and dropped the same, by reason whereof plaintiff suffered the injuries complained of.

The language of the act is broad enough to include any injury sustained by any railway employee, in any capacity, through the negligence of any other employee of the railroad in the same or any other capacity.

In order to sustain the law, we have, by judicial construction, limited its operation to those employees of railroads who are exposed to the peculiar dangers attending the operation of railroads, or what are, for brevity, called "railroad dangers." But, as the general language of the act has been thus limited for the sole purpose of sustaining its validity, we think it ought not to be limited further than is necessary for that purpose.

We have held that the test is not whether the conditions are in some respects parallel to those to be found in some other kinds of business, or whether the appliances are, in some respects, similar to those used in some other kinds of business, but that if there is any substantial element of hazard or condition of danger which contributed to the injury, and which is peculiar to the railroad business, the statute applies.

We think that under the allegations of the complaint it can be fairly said that the plaintiff's employment involved an element of hazard or condition of danger peculiar to the railroad business, and intimately connected with and growing out of the operation of the road, to wit, that he was engaged in repairing the track upon which trains were operated, and that, in view of that fact, the work had to be done with great and unusual haste, in order to avoid danger to trains that were or might be approaching. We therefore think that the complaint stated a cause of action, and that the demurrer ought to have been overruled. Order reversed.

EMPLOYERS' LIABILITY—UNBLOCKED RAILWAY FROG—CONTRIBUTORY NEGLIGENCE—*Lake Erie and Western Ry. Co. v. Craig. 73 Federal Reporter, page 642.*—Suit was brought in the United States circuit court for the western division of the northern district of Ohio by Frank B. Craig against the railroad company to recover damages for injuries received in the railroad yard at Lima, Ohio, while acting as foreman of night switching crew. Said injury was caused by his catching his foot in a frog which was unblocked, and thus being unable to get out of the way of cars which were being pushed or "kicked" up a switch. A judgment was rendered for Craig, and the railroad company brought the case on writ of error to the United States circuit court of appeals, Sixth circuit, and said court rendered its decision January 30, 1896, and reversed the judgment of the lower court. In the opinion of said court, delivered by Circuit Judge Taft, among the questions decided, was the following:

The liability of the defendant railroad company was asserted by the plaintiff on the ground that it had failed to block a railroad frog in its yard at Lima, in violation of a statute of Ohio passed March 23, 1888 (85 Ohio Law, 105), requiring all railway corporations operating rail-

ways in the State to block or fill such frogs, for the safety of their employees, and imposing a punishment for failure to do so. We have already held, in railroad company *v.* Van Horne, 16 C. C. A., 182, 69 Fed., 139, that the effect of this statute is to make a failure by a railroad company to comply with it negligence, as matter of law. This is the ruling of the supreme court of Ohio in construing an analogous statute enacted to compel mine owners to adopt safety appliances for their employees. Krause *v.* Morgan (Ohio sup.) 40 N. E., 886. The statute does not, however, prevent the master, in such cases, from escaping liability, if the employee injured by the master's noncompliance with the statute is himself guilty of contributory negligence. This is expressly ruled by the supreme court of Ohio in the case cited, where, after an elaborate review of the authorities in other States, Judge Speer, speaking for the court, sums up its conclusions as follows:

"While the statute, as we construe it, does not make the operator of the mine absolutely liable to a party injured by an explosion of gas, where the operator has not complied with the statute, such conduct is negligence per se; and the employer can not escape liability by showing that he took other means to protect the workmen, equally efficacious. Proof of failure to obey the statute is all that is necessary to establish negligence on the part of the operator, but the statute does not change the well-established rule that, where one has been guilty of negligence that may result in injury to others, still the others are bound to exercise ordinary care to avoid injury."

This was the view which the trial court took of the statute, and it was correct.

LOGGING LIENS—CONSTRUCTION OF STATUTE—*Breault v. Archambault et al.*, and *Lane v. Same. 67 Northwestern Reporter, page 348.*—The actions were brought in the district court of St. Louis County, Minn., to enforce log liens under the provisions of Gen. St., 1894, sections 2451–2464, inclusive, and were argued and submitted together. A verdict was rendered for the plaintiffs, and from orders refusing new trials the defendants appealed to the supreme court of the State, which rendered its decision May 14, 1896, and affirmed the judgment of the lower court. The opinion of said court was delivered by Judge Collins, and the syllabus of the same, prepared by the court itself, is quoted below:

1. Under the provisions of the log-lien law (Gen. St., 1894, §§ 2451–2464, inclusive), a cook and his assistant, employed at a logging camp for the purpose of cooking for the men actually and directly engaged in cutting, hauling, and banking logs, are entitled to liens upon such logs for the amount due for such services.

2. *Held*, further, that a blacksmith employed at such camp in shoeing the horses, in repairing the sleds, and in mending and keeping in order tools used by the men actually and directly employed in the common enterprise, is also entitled to a lien upon the logs.

3. The manual labor which a lien is given under section 2451 is not merely the personal labor of a lien claimant, but includes labor performed by his teams and servants under a contract for a gross price per month for both.

THE FELLOW-SERVANT ACT OF TEXAS—STREET RAILROADS—*Riley v. Galveston City Railway Company. 35 Southwestern Reporter, page 826.*—This action was brought in the district court of Galveston County, Tex., by John Riley, against a street railroad company, to recover damages for injuries received while in the employ of said company. A judgment was rendered for the defendant company, and the plaintiff appealed the case to the court of civil appeals of the State. Said court rendered its decision April 30, 1896, and affirmed the judgment of the court below. The fellow-servant act of Texas (chapter 91, acts of 1893) defines who are and who are not fellow-servants, and by its terms is confined in its application to "all persons engaged in the service of any railroad corporation." The question was raised and decided in this case as to whether the words "any railroad corporation" covered a street railroad company. The opinion of the court of civil appeals, delivered by Judge Pleasants, gives the pertinent facts in the case, and the following is quoted therefrom:

The record presents two questions—one of fact, and one of law—which, if determined adversely to appellant, will necessitate an affirmance of the judgment appealed from. The appellant, while in the service of appellee, the evidence shows, was injured by falling from a stepladder upon which he was standing for the purpose of placing a wire through an insulator. In this work he was assisted by Payne and one other servant of the defendant company, Payne being the foreman under whose immediate direction and supervision the work was being done. Having placed the wire (a large one, No. 4) upon the insulator, which was smaller than it should have been, considering the size of the wire, appellant directed his assistants to pull it, they being on the ground, and having hold of one part of the wire, and the appellant another part. When his assistants had pulled sufficiently, in the judgment of appellant, he ordered them to desist; but Payne, disregarding this order, assisted by the other employee, gave another pull upon the wire, which caused it to slip from the insulator, and to strike appellant and throw him to the ground, a distance of 7 feet, and by the fall one of his legs was broken. The evidence establishes clearly that Payne was the foreman of the gang, and that appellant was subject to his orders; but whether Payne had authority from the defendant company to employ and discharge those who worked under him is a question upon which the evidence is conflicting, but we are of the opinion that there was sufficient evidence before the court to sustain the finding that Payne did not have such authority. Such being the case, Payne was the fellow-servant of appellant, unless the act known as the "fellow-servant's act" includes within its provisions the employees of street railways.

While there is no direct decision, that we are aware of, by our supreme court on this question, it is strongly intimated in Railway Co. *v.* Groethe, 88 Tex., 262, 31 S. W., 196, that that act does not apply to street railways. The many and great dangers to life and limb to which the numerous persons engaged in operating railroads whose cars were moved by steam were exposed, and the many different departments of labor in which such operatives were employed, were doubtless the principal reasons which induced the legislature to modify the rule of law heretofore governing the relation of master and servant, and prescribing their reciprocal duties and liabilities. But these reasons for changing the law do not exist in respect to those engaged in operating street

railways. The same article of the Revised Statutes which authorizes the creation of a private corporation for the construction and maintenance of a street railway authorizes also private corporations for the following purposes: For manufacturing or mining business; for the manufacture and supply of gas; for the supply of light or heat to the public by any means; for the building and navigation of steamboats, and the carriage of persons and property thereon; for the construction and maintenance of mills and gins. The employees of any one of these corporations are exposed to quite as great and as many risks as are the employees of street railways, and yet the legislature has not thought it necessary to make any change in the law for their protection. These considerations are persuasive, if not conclusive, that the intention of the legislature in passing the fellow-servants' act was not to include street railways within its provisions, and that the words "any railway corporation" in the first section of the act, should be restricted to the usual and popular import of that term, and that the act should be held not to embrace railways constructed and maintained upon streets and other highways in and contiguous to cities and towns for carrying persons.

The supreme court of Kentucky, in the case of Louisville and P. R. Co. *v.* Louisville City Ry. Co., held that a "railroad" or "railway" are, in both their technical and popular import, as distinct and different things as a "road" and a "street," or as a "bridge" and a "railroad bridge." This was a case involving the interpretation of an act of the legislature which, in furtherance of a certain railroad then in existence, and in which the State had an interest, declared that no other railroad should be constructed in certain streets in the city of Louisville. Subsequent to this act a street railway was organized, and, under license from the city, commenced to lay its track; and the railroad sought to enjoin the street railway company, and the injunction was denied on the ground as given above. (2 Duv., 175.)

The supreme court of Washington in the case of Railway Co. *v.* Johnson, 25 Pac., 1084, following the Kentucky decision, supra, holds that an act giving a lien upon railroads had no application to street railways. A further distinction between a "railway corporation" or "railroad corporation" and a "street railway corporation" is this: That the former owns, not only its track and roadbed, but its right to their use and occupation is exclusive, while the latter owns no roadbed, nor is its occupancy of that portion of the street on which its track is laid exclusive, but it is only a licensee of the city, with privilege to use the street in common with the public. Our conclusion, therefore, is that the act known as the "fellow-servants' act," and entitled "An act to define who are fellow-servants and who are not fellow-servants," etc., and approved May 4, 1893, does not apply to street railways. The judgment of the lower court is affirmed.

DECISIONS UNDER COMMON LAW.

EMPLOYERS' LIABILITY—MASTERS' DUTY, ETC.—*Wood v. Heiges. 34 Atlantic Reporter, page 872.*—The original action was brought in the court of common pleas of Maryland by William D. Heiges against Frederick W. Wood, receiver of the Maryland Steel Company, a body corporate, for damages for injuries sustained in the works of said company while engaged in the service of the receiver. A judgment was rendered for the plaintiff, Heiges, and Wood, the receiver, appealed to

the court of appeals of the State. Said court rendered its decision March 26, 1896, and reversed the decision of the lower court. The evidence showed that Heiges was injured by being struck by a piece of flying iron in the breaking of defective castings; that he was kept at work about 25 feet from the breaking machine, which consisted of an arrangement by which a heavy iron ball was raised to the roof of the building and allowed to fall upon the castings to be broken; that he had seen the machine operated for months, but theretofore the broken pieces of iron had only flown a short distance; that he was given warning of the drop of the ball in time to have permitted him to get to a safer place if he had desired, and that the machine was in perfect condition, was perfectly operated, and similar machines were used in other foundries.

In the opinion of the court of appeals, delivered by Judge Page, the following language was used:

It was not contended, either in this court or below, that the drop machine was not in perfect condition, or that it was not operated by a thoroughly skillful workman. But it was insisted that the machine was dangerous and unsafe, and that the appellant should have provided additional protection to those whose duty it became to work in its vicinity.

The liabilities of the master to his employees have been considered by this court in too many cases to require here more than a statement of the general principles applicable to the subject. When a servant engages to perform certain services, for a compensation, it is implied as a part of the contract that, as between himself and his employer, he assumes all the risks incident to the service. And these risks include such as arise from the hazardous character of the service, and from the negligence of other servants in the same employment, even though they may be in a different grade.

