

BULLETIN

OF THE

DEPARTMENT OF LABOR.

No. 13—NOVEMBER, 1897.

ISSUED EVERY OTHER MONTH.

EDITED BY

CARROLL D. WRIGHT,
COMMISSIONER.

OREN W. WEAVER,
CHIEF CLERK.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1897.

CONTENTS.

	Page.
Editorial note.....	689, 690
The Italians in Chicago.....	691-727
The anthracite mine laborers, by G. O. Virtue, Ph. D.....	728-774
Digest of recent reports of State bureaus of labor statistics:	
Maryland.....	775, 776
New Jersey.....	777-780
North Carolina.....	780-782
Tennessee.....	782, 783
Tenth report on the annual statistics of manufactures in Massachusetts....	784-789
Digest of recent foreign statistical publications.....	790-798
Decisions of courts affecting labor.....	799-825
Laws of various States relating to labor enacted since January 1, 1896.....	826-837
Recent Government contracts.....	838

BULLETIN
OF THE
DEPARTMENT OF LABOR.

No. 13.

WASHINGTON.

NOVEMBER, 1897.

EDITORIAL NOTE.

In Bulletin No. 3, for March, 1896, attention^a was called to certain erroneous statements being circulated in the press relative to production. The effect of the note convinces me that it is wise now and then to use the pages of the Bulletin to correct false statements given on the alleged authority of the official reports of the Department of Labor. And so, hereafter, whenever the official reports of the Department are used as authority to support false statements, attention will be called to them and the correct figures published.

During the last six months the following statement has appeared in newspapers and been attributed to the Commissioner of Labor:

Two hours and fifteen minutes' daily work by each able-bodied man, if systematically applied, would produce all the food, clothing, and shelter the people need.

The above statement sometimes appears in another form, as follows, and is attributed to the Department of Labor, or to the Commissioner of Labor:

In 1890 the labor force of the United States, working thirty-seven and one-half days each year, could produce all the luxuries and necessities used by the population of the United States.

The foregoing statements have been very widely published and have resulted in considerable correspondence seeking to know whether or not the Department has been correctly quoted. Neither of them emanated either from the Commissioner of Labor or from any of the official documents of the Department.

Another erroneous statement relating to the number of strikes in the United States appears in some of the most reputable papers in the country. It is as follows:

Year.	Strikes.	Strikers.		Year.	Strikes.	Strikers.	
		Number.	Average per strike.			Number	Average per strike.
1879.....	32	4,011	143	1888.....	101	28,974	293
1880.....	27	5,900	227	1889.....	126	23,322	187
1881.....	44	8,272	212	1890.....	139	38,402	289
1882.....	47	5,854	130	1891.....	132	34,733	271
1883.....	73	12,900	193	1892.....	119	30,800	263
1884.....	81	23,967	296	1893.....	131	32,109	253
1885.....	89	34,166	397	1894.....	109	27,595	265
1886.....	96	16,951	177	1895.....	126	19,367	153
1887.....	69	25,027	368				

It is impossible to find the source of this table or the disjointed and fragmentary facts from which it could possibly have been constructed. In the Tenth Annual Report of the Commissioner of Labor (1894), relating to Strikes and Lockouts, Volume I, page 16, there appears the following table which contains the correct figures:

STRIKES, BY YEARS, JANUARY 1, 1881, TO JUNE 30, 1894.

Year.	Strikes.	Establishments.	Average establishments to a strike.	Employees thrown out of employment.
1881.....	471	2,928	6.2	129,521
1882.....	454	2,105	4.6	154,671
1883.....	478	2,739	5.8	149,763
1884.....	443	2,367	5.3	147,054
1885.....	645	2,284	3.5	242,705
1886.....	1,432	10,053	7.0	508,014
1887.....	1,436	6,589	4.6	379,676
1888.....	906	3,506	3.9	147,704
1889.....	1,075	3,786	3.5	249,559
1890.....	1,833	9,424	5.1	351,944
1891.....	1,717	8,116	4.7	298,939
1892.....	1,298	5,540	4.3	206,671
1893.....	1,305	4,555	3.5	265,914
1894 (6 months).....	896	5,154	5.8	482,066
Total.....	14,389	69,166	4.8	3,714,231

C. D. W.

THE ITALIANS IN CHICAGO.