But the master himself is bound to use ordinary (that is, due and reasonable) care and diligence to provide proper materials and appliances to do the work, and in the selection and employment of competent and careful fellow-servants. In addition to this, the master can not negligently expose the servant to such extraordinary perils, in the course of the employment, as that the servant, from the want of knowledge, skill, or physical ability, can not, by ordinary care and prudence, under all the circumstances of the case, guard himself against them. Yet, while the master is thus bound to protect his employees, there is no contract obligation imposed upon him to provide machinery of any particular description. His obligations extend no further than to require him to use that care which ordinary prudence, and the exigencies of the situation, require, in providing the servant with machinery or other instrumentalities safe for use by him. If a servant has knowledge of the circumstances under which the employer carries on his business, and chooses to accept the employment, or continue in it, he assumes such risks incident to the discharge of his duties as are open or obvious. In such cases it is not a question whether the place prepared for him to occupy, and which he assents to accept, might, with reasonable care, have been made more safe. His assent dispenses with the performance on the part of the master of the duty to make it so.

Where, however, the risks to which the servant is subjected are such as he had no reason to believe, from the nature of his employment, he would have to encounter, and such risks arise from causes hidden or secret, or such as would reasonably escape his observation, the master is bound to notify his servant, provided he himself knew, or by the exercise of ordinary care ought have known, of them.

The master is therefore not an insurer of the servant's safety. He can not be bound for his servant's injury without being chargeable with some neglect of duty, measured by the standard of ordinary care. On the other hand, the servant is under an obligation to provide for his own safety when danger is either known to him, or discoverable by the exercise of ordinary care. He must take ordinary care to learn the dangers which are likely to beset him, and where the servant is as well acquainted as the master with the dangerous nature of the instrument used, he can not recover.

In the case at bar the appliance used for the breaking of castings was in perfect condition, and operated by a competent and skillful person. It was constructed on the plan adopted and used in other foundries. In all their experience in operating it, none of the witnesses had ever seen pieces fly so far before. Heiges had seen the breaking of castings with the crane for more than two months. He had witnessed the construction of the drop, had watched the ball hoisted to the roof, and had observed what impression was made on the ingot to be broken. For two weeks he had been a daily witness of the process, and, presumably being a person of average intelligence, must have known as well as anyone the risks and dangers attending its use. He did not know that pieces of iron would fly 25 feet, nor did anyone. He received two warnings that the ball was about to drop, once when the engine stopped, and again when McAfee cried out "Heads up!" Either warning was in time to enable him to retreat to a greater distance, and though the cylinder head was on his right, the car truck in front, and a hydraulic plunger 6 or 8 feet behind him, the proof establishes the fact that there was a clear way still open to him. Now, despite his knowledge of the machine, its effect upon the castings, and his double warning, either through inattention or carelessness, or a feeling of security, he merely raised himself up. Then the unexpected happened. He saw the iron flying toward him. It was too late to avert the danger, and he was injured.

With our view of the law, as stated, we can perceive here no evidence of neglect on the part of the receiver. He employed due and reasonable diligence, having respect to the nature of service, to provide proper materials, appliances, and instrumentalities for doing the work, "and to select competent and skillful persons" to manage them. But, apart from this, we are of opinion that there is another ground upon which the plaintiff is not entitled to recover. He accepted employment to work in the foundry, with a full knowledge of all the circumstances under which the business was conducted, and continued in it after the drop was put up. His duty was that of a molder, chipper of castings, and general laborer. Such duty required him to work in all parts of the foundry. On the particular occasion on which he was injured, he accepted the position assigned him to discharge an ordinary duty, within the scope of his employment, with a full knowledge of all its surroundings and dangers, without remonstrance; and, having done so, "he must abide the consequences, so far as any claim against the employer is concerned."

It has already been said that the master is not obliged to provide machinery similar to that used in other establishments, though that may

be less dangerous. The issue was whether the particular machinery was proper and suitable, and that was to be determined by its actual condition, and not by comparing it with other machines. Judgment reversed without a new trial.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—*Houston and T. C. Ry. Co. v. Strycharski. 35 Southwestern Reporter, page 851.*—This was an action brought in the district court of Harris County, Tex., by M. Strycharski, to recover damages for injuries received while in the employ of the Houston and Texas Central Railway Company. Judgment was rendered for the plaintiff and the company appealed to the court of civil appeals of the State, which rendered its decision March 26, 1896, and affirmed the judgment of the lower court. The plaintiff, one of whose duties it was to fill the water tanks of cars, placed a ladder against a car standing with others on the track, and stood upon it, holding a hose, through which the water ran into the tank in the car through a hole in the roof. While so engaged, a switch engine approached the stationary cars, unobserved by plaintiff, and struck the rear car with sufficient force to upset the ladder and throw the plaintiff to the ground. There was no provision, by rule or otherwise, for the giving of notice before a coupling was made, the employees being expected to look out for such dangers and protect themselves; but plaintiff testified that on all previous occasions he had been warned, and had time to get out of danger before the cars were struck. Before this occasion, however, he had been engaged either in the Pullman sleeper, after its return to the main track, or in the coaches, cleaning closets, and the coupling had been made from the front. His exposure was different, on the night he was injured, from what it had previously been. His immediate superior, when giving him instructions about supplying the car with water, gave him no information or warning as to the change to be made in the manner of coupling, nor had he ever told him of it, or of the requirement that employees must look out for their own safety. The opinion of the court, delivered by Judge Williams, contains the following:

Plaintiff for many years had been in the service of this company, in different capacities, and had worked in the neighborhood of the depot at Houston, where he was hurt. About a week before he had received his injuries he was changed from his then occupation of cleaning stationary cars standing in sheds and on the tracks, and was put to perform the service in which he was hurt. This consisted, in a general way, of filling with water the tanks and cleaning out the water-closets in the cars of incoming and outgoing trains. His own evidence and that of his superior, Bloxsom, who had the power to employ and discharge such servants, and was the representative of the company, show that his previous experience was not sufficient to qualify him, without further instructions, for the new work, and that, in his new situation, there were risks which were not incident to his old, against which ordinary care for his safety required warning from the superior.

In view of the verdict of the jury, we conclude that by the change in the method of handling the cars on the night in question, plaintiff was exposed to a danger of which he was ignorant, and which his experience did not enable him to foresee; and that Bloxsom knew, or, by ordinary care, could have known it; and that such care would have required him to notify plaintiff of such danger; and that, in omitting to do so, he was guilty of negligence, which helped to cause plaintiff's injury. We further conclude that plaintiff was not guilty of negligence in failing to discover his danger before he was hurt, and that he did not assume the risk resulting from the absence of the regulation [for giving notice of danger], as he supposed there was one.

From these conclusions of fact, it results that plaintiff became entitled to recover of the receiver damages for his injuries. When the servant is inexperienced in the work which he is doing, and, with the knowledge of the master, is exposed to a danger of which he is ignorant, it is the duty of the latter to warn him; and when he fails to do so, and injury results to the servant, the master is liable. It is also the duty of the master, when engaged in a complex business, such as that in which the services of plaintiff were engaged, to adopt definite rules and regulations for the safety and protection of the employees. As plaintiff, under the evidence now before us, was situated so that he could not reasonably protect himself by watching out for the return of the switch engine with the cars attached, some method of warning was absolutely necessary for his safety, and the failure of the employer to provide for it entitles plaintiff to compensation for his injuries.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—*Houston and T. C. Ry. Co. v. Kelly. 35 Southwestern Reporter, page 878.*—This case was brought before the court of civil appeals of Texas on appeal from the district court of Washington County, where a judgment had been rendered for the plaintiff, Addie E. Kelly. The original action was brought to recover damages for the death of one Frank Kelly, caused by a wreck on the Houston and Texas Central Railroad in January, 1893. The court of civil appeals rendered its decision April 30, 1896, sustaining the judgment of the lower court, and deciding, among other points, that a servant is entitled to recover for an injury sustained by the joint negligence of the master and fellow-servants.

In its opinion, delivered by Judge Pleasants, the following language is used:

The proposition submitted under the fourth and fifth assignments of error is that, "if fast running contributed proximately to the accident, the train being operated at the time by fellow-servants of the deceased, the plaintiff could not recover." This proposition is not correct. If the accident was caused partly by the fast running of the train, and partly by the defects in the rail and the car wheel, and such defects were the result of the negligence of the defendant, it will not be denied that the deceased, if without contributory negligence on his part, might have recovered; and yet the "fast running of the train," through the negligence of the fellow-servants of the deceased, "contributed proximately to the accident." If injury result to the servant from the joint negligence of the master and fellow-servants, the master is liable.

MEASURE OF DAMAGES FOR WRONGFUL DISCHARGE—*Babcock v. Appleton Manufacturing Company. 67 Northwestern Reporter, page 33.*—This action was brought in the circuit court of Outagamie County, Wis., by Havilah Babcock against the Appleton Manufacturing Company to recover a balance of $60, wages as traveling agent, alleged to be due on contract. He entered into a contract with the company to work for it for a term of years for a stipulated sum per month, and the contract contained a stipulation that either party should have the right to terminate the contract on giving sixty days' notice. He worked for the company a short time, when he was discharged without notice, having been paid up to the time of such discharge. He brought the suit to recover for sixty days' wages at the contract price, and judgment was given in his favor. The defendant appealed to the supreme court of the State, and the decision of said court, affirming the judgment of the lower court, was rendered April 14, 1896.

The opinion of the court, delivered by Judge Marshall, contains the following:

It is claimed on the part of appellant that the court erred in allowing plantiff full wages for the sixty days; that the proper rule is the difference between the wages agreed upon and the amount the employee earned, or might reasonably have earned, in other employment; and that it was incumbent on the plaintiff to show how much less he was able to earn than he was to receive under the contract. The rule of damages is as claimed, but not the rule in respect to the burden of proof. In such a case, what the employee earned, or might have earned, defendant is only entitled to by way of mitigation of damages. It is a matter of recoupment, which it is incumbent upon defendant to set up and establish.

In Barker *v.* Insurance Co., 24 Wis., 630, it is stated, in effect, that while the rule is, in case an employee is discharged, without cause, before the expiration of his term, in a suit by him against his employer for wages for the balance of such term, that the damages may be reduced by the amount which he did earn, or might reasonably have earned, elsewhere, yet the burden is upon the defendant to show affirmatively that plaintiff did in fact earn elsewhere, or might have had employment and compensation therefor, and the probable amount of it, and, if he offers no evidence on the subject, then no question is presented in regard to mitigation of damages, under such rule, to be passed upon by either court or jury.

UNAUTHORIZED DISCHARGE OF SERVANT—DAMAGES—*Efron et al. v. Clayton. 35 Southwestern Reporter, page 424.*—The original action was brought in the county court of Limestone County, Tex., by I. K. Clayton against A. Efron & Co., to recover damages for breach of a contract of employment. There was a judgment rendered for the plaintiff for the full amount sued for, and the defendants appealed to the court of civil appeals of the State, which rendered its decision March 11, 1896, sustaining the judgment of the lower court. The evidence

showed that Clayton entered into a contract with Efron & Co., by which they employed him as a clerk for the cotton season, commencing about the 15th of August, 1893, and expiring about the 15th of April, 1894, at a salary of $1,500, agreeing to pay him also 25 cents per bale on all cotton sold to English merchants during said period, such salary and commissions to be paid monthly, if required. Plaintiff alleged in his petition that in accordance with the contract he entered upon and continued in the employ of appellants for said period, and continued therein three months, ending on the 15th day of November, 1893, at which time appellants, without just and lawful cause therefor, discharged him from their employment; that by reason of his employment and the terms of the contract, appellants became liable, undertook and promised to pay him the sum of $187.50 per month, amounting for the three months' services to $562.50, and that by reason of the premises he was damaged in the further sum of $400, amounting in all to $962.50.

The opinion of the court of civil appeals was delivered by Judge Neill, who, in the course of it, said:

The appellee proved every allegation necessary for him to recover the judgment. The appellants proved nothing, nor did they offer to prove anything. But they are here contending that there is no basis laid in appellee's petition for the $400 damages. The petition stated the contract, its wrongful breach, and the damages necessarily resulting therefrom, and was sufficient to support the judgment. When a servant has been wrongfully discharged, he may wait until the end of the term of his employment, and sue for the full amount of his salary, less any sum which the defendant may have the right to recoup. In such a case the actual damage is the actual loss inflicted by the discharge. It is the plaintiff's duty to use reasonable efforts to avoid loss by securing employment. The measure of damages is, therefore, the amount of wages he would have earned under the contract, deducting, however, such sums as he earned, or by reasonable diligence could have earned, elsewhere. The burden of proof is on the defendant to show that plaintiff might have obtained other employment, for the failure of the plaintiff to obtain other employment does not affect the right of action, but only goes in reduction of damages; and, if nothing else is shown, the plaintiff is entitled to recover the contract price upon proving the defendant's violation of the contract, and his own willingness to perform.

In view of these well-established principles of law, the appellants have no ground for complaining of the court's allowing the appellee to prove that he could not get employment for the entire time, and what he received for the time he was employed after he was discharged. There is no error in the judgment and it is affirmed.

LAWS OF VARIOUS STATES RELATING TO LABOR ENACTED SINCE ANUARY 1, 1896.

DISTRICT OF COLUMBIA.

ACTS OF 1895-96.

CHAPTER 303.—*Earnings of married women.*

SECTION 3. Any married woman may carry on any trade or business, occupation or profession by herself, or jointly with others, and perform any labor or services on her sole and separate account, and the earnings of any married woman from her trade, business, profession, occupation, labor, or services shall be her sole and separate property, and may be used and invested by her in her own name.

Approved June 1, 1896.

NEW YORK.

ACTS OF 1896.

CHAPTER 112.—*Intoxication of employees of common carriers.*

SECTION 41. Any person or officer of an association or corporation engaged in the business of conveying passengers or property for hire, who shall employ in the conduct of such business, as an engineer, fireman, conductor, switchtender, train dispatcher, telegrapher, commander, pilot, mate, fireman or in other like capacity, so that by his neglect of duty the safety and security of life, person or property so conveyed might be imperiled, any person who habitually indulges in the intemperate use of liquors, after notice that such person has been intoxicated, while in the active service of such person, association or corporation, shall be guilty of a misdemeanor.

Became a law March 23, 1896, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 384.—*Mercantile establishments—Employment of women and children.*

SECTION 1. No male under sixteen years of age, and no female under twenty-one years of age, employed in any mercantile establishment of this State, shall be required, permitted or suffered to work therein more than sixty hours in any one week; nor more than ten hours in any one day, unless for the purpose of making a shorter work day on any one day of the week; and in no case shall any male under sixteen years of age, nor any female under twenty-one years of age, work in any mercantile establishment after ten o'clock in the evening or before seven o'clock in the morning of any day. The foregoing provision of this section shall not be so construed as to apply to the employment of any person in any mercantile establishment on any Saturday of the year, except that the total number of hours of labor per week of a male under sixteen or a female under twenty-one shall not exceed sixty hours. None of the provisions of this section shall apply to the employment of any persons between the fifteenth day of December of any year and the first day of January of the year next following.

SEC. 2. No child under fourteen years of age shall be employed in any mercantile establishment in this State. It shall be the duty of every person employing children to keep a register in which shall be recorded the name, birthplace, age, and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any proprietor, agent, foreman, or other person in or connected with a mercantile establishment, to hire or employ any child under the age of sixteen years to work therein without there is first provided and placed on file in the office thereof a certificate as hereinafter set forth. Which said register and certificate shall be produced for inspection on demand made by the board or department of health or health commissioner or commissioners of any city or town or incorporated village where such child is employed. The certificate to be provided as above set forth shall be a certificate from the board or department of health or health

commissioner or commissioners of the city or town where such child resides or is employed, or is about to be employed, which said certificate shall state the date and place of birth of such child whenever possible, and shall describe as accurately as may be the color of hair, color of eyes, height and weight, and any distinguishable facial marks of said child, and shall further state that the health commissioner or commissioners or the executive officer or officers of the board, or department of health, or any person or persons designated by him or them, as hereinafter provided, is satisfied that such child is physically able to perform the work which it intends to do, and that the date of birth of said child as set forth in said certificate is correct. Wherever the date of birth of such child can not be ascertained by said board or department of health, health commissioner or commissioners, such certificate so provided shall so set forth and shall state that the health commissioner or commissioners or executive officer or officers of the board or department of health, or the person or persons designated by them as hereinafter provided is satisfied that such child is fourteen years of age or upwards. It shall be the duty of the board or department of health or health commissioner or commissioners of the cities and towns of the State to issue the certificates as above set forth to any child applying therefor: *Provided, however,* That such board or department of health, or health commissioner or commissioners, shall first ascertain the date and place of birth of the child wherever possible, the color of hair, color of eyes, height and weight, and any distinguishing facial marks of said child, and the physical fitness of such child for the work which it intends to do. Such certificate shall not be issued, however, unless there shall be placed on file with such board or department of health, or health commissioner or commissioners, the affidavit of the parent or guardian of such child, or person standing in parental relation to it, stating the age, date and place of birth of said child, and unless such board or department of health or health commissioner or commissioners, or any person or persons designated by them as hereinafter set forth, are satisfied that said child is fourteen years of age or upwards, and has regularly attended upon instruction at a school in which at least the common branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at a school for a period equal to one school year, that is to say, to as many days as the public school of the city or school district in which such child resides was in session during the last preceding school year; or if said child be a nonresident, then to as many days of the public school of the city or town where such child is or is about to be employed was in session during the last preceding school year. The foregoing provisions of this section shall not, however, be so construed as to prevent any child twelve years of age or upwards, who can read and write simple sentences in the English language from being employed in any mercantile establishment in this State during the vacation of the public schools in the city or school district where such child lives, or if such child be a nonresident, then during the vacation of the public schools in the city or school district where said mercantile establishment is situated, if all of the provisions hereinbefore set forth, except that requiring school attendance shall have been complied with. Where such child of the age of twelve years or upwards has complied with all the provisions of this section except that requiring school attendance, the certificate issued by the board or department of health, or health commissioner or commissioners of the city or town in which such child resides shall so set forth, and shall be designated a "vacation certificate," and it shall be unlawful for any proprietor, agent, foreman, or other person in or connected with a mercantile establishment, to hire or employ any child under the age of fourteen years, to whom such "vacation certificate" only has been issued, at any time other than the time of the school vacation of the public school in the city or school district where such child resides, or if it be a nonresident, at any time other than the time of the school vacation of the public school in the city or school district where such mercantile establishment is situated, the certificate or certificates to be issued in accordance with the provisions of this section shall be over the signature of the board or department of health or any executive officer or officers thereof, or of the health commissioner or commissioners of the city or town where such child resides or is employed, or about to be employed, or over the signature of any person or persons designated by such board or department, or health commissioner or commissioners for that purpose, which designation shall be in writing, and filed in the office of the clerk of the county in which the office of said board or department of health or health commissioner or commissioners is situated. It shall be the duty of the principal or the executive officer of any school, or of a teacher elsewhere than at a school, to furnish upon demand to any child who has attended upon instruction at such school, or by such teacher, or to furnish to the board or department of health, or health commissioner or commissioners of any city or town a certificate stating the school attendance by such child.

SEC. 3. It shall be unlawful for any notary public or other officer authorized and empowered by law to administer to any person an oath, to demand or receive a fee

for taking or administering an oath, to a parent or guardian or a person in parental relation to any child as to the age of such child, where the affidavit thus taken is used or intended to be used for the purpose of obtaining a certificate as provided for in the foregoing section, from any board or department of health or health commissioner or commissioners as therein set forth.

SEC. 4. The words "mercantile establishment" wherever used in this act shall be construed to mean any place where goods, wares, or merchandise are offered for sale.

SEC. 5. A suitable and proper washroom and water-closets shall be provided in each mercantile establishment in which women and children are employed, or in or adjacent to or connected with the building in which such mercantile establishment so having women and children employed therein is situated, and so located and arranged as to be easily accessible to the employees of such establishment, and such water-closets shall be properly screened and ventilated, and kept at all times in a clean condition, and the water-closets assigned to the women and girls employed in such establishment shall be wholly separate and apart from those assigned to men. Wherever a lunchroom is provided in any retail mercantile establishment where females are employed, such place shall not be next to or adjoining any water-closet or water-closets, unless permission is first obtained from the board or department of health, or health commissioner or commissioners of the city or town where such mercantile establishment is situated, which permission shall be granted by such board or department of health, or health commissioners unless such board or department of health or health commissioner or commissioners are satisfied that proper sanitary conditions do not exist, and such permission shall be revoked at any time when such board or department of health or health commissioner or commissioners are satisfied that such lunchroom or lunch place is kept in a manner or in a part or parts of the building injurious to the health of the persons using the same.

SEC. 6. It shall be the duty of all employers of females in any mercantile establishment to provide and maintain chairs or stools or other suitable seats for the use of such female employees to the number of one seat for every three females employed, and to permit the use of such seats by such employees, at reasonable times, to such an extent as may be requisite for the preservation of their health. And such employees shall be permitted to use same as above set forth in front of the counter, table, desk or any fixture, when the female employee for the use of whom said seat shall be kept and maintained is principally engaged in front of said counter, table, desk, or fixture; and behind such counter, table, desk or fixture, when the female employee, for the use of whom said seat shall be kept and maintained is principally engaged behind said counter, table, desk or fixtures.

SEC. 7. No women or children shall be employed in the basement of any mercantile establishment unless permission is obtained by the proprietor of the establishment from the board or department of health or health commissioner or commissioners in the city or town in which said mercantile establishment is situated, allowing the employment of women and children in such basement. The board or department of health or health commissioner or commissioners shall not grant such permission unless they are satisfied that such basement is sufficiently lighted and ventilated and is in all respects in the sanitary condition which is necessary for the health of those employed.

SEC. 8. Not less than forty-five minutes shall be allowed for the noonday meal in any mercantile establishment in this State.

SEC. 9. It shall be the duty of the board or department of health or health commissioner or commissioners of the cities and towns in the State to cause this act to be enforced, and whenever any of the provisions of this act are violated to cause all violators thereof to be prosecuted, and for that purpose, the health commissioner or commissioners and the officers or officer of the board of health of every city or town in the State, or the inspectors thereof, or any other persons designated by such board of health or health commissioners, are authorized and empowered to visit and inspect at all reasonable hours and as often as shall be practicable and necessary all mercantile establishments in the city or town in which the office of said board or department of health or health commissioner or commissioners is situated. It shall be unlawful for any person to interfere with or obstruct or injure by force or otherwise any officer or employee of any board or department of health or of any health commissioner or commissioners appointed to enforce the provisions of this act, while in the performance of his or her duties, or to refuse to properly answer questions asked by such officer or employees in reference to any of the provisions of this act.

SEC. 10. Proceedings under this act must be begun within thirty days after the commission of the alleged offense.

SEC. 11. Any person who violates or omits to comply with any of the foregoing provisions of this act, or who suffers or permits any child to be employed in violation of its provisions, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty dollars, nor more than one hundred dollars for a first offense, and not less than forty dollars nor more than two hundred dollars,

or by imprisonment of not more than sixty days for a second offense, and for a third offense by a fine of not less than two hundred dollars nor more than three hundred dollars, or by imprisonment of not more than ninety days, or by both such fine and imprisonment. If the board or department of health, or health commissioner or commissioners charged by the ninth section of this act with the duty of causing this act to be enforced, shall discover that any mercantile establishment has more than four women and children employed therein, so as to require such provisions of washroom and water-closets to be made therefor, as by the fifth section of this act is required, and that such washroom and water-closets have not been provided, it shall be the duty of such board or department of health, or health commissioner or commissioners to cause to be served on the owner or owners of the building in which such mercantile establishment is situated, written notice of such omission, and requiring such washroom and water-closets to be provided, and if such owner or owners shall thereupon cause fit washroom and water-closets to be provided within fifteen days after receipt of such notice, he or they shall not be deemed guilty of a misdemeanor in respect of the obligation to provide the same.

SEC. 12. A copy of this act shall be posted in three different conspicuous parts of every mercantile establishment in this State where persons are employed who are affected by the provisions of this act. The foregoing provisions of this act shall apply to cities and incorporated villages of this State which at the last State census had a population of three thousand or more.

SEC. 13. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 14. This act shall take effect September first, eighteen hundred and ninety-six.