The Ninth Special Report of the Commissioner of Labor, entitled *The Italians in Chicago: A Social and Economic Study*, is the result of an investigation commenced in April, 1896, by an agent of the Department into the social and economic condition of Italian families residing in the slum districts of Chicago. The statistics covering a year are for the year preceding the date of the visit by the agent to the respective families. In all, 1,348 families of this character were visited and information secured for the 6,773 persons embraced therein. Of this number 4,493 were born in Italy. According to the United States census of 1890 there were 5,685 persons of Italian birth in the city of Chicago at that time. The limited time and force available for this investigation made it impossible to secure individual reports from the whole Italian population of Chicago, and, indeed, such an extensive canvass was not deemed necessary. It is believed that the data secured for the 1,348 families visited is entirely representative of the conditions existing in all Italian families of a similar character in that city. The canvass was not confined to any particular portion of the city, but represents families from all sections. The following streets and avenues were canvassed, and each is represented by a number of families in the tables: Armour, Austin, Canal, Carpenter, Clark, De Koven, Desplaines, Erie, Ewing, Fay, Fifth, Forquer, Grand, Green, Halsted, Huron, Illinois, Indiana, Jefferson, Johnson, Kensington, Kenzie, Larrabee, La Salle, Law, Lincoln, Market, Morgan, Nineteenth, Ohio, One hundred and sixteenth, Pacific, Page, Peoria, Philip, Polk, Purple, Rockwell, Sangamon, Sebor, Sherman, Sixty-ninth, Taylor, Tilden, Twelfth, Twentieth, Twenty-fifth, Union, Wentworth, Wood.

In the analysis of the tables comparisons have been made with the facts given in the Seventh Special Report of the Commissioner of Labor relating to the slums of great cities. That investigation was conducted along the same general lines as this, and embraced data for the year ending March 31, 1893, for all families, of whatever nationality, living within certain boundaries, which were designed to include the typical slum element of the four cities of Baltimore, Chicago, New York, and Philadelphia.

The first three tables show facts for individual persons and families, while the remaining tables are almost wholly compiled from them, and

bring the information given therein into a more concrete form. The analyses follow:

Table I.—General social and economic condition, by families and individuals.—In this table each family and individual is represented. The families are numbered from 1 to 1,348, inclusive, and a line given to each individual embraced in them. The various columns of the table give, for each individual, information as to the general social and economic condition.

Table II.—General condition as to literacy and illiteracy, by families and individuals.—In this table individuals under 10 years of age are not included, but the family numbers correspond to those in Table I, and the relationship to the head of the family, sex, and age are given in like order, that a comparison of the facts shown in both tables may be made for each individual.

Table II answers the inquiries as to the ability of all persons in these families 10 years of age or over to read and write their native language and to read, write, and speak the English language.

Table III.—School attendance, by families and individuals.—This table embraces all persons from 5 to 17 years of age, inclusive, as well as a few persons below or above these ages reported as scholars, showing for each the months of school attendance during the year and the kind of school. The family numbers are the same as for Tables I and II.

Table IV.—Conjugal condition, by sex, nativity, and age.—This and the remaining tables of the report are largely in the nature of summaries of the facts already set forth in detail in the three preceding tables. Table IV deals with the conjugal condition of the persons embraced in the investigation, showing the number of single, married, and widowed, by sex, nativity, and age.

The following tables show the substantial facts to be drawn from Table IV:

PERSONS OF EACH CONJUGAL CONDITION, BY SEX AND NATIVITY.