Became a law April 23, 1896, with the approval of the governor. Passed, a majority being present.

CHAPTER 429.—*Convict labor—State prisons, penitentiaries, and reformatories.*

SECTION 1. Sections ninety-seven to one hundred and nine, inclusive, * * * of title two of chapter three of part four of the revised statutes relating to State prisons, and for other purposes connected therewith, as amended and superseded by chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, are hereby amended so that said sections shall read as follows:

§ 97. The superintendent of State prisons shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner in any State prison, reformatory, penitentiary or jail in this State, or the product or profit of his work, shall be contracted, let, farmed out, given or sold to any person, firm, association or corporation; except that the convicts in said penal institutions may work for, and the products of their labor may be disposed of, to the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof.

§ 98. The superintendent of State prisons, the superintendents, managers and officials of all reformatories and penitentiaries in the State, shall, so far as practicable, cause all the prisoners in said institutions, who are physically capable thereof, to be employed at hard labor, for not to exceed eight hours of each day, other than Sundays and public holidays, but such hard labor shall be either for the purpose of production of supplies for said institutions, or for the State, or any political division thereof, or for any public institution owned or managed and controlled by the State, or any political division thereof; or for the purpose of industrial training and instruction, or partly for one, and partly for the other of such purposes.

§ 99. The labor of the prisoners of the first grade in each of said prisons, reformatories and penitentiaries, shall be directed with reference to fitting the prisoner to maintain himself by honest industry after his discharge from imprisonment, as the primary or sole object of such labor, and such prisoners of the first grade may be so employed at hard labor for industrial training and instruction solely, even though no useful or salable products result from their labor, but only in case of such industrial training or instruction can be more effectively given in such manner. Otherwise, and so far as is consistent with the primary object of the labor of prisoners of the first grade as aforesaid, the labor of such prisoners shall be so directed as to produce the greatest amount of useful products, articles and supplies needed and used in the said institutions, and in the buildings and offices of the State, or those of any political division thereof, or in any public institution owned or managed and controlled by the State or any political division thereof, or said labor may be for the State, or any political division thereof.

§ 100. The labor of prisoners of the second grade in said prisons, reformatories and penitentiaries shall be directed primarily to labor for the State or any political division thereof, or to the production and manufacture of useful articles and supplies for said institutions, or for any public institution owned or managed and controlled by the State, or any political division thereof.

§ 101. The labor of prisoners of the third grade shall be directed to such exercise as shall tend to the preservation of health, or they shall be employed in labor for the State, or a political division thereof, or in the manufacture of such useful articles and supplies as are needed and used in the said institutions, and in the public institutions owned or managed and controlled by the State, or any political division thereof.

§ 102. All convicts sentenced to State prisons, reformatories and penitentiaries in the State, shall be employed for the State, or a political division thereof, or in productive industries for the benefit of the State, or the political divisions thereof, or for the use of public institutions owned or managed and controlled by the State, or the political divisions thereof, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the State commission of prisons.

§ 103. The labor of the convicts in the State prisons and reformatories in the State, after the necessary labor for and manufacture of all needed supplies, for said institutions, shall be primarily devoted to the State and the public buildings and institutions thereof, and the manufacture of supplies for the State, and public institutions thereof, and secondly to the political divisions of the State, and public institutions thereof; and the labor of the convicts in the penitentiaries, after the necessary labor for and manufacture of all needed supplies for the same, shall be primarily devoted to the counties, respectively, in which said penitentiaries are located, and the towns, cities and villages therein, and to the manufacture of supplies for the public institutions of the counties, or the political divisions thereof, and secondly to the State and the public institutions thereof.

§ 104. It shall be the duty of the superintendent of State prisons to distribute, among the penal institutions under his jurisdiction, the labor and industries assigned by the commission to said institutions, due regard being had to the location and convenience of the prisons, and of the other institutions to be supplied, the machinery now therein, and the number of prisoners, in order to secure the best service and distribution of the labor, and to employ the prisoners, so far as practicable, in occupations in which they will be most likely to obtain employment after their discharge from imprisonment; to change or dispose of the present plants and machinery in said institutions now used in industries which shall be discontinued, and which can not be used in the industries hereafter to be carried on in said prisons, due effort to be made by full notice to probable purchasers, in case of sales of industries or machinery, to obtain the best price possible for the property sold, and good will of the business to be discontinued. The superintendent of State prisons shall annually cause to be procured and transmitted to the legislature, with his annual report a statement showing in detail, the amount and quantity of each of the various articles manufactured in the several penal institutions under his control and the labor performed by convicts therein, and of the disposition thereof.

§ 105. The superintendent of State prisons, and the superintendents of reformatories and penitentiaries, respectively, are authorized and directed to cause to be manufactured by the convicts in the prisons, reformatories, and penitentiaries such articles as are needed and used therein, and also such as are required by the State or political divisions thereof, and in the buildings, offices and public institutions owned or managed and controlled by the State, including articles and materials to be used in the erection of the buildings. All such articles manufactured in the State prisons, reformatories and penitentiaries, and not required for use therein, may be furnished to the State, or to any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof, at and for such prices as shall be fixed and determined as hereinafter provided, upon the requisitions of the proper officials, trustees or managers thereof. No articles so manufactured shall be purchased from any other source, for the State or public institutions of the State, or the political divisions thereof, unless said State commission of prisons shall certify that the same can not be furnished upon such requisition, and no claim therefor shall be audited or paid without such certificate.

§ 106. On or before October first in each year, the proper officials of the State, and the political divisions thereof, and of the institutions of the State, or political divisions thereof, shall report to the said commission of prisons estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them that can be furnished by the penal institutions in the State. The said commission is authorized to make regulations for said reports, to provide for the manner in which requisitions shall be made for supplies, and to provide for the proper diversification of the industries in said penal institutions.

§ 107. The comptroller, the State commission of prisons and the superintendent of State prisons and the lunacy commission shall fix and determine the prices at which all labor performed, and all articles manufactured and furnished to the State, or the political divisions thereof, or to the public institutions thereof, shall be fur-

nished, which prices shall be uniform to all, except that the prices for goods or labor furnished by the penitentiaries, to or for the county in which they are located, or the political divisions thereof, shall be fixed by the board of supervisors of such counties, except New York and Kings counties, in which the prices shall be fixed by the commissioners of charities and correction, respectively. The prices shall be as near the usual market price for such labor and supplies as possible. The State commission of prisons shall devise and furnish to all such institutions a proper form for such requisition and the comptroller shall devise and furnish a proper system of accounts to be kept for all such transactions.

§108. Every prisoner confined in the State prisons, reformatories and penitentiaries, who shall become entitled to a diminution of his term of sentence by good conduct, may, in the discretion of the agent and warden, or of the superintendent of the reformatory, or superintendent of the penitentiary, receive compensation from the earnings of the prison or reformatory or penitentiary in which he is confined, such compensation to be graded by the agent and warden of the prison for the prisoners therein, and the superintendent of the reformatory and penitentiary, for the prisoners therein, for the time such prisoner may work, but in no case shall the compensation allowed to such convicts exceed in amount ten per centum of the earnings of the prison or reformatory or penitentiary in which they are confined. The difference in the rate of compensation shall be based both on the pecuniary value of the work performed, and also on the willingness, industry and good conduct of such prisoner; *Provided,* That whenever any prisoner shall forfeit his good time for misconduct or violation of the rules or regulations of the prison, reformatory or penitentiary, he shall forfeit out of the compensation allowed under this section fifty cents for each day of good time so forfeited, *And provided,* That prisoners serving life sentences shall be entitled to the benefit of this section when their conduct is such as would entitle other prisoners to a diminution of sentence, subject to forfeiture of good time for misconduct as herein provided. The agent and warden of each prison, or the superintendent of the reformatory or superintendent of the penitentiary may institute and maintain a uniform system of fines, to be imposed at his discretion, in place of his other penalties and punishments, to be deducted from such compensation standing to the credit of any prisoner, for misconduct by such prisoner.

§ 109. All moneys received for fines under this act, from prisons and reformatories, shall be credited to a general fund, and be disbursed by direction of the superintendent of prisons, for special aid to discharge[d] prisoners who are infirm, indigent, or in any way incapable to an unusual degree, of earning a sufficient subsistence after their release, and all moneys received for fines imposed under this act by the superintendents of penitentiaries, shall be credited to a general fund and be disbursed by direction of the board of supervisors of the counties in which they are located, except that in the counties of New York and Kings they shall be disbursed by direction of the commissioners of charities and corrections.

SEC. 3. Section three of chapter three hundred and eighty-two of the laws of eighteen hundred and eighty-nine, entitled "An act to amend title two of chapter three of part four of the Revised Statutes relating to State prisons, and for other purposes connected therewith," is hereby amended so as to read as follows:

§ 3. The managers of the New York State Reformatory at Elmira, and the managing authorities of all the penitentiaries or other penal institutions in this State, are hereby authorized and directed to conduct the labor of prisoners therein, respectively, in like manner and under like restrictions, as labor is authorized by sections ninety-seven and ninety-eight of this act, as hereby amended, to be conducted in State prisons.

SEC. 4. All laws and parts of laws inconsistent with any of the provisions of this act are hereby repealed.

SEC. 5. This act shall take effect on the first day of January, eighteen hundred and ninety-seven.

Became a law May 4, 1896, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 485.—*Automatic couplers on freight cars.*

SECTION 1. Section two of chapter five hundred and forty-four of the laws of eighteen hundred and ninety-three, entitled "An act to promote the safety of railway employees by compelling the equipment of freight cars with automatic couplers," is hereby amended to read as follows:

§ 2. That from and after the passage of this act, in addition to such new freight cars, there shall be equipped each year with such couplers, by every company operating a line or lines of railroad within the State, at least twenty per centum of all freight cars owned or operated by such companies, and used within the State, which are not so equipped, except certain cars known and designated as "coal jimmies," and that on and after the first day of January, eighteen hundred and ninety-eight, the use of said "coal jimmies" in any form shall be unlawful within this State, except

upon any railroad whose main line is less than fifteen miles in length and whose average grade exceeds two hundred feet to the mile, under penalty of one hundred dollars for each offense, said penalty to be recovered in an action to be brought by the attorney-general, in the name of the people, and in the judicial district where the principal office of the company within the State is located. This section shall not be construed to authorize the interchange of such "coal jimmies" with, and the use therefor upon, railroads of more than fifteen miles in length or whose average grade is less than two hundred feet to the mile.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Became a law May 9, 1896, with the approval of the governor. Passed, a majority being present.

CHAPTER 486.—*Safety brakes on freight cars, etc.*

SECTION 1. Section two of chapter five hundred and forty-three of the laws of eighteen hundred and ninety-three is hereby amended to read as follows:

§ 2. That from and after the passage of this act, in addition to all freight cars now so equipped, there shall be equipped each year, with the continuous power or air brakes by every company operating a line or lines of railroad within the State, at least ten per centum of all freight cars owned or operated by such companies and used within the State, except certain cars known and designated as "coal jimmies," and that on and after the first day of January, eighteen hundred and ninety-eight, the use of the said "coal jimmies" in any form shall be unlawful within the State, except upon any railroad whose main line is less than fifteen miles in length and whose average grade exceeds two hundred feet to the mile, under a penalty of one hundred dollars for each offense, said penalty to be recovered in an action to be brought by the attorney-general in the name of the people and in the judicial district where the principal office of the company within the State is located. This section shall not be construed to authorize the interchange of such "coal jimmies" with, and the use thereof upon, railroads of more than fifteen miles in length or whose average grade is less than two hundred feet to the mile.

SEC. 2. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Became a law May 9, 1896, with the approval of the governor. Passed, a majority being present.

CHAPTER 738.—*Liens of stone cutters, paving cutters, etc.*

SECTION 1. Every person employed in any of the sandstone, granite, bluestone or marble quarries, yards or docks, wherein granite, sandstone, bluestone or marble is dressed, cut or quarried in this State, at any time within thirty days after the completion of the labor of excavating, quarrying, dressing or cutting of sandstone, granite, bluestone or marble, may file a notice in writing, specifying the amount due for such labor, the kind of labor performed, the person or corporation employing the claimant, the dimensions and a brief description of the quantity of granite, bluestone, marble or sandstone against which such claim is made and upon which such service was rendered, in the town clerk's office of the town, or the place wherein chattel mortgages are required to be filed by law, wherein such quarry is located. Such notice of lien shall operate as a lien upon the sandstone described therein upon which the work, labor and service was rendered from the time of filing the same.

SEC. 2. Such lien shall be foreclosed in the same manner as specified in article two of title two of chapter fourteen of the code of civil procedure, entitled "Action to foreclose chattel."

SEC. 3. A copy of the notice so filed shall be served upon the person or corporation against whom such claim shall exist, or the person in charge of the quarry, yards or docks, wherein such service shall be rendered within five days after the filing of the same.

SEC. 4. The town clerk or officer filing such notice of lien, herein provided for, shall be entitled to a fee of twelve cents for filing the same. Said clerk shall enter in the book used for making entries of filing a chattel mortgage a memorandum of the filing of the lien herein provided for.

SEC 5. Any person or corporation against whom any such lien is filed, as herein provided for, may secure a certificate from the officer with whom such lien is filed discharging the property therein described from the lien and effect of the same, upon the person or corporation filing with the said officer an undertaking signed by one or more sureties who shall justify in an amount equal to twice the amount of said lien, to be approved of by the officer with whom such lien is filed, conditioned for the payment of the amount of such lien and costs and charges of collecting the same.

SEC. 6. Nothing herein contained shall be construed to extend the lien herein provided for to any material which shall have become a part of any building or structure

or cease to be the property of the person or corporation for whom such labor was performed, and in no case shall the owner of any quarry, yard or dock be liable to pay by reason of all the liens filed pursuant to this act a greater sum than the price stipulated and agreed to be paid in the contract for the excavating, quarrying, dressing or cutting of such stone, and remaining unpaid at the time of the filing of such lien, or in case there is no contract, than the amount of the value of such labor then remaining unpaid.

SEC. 7. This act shall take effect immediately.

Became a law May 19, 1896, with the approval of the governor. Passed, a majority being present.

CHAPTER 789.—*Brickyards—Hours of labor.*

SECTION 1. Section two of chapter six hundred and ninety-one of the laws of eighteen hundred and ninety-three, entitled "An act to fix and determine the hours of labor of employees on brickyards owned or operated by corporations," is hereby amended so as to read as follows:

§ 2. It shall be unlawful for any corporation owning or operating a brickyard within this State to require employees to work more than ten hours in any one day, or to commence work earlier than seven o'clock in the morning, but overwork for an extra compensation, and work prior to seven o'clock in the morning by agreement between employer and employee is hereby permitted.

SEC. 2. This act shall take effect immediately.

Became a law May 20, 1896, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 909.—*Time to vote allowed employees.*

SECTION 1. This chapter shall be known as the election law.

SEC. 109. Any person entitled to vote at a general election held within this State, shall on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours, while the polls of such election are open. If such elector shall notify his employer before the day of such election of such intended absence, and if thereupon two successive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer upon the day of such notice, makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such elector, and no other penalty shall be imposed upon him by his employer by reason of such absence. This section shall be deemed to include all employees of municipalities.

Became a law May 27, 1896, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 931.—*Marking of convict-made goods.*

SECTION 1. All goods, wares, and merchandise made by convict labor in any penitentiary, prison, reformatory or other establishment in which convict labor is employed shall, before being sold, or exposed for sale, be branded, labeled or marked as hereinafter provided, and shall not be exposed for sale in any place within this State without such brand, label or mark.

SEC. 2. The brand, label or mark hereby required shall contain at the head or top thereof the words "convict made," followed by the year and name of the penitentiary, prison, reformatory or other establishment in which it was made, in plain English lettering, of the style and size known as great primer roman condensed capitals. The brand or mark shall in all cases, where the nature of an article will permit, be placed upon the same, and only where such branding or marking is impossible shall a label be used, and where a label is used it shall be in the form of a paper tag, which shall be attached by wire to each article, where the nature of the article will permit, and placed securely upon the box, crate or other covering in which such goods, wares or merchandise may be packed, shipped or exposed for sale. Said brand, mark or label shall be placed upon the outside of and upon the most conspicuous part of the finished article and its box, crate or covering.

SEC. 3. It shall be the duty of the commissioner of labor statistics and the district attorneys of the several counties to enforce the provisions of this act, and of section three hundred and eighty-four of the penal code, and when, upon complaint or otherwise, the commissioner of labor statistics has reason to believe that this act is being violated, he shall advise the district attorney of the county wherein such alleged violation has occurred of that fact, giving the information in support of his conclusions, and such district attorney shall at once institute the proper legal proceedings to compel compliance with this act.

SEC. 4. It shall be lawful for any person, persons or corporation to furnish evidence as to the violation upon the part of any person, persons or corporation, and upon the conviction of any such person, persons or corporation, one-half of the fine provided for by section three hundred and eighty-four *b* of the penal code, which shall be secured, shall be paid upon certificate by the district attorney to the commissioner of labor statistics, who shall use such money in investigating and securing information in regard to the violations of this act and in paying the expenses of such conviction.

SEC. 5. Section three hundred and eighty-four *b* of the penal code is hereby amended so as to read as follows:

§ 384*b*. Penalty for dealing in convict-made goods without labeling.—A person having in his possession for the purpose of sale, or offering for sale, any convict-made goods, wares or merchandise hereafter manufactured and sold, or exposed for sale, in this State without the brand, mark or label required by law, or removes or defaces such brand, mark or label, is guilty of a misdemeanor, punishable by a fine not exceeding ten hundred dollars nor less than one hundred dollars, or imprisonment for a term not exceeding one year nor less than ten days, or both.

SEC. 6. Chapter three hundred and twenty-three of the laws of eighteen hundred and eighty-seven, and chapter six hundred and ninety-eight, laws of eighteen hundred and ninety-four, are hereby repealed.

SEC. 7. This act shall take effect November first, eighteen hundred and ninety-six.

Became a law May 27, 1896, with the approval of the governor. Passed, a majority being present.

CHAPTER 936.—*Protection of workmen on buildings—Life and limb.*

SECTION 1. It shall be the duty of all contractors and owners when constructing buildings in any of the cities of the State, where the plans and specifications require the floors to be arched, between the beams thereof, or where the said floors or filling in between floors shall be of fireproof material or brickwork, to complete the said flooring or filling in as the building progresses to not less than within three tiers of beams below that on which the iron work is being erected.

SEC. 2. It shall be the duty of all contractors for carpenter work of buildings, in the course of construction, in any of the cities of the State, where the plans and specifications do not require the filling in between the beams of the floor to be of brick or fireproof work to lay the under flooring thereof as the building progresses on each story to not less than within two stories below the one to which the said building has been erected. Where double floors are not used, the contractor shall be required to keep planked over the floor two stories below that one [on] which the work is being carried on.

SEC. 3. It shall be the duty of all contractors for iron or steel work of buildings in the course of construction or the owners thereof, in cases where the floor beams are of iron or steel, to thoroughly plank over the entire tier of iron or steel beams on which the structural iron or steel work is being erected, except such spaces as may be reasonably required for proper construction of said iron or steel work and for the raising or lowering of materials used or to be used in the construction of the said building or such spaces as may be designated by the plans and specifications for stairways and elevator shafts.

SEC. 4. The chief officer, in any city, charged with the enforcement of the building laws of such city, is hereby charged with enforcing the provisions of this act.

SEC. 5. Any violation of the provisions of this act shall be a misdemeanor and on conviction shall be punishable by a fine, for each violation thereof, of not less than twenty-five nor more than two hundred dollars.

SEC. 6. This act shall take effect immediately.

Became a law May 27, 1896, with the approval of the governor. Passed, a majority being present.

CHAPTER 982.—*Free public employment bureaus.*

SECTION 1. It shall be the duty of the commissioner of statistics of labor, immediately upon the passage of this act, to organize and establish in all cities having a population of one million five hundred thousand inhabitants or more, a free public employment office or bureau for the purpose of receiving all applications for labor on the part of those seeking employment and all applications for help on the part of those desiring to employ labor, and to appoint a superintendent and such clerical assistants for each office so organized as in the judgment of said commissioner may appear necessary for the proper conduct of the duties of the several offices.

SEC. 2. It shall be the duty of the superintendent of every free public employment office so organized to receive and record, in a book to be kept for that purpose, the names of all persons applying for labor or help, designating opposite the name of

each applicant the character of employment or labor desired, and the address of such applicant It shall also be the duty of every such superintendent to make a weekly report on Thursday of each week to said commissioner of the names and addresses of all applicants both for labor and help, and the character of the employment or labor desired, and also the names of all persons securing employment through the respective offices. Said superintendent shall also perform such other duties in the collection of labor statistics, and in the keeping of books and accounts of their respective offices as the commissioner may determine, and shall make a semiannual report of the expense of maintaining their respective offices to the commissioner.

SEC. 3. It shall be the duty of the commissioner to cause to be printed weekly a list of all applicants for labor or help, and the character of the employment or labor desired, received by him from the various offices organized pursuant to the provisions of this act, and to cause two copies of such list to be mailed on Monday of each week to the superintendent of each of said offices in the State, one of which copies shall be posted by the superintendent immediately on receipt thereof in a conspicuous place in his office, subject to the inspection of all persons desiring labor or help, and the other of which copies shall be filed by the superintendent in his office for reference. Said commissioner shall also cause one copy of such list to be mailed to the supervisor of each township in this State.

SEC. 4. Every application for labor or help made to any office organized under this act shall be null and void after thirty days from the receipt unless renewed by the applicant.

SEC. 5. Every applicant for help shall notify the superintendent of the office to which the application was made, by mail, within ten days after the required help designated in his or her application has been secured, which notice shall contain the name and last preceding address of the employee secured through such office, and any refusal or failure by any applicant for help so to notify such superintendent shall bar such applicant from all future rights and privileges of such employment office, at the discretion of the commissioner, to whom the superintendent shall report such refusal or failure.

SEC. 6. No compensation or fee whatsoever shall, directly or indirectly, be charged or received from any person or persons applying for labor or employment through said officers. The commissioner, any superintendent or clerk, or any person employed in any such offices charging or receiving any other compensation or fee from any applicant for labor whomsoever, as provided in this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding one hundred dollars or imprisonment not exceeding thirty days.

SEC. 7. Applicants for help shall be construed to mean employers wanting employees, and applicants for labor shall be construed to mean persons wanting work to do.

SEC. 8. The tenure of office for all superintendents and clerks of free public employment offices shall be two years from the date of appointment, but the commissioner shall have power of removing any such superintendents and clerks for good and sufficient cause.

SEC. 9. The superintendent of each of the offices organized under the provisions of this act shall receive a salary, payable monthly, which shall be fixed by the commissioner, but which shall in no case exceed the sum of one thousand two hundred dollars per annum. The clerk or clerks required in such offices shall receive a salary of not more than fifty dollars per month. Salaries, postage, stationery and other expenses necessary for the proper conduct of the business of such free public employment offices shall be paid by the State out of any funds of the State treasury not otherwise appropriated.

SEC. 10. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the State treasury, out of any moneys not otherwise appropriated, to carry into effect the provisions of this act, to be paid by the treasurer upon the warrant of the comptroller.

SEC. 11. This act shall take effect immediately.

Became a law May 28, 1896, with the approval of the governor. Passed, three-fifths being present.