Conjugal condition.	Males.			Females.			Males and females.		
	Native born.	Foreign born.	Total.	Native born.	Foreign born.	Total.	Native born.	Foreign born.	Total.
Single.....	1, 141	1, 012	2, 153	1, 089	382	1, 471	2, 230	1, 394	3, 624
Married.....	3	1, 726	1, 729	16	1, 255	1, 271	19	2, 981	3, 000
Widowed.....		49	49		100	100		149	149
Total.....	1, 144	2, 787	3, 931	1, 105	1, 737	2, 842	2, 249	4, 524	6, 773

PER CENT OF PERSONS OF EACH CONJUGAL CONDITION, BY SEX AND NATIVITY.

Conjugal condition.	Males.			Females.			Males and females.		
	Native born.	Foreign born.	Total.	Native born.	Foreign born.	Total.	Native born.	Foreign born.	Total.
Single.....	99. 74	36. 31	54. 77	98. 55	21. 99	51. 76	99. 16	30. 81	53. 51
Married.....	. 26	61. 93	43. 98	1. 45	72. 25	44. 72	. 84	65. 89	44. 29
Widowed.....		1. 76	1. 25		5. 76	3. 52		3. 30	2. 20
Total.....	100. 00	100. 00	100. 00	100. 00	100. 00	100. 00	100. 00	100. 00	100. 00

It is here seen that 54.77 per cent of all males and 51.76 per cent of all females were single, and of all persons 53.51 per cent were single. Married males constituted 43.98 per cent of all males, while married females constituted 44.72 per cent of all females. The aggregate of married persons was 44.29 per cent of all persons. A small per cent of all persons were widowed, while it is shown that no divorced persons were found among these people.

The following table, reproduced from the Seventh Special Report of the Commissioner of Labor, shows the number and per cent of persons of each conjugal condition, by sex, found in the canvass of persons of all nationalities living in typical slum sections of the four cities of Baltimore, Chicago, New York, and Philadelphia:

NUMBER AND PER CENT OF PERSONS OF EACH CONJUGAL CONDITION, BY SEX, IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

Conjugal condition.	Males.		Females.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
BALTIMORE.						
Single.....	5,283	58.73	4,826	53.31	10,109	56.01
Married.....	3,437	38.21	3,425	37.84	6,862	38.02
Widowed.....	245	2.72	788	8.71	1,033	5.73
Divorced.....	12	.13	10	.11	22	.12
Not reported.....	19	.21	3	.03	22	.12
Total.....	8,996	100.00	9,052	100.00	18,048	100.00
CHICAGO.						
Single.....	6,359	59.70	4,859	53.41	11,218	56.81
Married.....	3,827	35.93	3,579	39.34	7,406	37.50
Widowed.....	193	1.81	570	6.27	763	3.86
Divorced.....	23	.22	51	.56	74	.38
Not reported.....	249	2.34	38	.42	287	1.45
Total.....	10,651	100.00	9,097	100.00	19,748	100.00
NEW YORK.						
Single.....	8,614	54.40	6,785	51.55	15,399	53.11
Married.....	6,044	38.17	5,411	41.11	11,455	39.51
Widowed.....	278	1.75	947	7.20	1,225	4.22
Divorced.....	1	.01	3	.02	4	.01
Not reported.....	898	5.67	15	.12	913	3.15
Total.....	15,835	100.00	13,161	100.00	28,996	100.00
PHILADELPHIA.						
Single.....	5,207	57.07	4,264	53.72	9,471	55.52
Married.....	3,512	38.50	3,152	39.71	6,664	39.06
Widowed.....	154	1.69	508	6.40	662	3.88
Divorced.....	2	.02	2	.03	4	.02
Not reported.....	248	2.72	11	.14	259	1.52
Total.....	9,123	100.00	7,937	100.00	17,060	100.00

As has been stated, these figures refer to persons of all nationalities, while the figures drawn from Table IV of the Ninth Special Report refer to persons of Italian nativity or extraction only, although the environment is very much the same in both cases. A comparison of

the figures for these two classes shows a larger per cent of married persons among the families of Italian birth, whether compared with the figures for Chicago or with those for the other cities embraced in the Seventh Special Report. It is seen that of all persons included in the present report 44.29 per cent were married, while of all persons in the Seventh Special Report, Baltimore shows but 38.02 per cent, Chicago but 37.50 per cent, New York but 39.51 per cent, and Philadelphia but 39.06 per cent married.