CHAPTER 991.—*Employment of children in factories, etc.—Sweating system.*

SECTION 1. Section two of chapter four hundred and nine of the laws of eighteen hundred and eighty-six, as amended by chapter six hundred and seventy-three of the laws of eighteen hundred and ninety-two, is hereby amended so as to read as follows:

§ 2. No child under fourteen years of age shall be employed in any manufacturing establishment in this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it

shall be unlawful for any proprietor, agent, foreman or other person in or connected with a manufacturing establishment to hire or employ any child under the age of sixteen years to work therein without there is first provided and placed on file in the office thereof a certificate as hereinafter set forth, which said register and certificate shall be produced for inspection on demand made by the inspector, assistant inspector or any of the deputies appointed under this act. The certificate to be provided as above set forth shall be a certificate from the board or department of health or health commissioner or commissioners of the city, town or incorporated village where such child resides or is employed or is about to be employed, which said certificate shall state the date and place of birth of such child whenever possible, and shall describe as accurately as may be the color of hair, color of eyes, height and weight, and any distinguishing facial marks of said child, and shall further state that the health commissioners [commissioner] or commissioners, or the executive officer or officers of the board or department of health, or any person or persons designated by him or them as hereinafter provided, is satisfied that such child is physically able to perform the work which it intends to do, and that the date of birth of said child as set forth in said certificate is correct. Wherever the date of birth of such child can not be ascertained by said health commissioner or commissioners or board or department of health, such certificate so provided shall so set forth and shall state that the health commissioner or commissioners or executive officer or officers of the board or department of health, or the person or persons designated by them as hereinafter provided, is satisfied that such child is fourteen years of age or upwards. It shall be the duty of the health commissioner or commissioners and the board or department of health of the cities, towns and incorporated villages of the State to issue the certificate as above set forth to any child applying therefor; *Provided, however*, That such health commissioner or commissioners, board or department of health, shall first ascertain the date and place of birth of the child, wherever possible, the color of hair, color of eyes, height and weight, and any distinguishing facial marks of said child, and the physical fitness of such child for the work which it intends to do. Such certificate shall not be issued, however, unless there shall be placed on file with such health commissioner or commissioners, board or department of health, the affidavit of the parent or guardian of such child, or person standing in parental relation to it, stating the age, date and place of birth of said child, and unless such health commissioner or commissioners, board or department of health, or any person or persons designated by them as hereinafter set forth are satisfied that said child is fourteen years of age and has regularly attended upon instruction at a school in which at least the common branches of reading, spelling, writing, arithmetic, English grammar, and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at a school for a period equal to one school year, that is to say, as many days as the public school of the city or school district in which such child resides was in session during the last preceding year, or if said child be a nonresident, then as many days as the public school of the city or town where such child is or is about to be employed was in session during the last previous school year. The foregoing provisions of this section shall not, however, be so construed as to prevent any child fourteen years of age or upward who can read and write simple sentences in the English language from being employed in any manufacturing establishment in this State during the vacation of the public schools in the city or school district where such child lives, or if such child be a nonresident then, during the vacation of the public schools in the city or school district where said manufacturing establishment is situated, if all of the provisions hereinbefore set forth except that requiring school attendance shall have been complied with. Where such child of the age of fourteen years or upwards has complied with all the provisions of this section except that requiring school attendance, the certificate issued by such health commissioner or commissioners, board or department of health, of the city or town shall so set forth and shall be designated a "vacation certificate," and it shall be unlawful for any proprietor, agent, foreman or other person in or connected with a manufacturing establishment, to hire or employ any child under the age of sixteen years to whom only such "vacation certificate" has been issued at any time other than the time of the school vacation of the public school in the city or school district where such child resides, or if it be a nonresident, at any time other than the time of the school vacation of the public school in the city or school district where such manufacturing establishment is situated. The certificate or certificates to be issued in accordance with the provisions of this section shall be over the signature of the board or department of health or any executive officer or officers thereof, or the health commissioner or commissioners of the city, town or incorporated village where such child resides or is employed or about to be employed, or over the signature of any person or persons designated by such board or department of health, or health commissioner or commissioners, for that purpose, which designation shall be in writing and filed in the office of the clerk of the county in which the office of such board or department of health or health commissioner or commissioners is

situated. It shall be the duty of the principal or executive officer of any school or of a teacher elsewhere than at a school, to furnish, upon demand, to any child who has attended upon instruction at such school or by such teacher, or to furnish to the factory inspector, assistant factory inspector or any deputy factory inspector, a certificate stating the school attendance by such child. It shall be the duty of the board or department of health and health commissioner or commissioners in every city, town and incorporated village in the State to forward over their official signature, between the first and tenth days of each month, to the factory inspector at his principal office, a list setting forth the names of the children to whom the certificates herein provided have been issued, and the age, date and place of birth, whenever possible, color of eyes, color of hair, height, weight and distinguishing facial marks of such child or children. It shall be unlawful for any notary public or other officer authorized and empowered by law to administer to any person an oath, to demand or receive a fee for taking or administering an oath to a parent of, guardian of, or person in parental relation to any child as to the age of such child where the affidavit thus taken is used or intended to be used for the purpose of obtaining a certificate as provided for in the foregoing section from any board or department of health or health commissioner or commissioners as herein set forth.

SEC. 2. Section thirteen of chapter six hundred and seventy-three of the laws of eighteen hundred and ninety-two, as amended by chapter one hundred and seventy-three of the laws of eighteen hundred and ninety-three, is hereby amended to read as follows:

§ 13. No room or apartment in any tenement or dwelling house shall be used, except by the immediate members of the family living therein, for the manufacture of coats, vests, trousers, knee-pants, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waist-bands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers, cigarettes or cigars. No person, firm or corporation shall hire or employ any person to work in any room or apartment, in any rear building or buildings in the rear of a tenement or dwelling house at making in whole or in part any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector, his assistants or one of his deputies, stating the maximum number of persons allowed to be employed therein. Such permit shall not be granted until an inspection of such premises is made by the factory inspector, his assistant, or one of his deputies, and may be revoked by the factory inspector, at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room or in one of the rooms to which it relates. Every person, firm, company or corporation, contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to [be] wholly or partially finished, shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector, his assistant or one of his deputies. No person shall knowingly sell or expose for sale any of the articles mentioned in this section which were made in any dwelling house, tenement house or building in the rear of a tenement or dwelling house, without the permit required by this section; and any officer appointed to enforce the provisions of this act who shall find any of such articles made in violation of the provisions hereof, must conspicuously affix to such article a label containing the words "tenement made" printed in small pica capital letters on a tag not less than four inches in length; and such officer shall notify the person owning or alleged to own such articles that he so labeled them. No person shall remove or deface any tag or label so affixed. When any article mentioned in this section is found by the factory inspector, his assistant, or any of his deputies to be made under unclean or unhealthy conditions, he shall affix thereto the label prescribed by this section, and shall immediately notify the local board of health, whose duty it shall be to disinfect the same and thereupon remove such label. If the factory inspector, assistant factory inspector, or any deputy inspector, finds evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manufacture therein, or shall find goods used therein to be unfit for use, such factory inspector, assistant factory inspector or deputy factory inspector shall forthwith report the same to the local board of health, and the said local board of health shall forthwith issue such order or orders as the public health may require. Said local board of health is hereby empowered to condemn and destroy all such infectious and contagious articles or any articles manufactured or in process of manufacture under unclean or unhealthy conditions as aforesaid.

SEC. 3. Section fourteen of chapter four hundred and nine of the laws of eighteen hundred and eighty-six, and the acts amendatory thereof, is hereby amended so as to read as follows:

§ 14. Upon the expiration of the term of office of the present factory inspector, and upon the expiration of the term of office of each of his successors, the governor shall, by and with the advice and consent of the senate, appoint a factory inspector; and upon the expiration of the term of office of the present assistant factory inspector, and upon the expiration of the term of office of each of his successors, the governor shall, by and with the advice and consent of the senate, appoint an assistant factory inspector. Each factory inspector and assistant factory inspector shall hold over and continue in office after the expiration of his term of office until his successor shall be appointed and qualified. The factory inspector is hereby authorized to appoint from time to time, not exceeding twenty-nine persons to be deputy inspectors, not more than ten of whom shall be women, and he shall have power to remove the same at any time. The term of office of the factory inspector and of the assistant factory inspector shall be three years each. Annual salaries shall be paid in equal monthly installments as follows: To the factory inspector, three thousand dollars; to the assistant factory inspector, two thousand five hundred dollars; to each deputy factory inspector, one thousand two hundred dollars. All necessary traveling and other expenses incurred by the factory inspector, assistant factory inspector and the deputy factory inspectors in the discharge of their duties, shall be paid monthly by the treasurer upon the warrant of the comptroller issued upon proper vouchers therefor. A suboffice may be opened in the city of New York. The reasonable necessary traveling and other expenses of the deputy factory inspectors while engaged in the performance of their duties shall be paid upon vouchers approved by the factory inspector and audited by the comptroller.

SEC. 4. Section twenty-one of chapter four hundred and nine of the laws of eighteen hundred and eighty-six, and the acts amendatory thereof, is hereby amended so as to read as follows:

§ 21. Any person who violates or omits to comply with any of the provisions of this act, or who suffers or permits any child to be employed in violation of its provisions, shall be guilty of a misdemeanor and on conviction shall be punished by a fine of not less than thirty dollars nor more than one hundred dollars for a first offense, and not less than sixty dollars nor more than two hundred dollars for a second offense, or imprisonment for not more than thirty days, and for a third offense of not less than three hundred dollars, nor more than five hundred dollars, and not more than thirty days' imprisonment.

SEC. 5. Said act is hereby amended by adding the following section:

§ 13*a*. Whenever any room or apartment in any tenement or dwelling house shall be used except by the immediate members of the family living therein for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waist bands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers, cigarettes or cigars, the factory inspector, assistant factory inspector, or deputy factory inspector shall serve a notice personally upon the owner or owners, lessee or lessees, if any, and the agent or agents, if any, of such owner or owners, lessee or lessees of such tenement or dwelling house of the fact that such room or apartment in such tenement or dwelling house is being so used, and that if such use be continued the owner or owners of such tenement or dwelling house may be subject to punishment for misdemeanor. If such room or apartment in any tenement or dwelling house shall be continued to be used in such manner by the same person or persons at a period of thirty days later than the personal service of such notice as above provided, the owner and lessee of said premises and the agent, if any, of such owner or lessee permitting or suffering such use as aforsaid shall be guilty of a misdemeanor, punishable in like manner and to like extent as prescribed by the fourth section of this act in the amendment thereby made of section twenty-one; *Provided, however,* In case of personal service of the notice as in this section prescribed that if the owner or owners or his or their agent or agents on his or their behalf, shall, within fifteen days after such service of such notice and its coming to his or their actual knowledge, if not served personally, institute a proceeding for dispossessing the tenant as authorized in the sixth section of this act in the amendatory section numbered thirteen *b*, therein set forth, and shall in good faith prosecute such proceeding and dispossess the said tenant as soon as he or they is or are enabled to do so, in good faith and by the exercise of reasonable diligence, such owner or owners and his or their agent or agents shall not under this section be deemed guilty of or punishable as for a misdemeanor, unless for a subsequent offense.

SEC. 6. Said act is hereby amended by adding the following section:

§ 13*b*. Whenever any room or apartment in any tenement or dwelling house shall be used by any person other than the tenant thereof or immediate members of the family of such tenant living therein for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers, cigarettes or cigars, except as provided by section seven

of this act, such use shall be deemed good and sufficient cause for the dispossessing of such tenant, in a special proceeding brought by the landlord of said premises to dispossess such tenants.

SEC. 7. This act shall take effect four months after the passage thereof.

Became a law May 29, 1896, with the approval of the governor. Passed, three-fifths being present.

UTAH.

ACTS OF 1896.

CHAPTER 6.—*Blacklisting.*

SECTION 1. No company, corporation or individual shall blacklist or publish, or cause to be published or blacklisted any employee, mechanic, or laborer, discharged or voluntarily leaving the service of such company, corporation, or individual, with intent and for the purpose of preventing such employee, mechanic or laborer from engaging in or securing similar or other employment from any other corporation, company or individual.

SEC. 2. If any officer, or agent of any company, corporation, or individual, or other person, shall blacklist, or publish, or cause to be published, any employee, mechanic or laborer, discharged by such corporation, company or individual, with the intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any other corporation, company or individual, or shall in any manner conspire or contrive, by correspondence, or otherwise, to prevent such discharged employee from securing employment, he shall be deemed guilty of a felony and, upon conviction, shall be fined not less than five hundred dollars and be imprisoned in the penitentiary not less than sixty days.

Approved February 3, 1896.

CHAPTER 24.—*Fellow-servants defined.*

SECTION 1. All persons engaged in the service of any person, firm or corporation, foreign or domestic, doing business in this State, who are entrusted by such person, firm or corporation as employer with the authority of superintendence, control or command of other persons in the employ or service of such employer, or with the authority to direct any other employee in the performance of any duties of such employee are vice-principals of such employer and are not fellow-servants.

SEC. 2. All persons who are engaged in the service of such employer, and who, while so engaged, are working together at the same time and place to a common purpose, of the same grade of service, neither of such persons being entrusted by such employer with any superintendence or control over his fellow employees, are fellow-servants with each other: *Provided*, That nothing herein contained shall be so construed as to make employees of such employer in the service of such employer fellow-servants with other employees engaged in any other department of service of such employer. Employees who do not come within the provisions of this section shall not be considered fellow-servants.

Approved February 21, 1896.

CHAPTER 28.—*Employment of women and children in mines, etc.*

SECTION 1. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age, or any female, to work in any mine or smelter in the State of Utah.

SEC. 2. Any person, firm or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor.

Approved March 2, 1896.

CHAPTER 40.—*Attorneys' fees in suits for wages.*

SECTION 1. Whenever a mechanic, artisan, miner, laborer, or servant, or employee shall have cause to bring suit for his wages earned and due, and owing according to the terms of employment, and he shall establish by the decision of the court or jury, that the amount for which he has brought suit is justly due and owing and that a demand has been made in writing, at least fifteen days before suit is brought, for a sum not to exceed the amount so found due and owing, then it shall be the duty of the court before which the case shall be tried, to allow to the plaintiff, when the

foregoing facts appear, a reasonable attorney's fee in addition to the amount found due and owing for wages, to be taxed as costs of suit, and in justice's court such attorney's fee shall not be more than $5.00, and in the district court, not more than $10.00, except in cases of appeal from a justice's court to the district court, when the plaintiff may recover an attorney's fee not exceeding $25.00.

Approved March 7, 1896.

CHAPTER 49.—*Wages preferred in assignments, etc.*

SECTION 1. Hereafter, when the property of any company, corporation, firm or person shall be seized upon by any process of any court of this State, or when their business shall be suspended by the action of creditors, or be put into the hands of a receiver, assignee or trustee, then in all such cases the debt owing to employees, laborers or servants, for work or labor performed within one year next preceding the seizure or transfer of such property, shall be considered and treated as preferred debts, and such laborers, servants or employees shall be preferred creditors, and shall be first paid in full; and if there be not sufficient to pay them in full, then the same shall be paid to them pro rata, after paying costs. Any such employee, laborer, or servant desiring to enforce his or her claim for wages under this act, shall present a statement, under oath, showing the amount due after allowing all just credits and set-offs, the kind of work for which such wages are due, and when performed, to the officer, person or court charged with such property, within ten days after the seizure thereof on any writ of attachment, or within thirty days after the same may have been placed in the hands of any receiver or trustee; any person with whom any such claim shall have been filed, shall give immediate notice thereof by mail to all persons interested; and thereupon it shall be the duty of the person or the court receiving such statement to pay the amount of such claim or claims to the person or persons entitled thereto (after first paying all cost occasioned by the seizure of such property) out of the proceeds of the sale of the property seized: *Provided*, That any person interested may contest such claim or claims, or any part thereof, by filing exceptions thereto, supported by affidavit, with the officer having the custody of such property, within ten days after the notice of presentment of said statement and thereupon the claimant shall be required to reduce his claim to judgment before some court having jurisdiction thereof, before any part thereof shall be paid, and the party contesting shall be made a party defendant in any such action and shall have the right to contest such claim, and the prevailing party shall recover his proper costs.

SEC. 2. An act entitled "An act to protect employees and laborers in their claims for wages," approved March 10, 1892 [chap. 30, acts of 1892], is hereby repealed.

Provided, That the repeal of said act shall not affect any right or remedy, nor abate any suit or action or proceeding existing, instituted or pending, under the law hereby repealed.

SEC. 3. This act shall take effect upon its approval.

Approved March 13, 1896.

CHAPTER 56.—*Protection of employees as voters.*

SECTION 1. It shall be unlawful for any person, directly or indirectly, by himself or through any other person:

* * * * * * *

(*b*) To give, offer or promise any office, place or employment, or to promise or procure, or endeavor to procure any office, place or employment, to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election provided by law, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

* * * * * * *

SEC. 2. It shall be unlawful for any person, directly or indirectly, by himself or through any person:

(*a*) To receive, agree or contract for, before or during an election provided by law, any money, gift, loan or other valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for going or agreeing to go to the polls, or for remaining or agreeing to remain away from the polls, or for refraining or agreeing to refrain from voting, or for voting or agreeing to vote, or refraining or agreeing to refrain from voting for any particular person or persons, measure or measures, at any election provided by law.

* * * * * * *

SEC. 4. It shall be unlawful for any person, directly or indirectly, by himself or any other person in his behalf, to make use of any force, violence or restraint, or to inflict or threaten the infliction, by himself or through any other person, of any

injury, damage, harm or loss, or in any manner to practice intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting for any particular person or persons, measure or measures, at any election provided by law, or on account of such person having voted or refrained from voting at any such election. And it shall be unlawful for any person, by abduction, duress or any forcible or fraudulent device or contrivance whatever, to impede, prevent or otherwise interfere with the free exercise of the elective franchise of any voter, either to give or refrain from giving his vote at any such election, or to give or refrain from giving his vote for any particular person at any such election. It shall be unlawful for any employer, either corporation, association, company, firm or person, in paying its, their, or his employees the salary or wages due them, to enclose their pay in "pay envelopes" on which there is written or printed any political mottoes, devices or arguments, containing threats, express or implied, intended or calculated to influence the political opinion, views or actions of such employees. Nor shall it be lawful for any employer, either corporation, association, company, firm, or person, within ninety days of any election provided by law, to put up or otherwise exhibit in its, their or his factory, workshop, mine, mill, boarding house, office or other establishment or place where its, their or his employees may be working or be present in the course of such employment, any hand-bill, notice or placard, containing any threat, notice or information, that in case any particular ticket or candidate shall, or shall not be elected, work in its, their or his establishment shall cease in whole or in part, or its, their or his establishment be closed, or the wages of its, their or his workman be reduced; or other threats, express or implied, intended or calculated to influence the political opinions or actions of its, their or his employees. Any person or persons, or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and any person, whether acting in his individual capacity or as an officer or agent of any corporation, so guilty of such misdemeanor shall be punished as hereinafter prescribed.

SEC. 5. It shall be unlawful for any corporation or any officer or agent of any corporation to influence or attempt to influence, by force, violence or restraint, or by inflicting or threatening to inflict any injury, damage, harm or loss or by discharging from employment or promoting in employment, or by intimidation or otherwise in any manner whatever, to induce or compel any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or persons, measure or measures, at any such election. Any such corporation, or any officer or agent of such corporation, violating any of the provisions of this section, shall be deemed guilty of a misdemeanor and be subject to the penalty hereinafter provided, and in addition thereto, any corporation violating this section shall forfeit its charter and right to do business in this State.

SEC. 8. A person offending against any provision of sections 1, 2 and 7 of this act, is a competent witness against another person so offending, and may be compelled to attend and testify upon any trial, hearing, proceeding or investigation in the same manner as any other person. But the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying, except for perjury in giving such testimony. A person so testifying, shall not thereafter be liable to indictment, prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution.

SEC. 9. Any person convicted of any of the crimes or offenses mentioned in sections 1, 2 and 7 of this act, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the State prison for not more than five years, or by both fine and imprisonment; and any corporation or agent of a corporation, guilty of any offense herein made a misdemeanor, shall, upon conviction, be punished by a fine not exceeding one thousand dollars.

SEC. 10. The provisions of this act shall extend, so far as applicable, to all elections provided by law, special or general.

Approved March 19, 1896.

CHAPTER 62.—*Board of labor, conciliation, and arbitration.*

SECTION 1. As soon as this act shall be approved, the governor, by and with the consent of the senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State board of labor, conciliation and arbitration, to serve as a State board of labor, conciliation and arbitration, one of whom and only one of whom shall be an employer of labor, and only one of whom shall be an employee, and the latter shall be selected from some labor organization, and the third shall be some person who is neither an employee nor an employer of manual labor, and who shall be chairman of the board. One to serve for one year, one for three years and one for five years as may be designated by the

governor at the time of their appointment, and at the expiration of their terms, their successors shall be appointed in like manner for the term of four years. If a vacancy occurs at any time, the governor shall, in the same manner appoint some one to serve the unexpired term and until the appointment and qualification of his successor. Each member of the said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof.

SEC. 2. The board shall at once organize by selecting from its members a secretary, and they shall, as soon as possible after such organization, establish suitable rules of procedure.

SEC. 3. When any controversy or difference, not involving questions which may be the subject of an action at law or bill in equity, exists between an employer (whether an individual, copartnership or corporation) employing not less that ten persons, and his employees, in this State, the board shall, upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute, and make a careful inquiry into the cause thereof, hear all persons interested therein, who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute, and make a written decision thereof.

SEC. 4. This decision shall at once be made public, shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for.

SEC. 5. Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until a decision of said board, if it shall be made within three weeks of the date of filing the said application.

SEC. 6. As soon as may be after receiving said application, the secretary of said board shall cause public notice to be given, of the time and place for the hearing thereon, but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may at any stage of the proceedings, cause public notice, notwithstanding such request.

SEC. 7. The board shall have the power to summon as witnesses by subpœna any operative or expert in the department of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses and to require the production of books, papers and records. In case of a disobedience to a subpœna the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses and the production of books, papers and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy or refusal to obey a subpœna issued to any such witness, issue an order requiring such witness to appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof.

SEC. 8. Upon the receipt of such application and after such notice, the board shall proceed as before provided and render a written decision, and the findings of the majority shall constitute the decision of the board, which decision shall be open to public inspection, shall be recorded upon the records of the board and published in an annual report to be made to the governor before the first day of March in each year.

SEC. 9. Said decision shall be binding upon the parties who join in said application, or who have entered their appearance before said board, until either party has given the other notice in writing of his or their intention not to be bound by the same, and for a period of 90 days thereafter. Said notice may be given to said employees by posting in three conspicuous places where they work.

SEC. 10. Whenever it shall come to the knowledge of the State board that a strike or lockout is seriously threatened in the State involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the State board to put itself into communication as soon as may be, with such employer and employees, and endeavor by mediation to effect an amicable settlement between them and endeavor to persuade them to submit the matters in dispute to the State board.

SEC. 11. The members of said board shall each receive a per diem of three dollars for each day's service while actually engaged in the hearing of any controversy between any employer and his employees, and five cents per mile for each mile necessarily traveled in going to and returning from the place where engaged in hearing such controversy, the same to be paid by the parties to the controversy, appearing

before said board, and the members of said board shall receive no compensation or expenses for any other service performed under this act.

SEC. 12. Any notice or process issued by the State board of arbitration shall be served by any sheriff, to whom the same may be directed, or in whose hands the same may be placed for service without charge.

Approved March 24, 1896.

CHAPTER 69.—*Time to vote to be allowed employees.*

SECTION 38. Any person entitled to a vote at a general election held within this State, shall, on the day of such election, be entitled to absent himself from any employment in which he is then engaged or employed for a period of two hours between the time of opening and the time of closing the polls, and any such absence shall not be sufficient reason for the discharge of any such person from such service or employment, and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall any deduction be made on account of such absence, from his usual salary or wages (except when such employee is employed and paid by the hour): *Provided, however,* That application shall be made for such leave of absence prior to the day of election. The employer may specify the hours during which such employee may absent himself as aforesaid. Any person or corporation who shall refuse to his or its employees the privilege hereby conferred, or who shall subject an employee to a penalty or reduction of wages because of the exercise of such privilege, or who shall, directly or indirectly violate the provisions of this act shall be deemed guilty of a misdemeanor.

Approved March 28, 1896.

CHAPTER 72.—*Hours of labor—Mines, smelters, etc.*

SECTION 1. The period of employment of workingmen in all underground mines or workings shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 2. The period of employment of workingmen in smelters and all other institutions for the reduction or refining of ores or metals shall be eight (8) hours per day, except in cases of emergency where life or property is in imminent danger.

SEC. 3. Any person, body corporate, agent, manager or employer, who shall violate any of the provisions of sections 1 and 2 of this act shall be deemed guilty of a misdemeanor.

Approved March 30, 1896.

CHAPTER 81.—*Convict labor—State prison.*

SECTION 29. The warden shall also have authority, under such regulations as the board [of corrections] may adopt, to employ convicts in the erection or repair of the buildings or walls of the prison or on the prison farm.

SEC. 32. It shall be the duty of the prison board to meet at least once in six months to determine what lines of productive labor shall be pursued in the prison, and in so determining the board shall select diversified lines of industry with reference to interfering as little as possible with the same lines of industry carried on by citizens of this State, but no contract shall be made for the labor of prisoners confined in the State prison, but such prisoners shall be employed by the warden under rules and regulations established by the board.

SEC. 33. The board is required to employ so many prisoners as are necessary in making all articles for the various State institutions as far as practicable, and the State institution shall pay to the prison making such articles, the market price of all such articles furnished.

SEC. 37. All convicts other than such as are confined in solitude for misconduct in the prison shall as far as practicable be kept constantly employed at hard labor at an average of not less than eight hours a day, Sundays and holidays excepted, unless incapable of laboring by reason of sickness or other infirmity.

Approved April 3, 1896.

CHAPTER 101.—*Attorneys' fees on foreclosure of mechanics' liens.*

SECTION 1. Chapter XLI of the Session Laws of 1894, being "An act to secure liens to mechanics and others, and to repeal all other acts and laws in relation thereto," is hereby amended by adding thereto a new section to be called section 17, as follows:

§ 17. In any action brought to enforce any lien under this act, where judgment

is rendered for a lien holder, such lien holder shall be entitled to recover a reasonable attorney's fee, not to exceed $25.00, to be fixed by the court, which shall be taxed as costs in the action.

SEC. 2. This act shall take effect upon approval.

Approved April 5, 1896.

CHAPTER 113.—*Coal-mine inspection and regulations.*

SECTION 1. There shall be appointed a coal-mine inspector for the State. Such inspector shall, before entering upon the discharge of his duties, give bond to the State in the sum of five thousand dollars, conditioned for the faithful discharge of his duties, to be approved by the secretary of state; said inspector shall be appointed by the governor, by and with the consent of the senate, and shall hold his office until his successor is appointed and qualified. The term of office of the inspector shall be four years from the date of his appointment: *Provided*, That he may be removed by the governor.

SEC. 2. No person shall be eligible for appointment as coal-mine inspector under section 1 of this act who is not a coal miner of at least five years' practical experience and who has not been a coal miner in this State for at least two years prior to his appointment, and no person who shall act as land agent, manager, agent or mining engineer for, or who is interested in any way in operating, any coal mine in the State, shall, during such employment, be eligible to the office of coal-mine inspector.

SEC. 3. It shall be the duty of the coal-mine inspector provided for in this act to make careful and thorough inspection of each coal mine operated in the State, at least quarterly, and report to the governor at least once a year upon the condition of each coal mine in the State, with reference to the appliances for the safety of the miners, the number of air and ventilating shafts, slopes or tunnels, the number of shafts, slopes or tunnels for ingress or egress, the character and condition of the machinery for operating, ventilating and draining of such mines, and the quantity of air supplied to the same.

SEC. 4. The owner, operator or superintendent of every coal mine shall make or cause to be made an accurate map or plan of such mine, on a scale of one hundred feet to the inch, which map or plan shall exhibit all the openings or excavations, the shafts, tunnels, slopes, planes, gangways, entries, cross-headings, rooms, etc., of such mine; and shall show the directions of the air currents therein, and shall accurately delineate the boundary line between said mine and adjoining mines, and show its relations and proximity thereto. The said map or plan, or a true copy thereof, shall be furnished to the inspector within ninety days after the passage of this act, and another copy shall be kept at such mine for the inspection of any employee therein. The said owner, operator or superintendent shall, as often as once in every six months thereafter, accurately place or cause to be placed on the map or plan and on said copies thereof, all the additional excavations which have been made during said six months in their mine. The several maps or plans of mines in the State which are furnished to the State inspector, shall be the property of the State and shall remain in the care of the said inspector, be transferred by him to his successor in office, and in no case shall any copy of the same be made without the consent of the owner, operator or agent. If the said State inspector of coal mines shall find or have good reasons to believe that any map or plan of any coal mine made or furnished in pursuance of the provisions of this act, is materially inaccurate or imperfect, he is hereby authorized to cause a correct plan or map of said coal mine to be made at the expense of the owner or operator thereof, the cost of which will be recoverable by law: *Provided, however*, That if the map or plan which is claimed to be inaccurate shall prove to have been practically correct, then the State shall be held liable for the expense incurred in making such test survey.

SEC. 5. In case the said inspector shall report that any coal mine is not properly constructed or not furnished with proper machinery and appliances for the safety of the miners and all other employees, it shall be the duty of the governor to give notice to the owner or manager of said coal mine that the mine is unsafe and notify them in what particular the mine is unsafe and require them to furnish or provide such additional machinery, shafts, slopes, tunnels, entries, means of escape, ventilation or appliances necessary to the safety of the mines and the employees within a period to be in said notice named, and if the necessary changes be not made as in said notice required, it shall be unlawful after the time fixed in said notice for the said owner or manager to operate said mine.

SEC. 6. In all coal mines within the State, the owner or manager thereof shall provide at least two shafts, slopes, tunnels, or other outlets separated by natural strata or formation of not less than one hundred and fifty feet in breadth, by which shafts, slopes, tunnels or outlets, distinct means of ingress and egress shall always be available to the persons employed in said mine, and in case any coal mine is not so pro-

vided, it shall be the duty of the inspector to make report of such fact, and thereupon notice shall issue as provided in section 5 of this act.

SEC. 7. The owner or manager of every coal mine at a depth of one hundred feet or more, whether the mine shall be operated by shaft, slope, tunnel or other outlet, shall provide an adequate amount of ventilation of not less than one hundred cubic feet of pure air per minute, for each person at work in said mine, and three hundred cubic feet of pure air per minute for each animal used therein, and in like proportion for a greater or lesser number, which air shall, by proper appliances or machinery, be forced through such mine to the face of each and every working place, so as to dilute and render harmless and expel therefrom the noxious or poisonous gases; and all workings shall be kept clear of standing gas: *Provided further*, That in all mines wherein fire damp or other explosive gases are known to exist, double the quantity of pure air as hereinbefore mentioned in this section shall be required.

SEC. 8. Any mine owner or manager who shall continue to operate a mine, in violation of any of the provisions of this act, after the expiration of the period of the notice provided for in section 5 of this act, shall upon conviction be fined not less than five hundred dollars nor more than five thousand dollars.

SEC. 9. In no case shall a furnace shaft be deemed an escape shaft.

SEC. 10. Escape shafts shall be constructed in compliance with the requirements of this act within six months from the time this act goes into effect, unless the time shall be extended by the inspector, and in no case shall such time be extended to exceed one year.

SEC. 11. In shaft or slope mines, where persons are lowered or hoisted by machinery, a metal speaking tube or other suitable appliance from the top to the bottom of the shaft or slope shall be provided in all cases so that conversation may be carried on through the same.

SEC. 12. In shaft mines an approved safety catch shall be provided and sufficient cover over head on every cage used in lowering or hoisting persons; there shall be provided at the bottom of every hoisting shaft at every coal mine worked by shaft in the State at the sides thereof a traveling way, which shall be sufficiently high and wide so as to enable persons to pass the shaft without having to go over or under the cage or hoisting apparatus; and the inspector shall examine and pass upon the adequacy and safety of all hoisting apparatus.

SEC. 13. Only experienced, competent and sober men shall be placed in charge of hoisting apparatus or engines, and the maximum number of persons who may ascend or descend upon any cage or hoisting apparatus at one time shall be determined by the inspector.

SEC. 14. It shall be lawful for the inspector to enter and inspect any coal mine in the State and the work and machinery belonging thereto at all times (but not so as to impede or obstruct the working of the mine), and to make inquiry as to the condition of the mine, works, machinery, the ventilation and mode of lighting, and into all matters or things connected with or relating to the safety of the persons employed in or about said mines. The owner or manager is hereby required to furnish means necessary for such entry, inspection, examination and inquiry. The said inspector shall make an entry in the records of his office, noting the time and material circumstances of such inspection.

SEC. 15. In all cases of fatal accident, a full report thereof shall be made by the mine owner or manager to the mine inspector, said report to be in writing and made within ten days after such accident shall have occurred. All cases of nonfatal accidents which have been sufficiently serious as to prevent the injured person from continuing his regular employment for a period of one week from the time of the accident, shall be reported to said inspector.

SEC. 16. The owner, agent or operator of any coal mine operated within the State, shall keep a sufficient supply of timber on hand to be used as props and cap pieces so that the workmen employed therein may at all times be able to properly secure said workings from caving in, and it shall be the duty of said owner, agent or operator, to send down in the mine all such props or cap pieces, and place them not more than three hundred feet from the face of such workings.

SEC. 17. As a cumulative remedy in case of the failure of any owner or manager of any mine to comply with the requirements contained in the notice of the governor, given in pursuance of this act, any court of competent jurisdiction, or judge of said court in vacation, may on the application of the inspector, in the name of the State, and supported by the recommendation of the governor, issue an injunction restraining the operation of such mine until such requirements are complied with, and, in order to obtain such injunction, no bond shall be required.

SEC. 18. Whenever the term "owner or manager" is used in this act, the same shall include lessees or other persons controlling the operation of any mine; and in case of any violation of the provisions of this act by any corporation, the managing officer and superintendents or other managing agents of such corporation shall be personally liable to punishment as provided in this act for owners or managers.

SEC. 19. The provisions of this act shall not apply to or affect any coal mine in which not more than six men are employed in twenty-four hours: *Provided*, That when considered necessary by the inspector, he shall make or cause to be made an inspection of such mine and direct and enforce any regulations in accordance with the provisions of this act, that he may deem necessary for the safety, health and lives of the miners.

SEC. 20. For the purpose of this act, all hydrocarbon mines shall be deemed to be coal mines.

SEC. 21. The inspector shall devote the whole of his time to the duties of his office and shall receive for his services an annual salary as provided by law, actual traveling expenses not exceeding ten cents per mile mileage for all distances necessarily traveled in the discharge of his official duties, to be paid quarterly by the State treasurer; and said inspector shall reside in the State. He shall collect from the owner or owners of each mine inspected a fee of ten dollars for each inspection made. Said fees shall be paid into the State treasury quarterly. All necessary apparatus that may be required by the said inspector to enable him to properly discharge his official duties, shall be paid for by the State, and the said inspector is hereby authorized to procure the same; all accounts for said apparatus shall be certified by the said inspector, audited by the proper department of the State and paid by the State treasurer. All instruments, plans, books, memoranda, notes, etc., pertaining to said office of inspector of coal mines, shall be the property of the State, and the said inspector shall deliver the same to his successor in office.

SEC. 22. All acts and parts of acts in conflict herewith are hereby repealed.

Approved April 5, 1896.

RECENT GOVERNMENT CONTRACTS.

[The Secretaries of the Treasury, War, and Navy Departments have consented to furnish statements of all contracts for constructions and repairs entered into by them. These, as received, will appear from time to time in the Bulletin.]

The following contracts have been made by the office of the Supervising Architect of the Treasury:

ST. PAUL, MINN.—December 9, 1896. Contract with the Angus McLeod Company, Minneapolis, Minn., for roof sheathing, slate and copper work of roof, down and drain pipes, roof skylights, etc., for post-office, court-house, and custom-house, $17,937. Work to be completed within one hundred and five days.

ST. PAUL, MINN.—December 9, 1896. Contract with the Pioneer Fireproof Construction Company, Chicago, Ill., for floor arches, etc., for post-office, court-house, and custom-house, $15,590. Work to be completed within three months.