The following table, taken from the Eleventh Census of the United States (1890), gives the number and per cent of persons of each conjugal condition, by sex, of the total population of Chicago:

NUMBER AND PER CENT OF PERSONS OF EACH CONJUGAL CONDITION, BY SEX,
FOR THE CITY OF CHICAGO.

[From the Eleventh Census of the United States.]

Conjugal condition.	Males.		Females.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Single	349,795	61.54	292,515	55.04	642,310	58.40
Married	205,254	36.11	203,069	38.21	408,323	37.12
Widowed	10,752	1.89	34,629	6.52	45,381	4.13
Divorced	567	.10	1,073	.20	1,640	.15
Not reported.....	2,034	.36	162	.03	2,196	.20
Total	568,402	100.00	531,448	100.00	1,099,850	100.00

This table shows that of the entire male population of Chicago at the Eleventh Census 61.54 per cent were single and 36.11 per cent were married, while for the males embraced in the present report a much smaller per cent of single persons and a much larger per cent of married persons were found, the per cent being 54.77 and 43.98, respectively. The same condition was found to exist for the female population. Of the whole female population of Chicago, 55.04 per cent were single and 38.21 per cent were married. Of the persons included in this report, 51.76 per cent of the females were single and 44.72 per cent were married. Taking the total population of Chicago into consideration, the Eleventh Census shows 58.40 per cent single and 37.12 per cent married. Of those included in this report, persons of Italian birth or extraction, but 53.51 per cent were single, while 44.29 per cent were married.

Of the Italians covered by the present report, 99.16 per cent of those born in this country were single persons and of those born abroad 30.81 per cent were single. A similar disproportion was found to exist in the figures shown in the Seventh Special Report, and was there accounted for by the fact that "foreign born persons coming to this country are usually married or of marriageable age, while the native born include a great number of children who have necessarily been classed as single."

The following summary, drawn from Table IV of the present report, shows the ages, by periods of years, subdivided by sex and nativity, of the persons embraced in this investigation:

NUMBER AND PER CENT OF PERSONS OF EACH AGE PERIOD, BY SEX AND NATIVITY.

Age periods.	Males.				Females.				Total.			
	Native born.		Foreign born.		Native born.		Foreign born.		Native born.		Foreign born.	
	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.
Under 5 years.....	648	56.64	14	0.50	631	57.11	20	1.15	1,279	56.87	34	0.75
5 to 9 years.....	344	30.07	113	4.05	326	29.50	124	7.14	670	29.79	237	5.24
10 to 14 years.....	115	10.05	185	6.64	106	9.59	150	8.64	221	9.83	335	7.41
15 to 19 years.....	20	1.75	234	8.40	24	2.17	146	8.40	44	1.90	380	8.40
20 to 24 years.....	10	.87	275	9.87	9	.82	185	10.65	19	.84	460	10.17
25 to 29 years.....	5	.44	384	13.78	5	.45	219	12.61	10	.44	603	13.33
30 to 34 years.....	2	.18	438	15.72	2	.18	234	13.47	4	.18	672	14.85
35 to 39 years.....			327	11.73	2	.18	210	12.09	2	.09	537	11.87
40 to 44 years.....			326	11.70			156	8.98			482	10.65
45 to 49 years.....			215	7.71			107	6.16			322	7.12
50 to 54 years.....			136	4.88			80	4.61			216	4.78
55 to 59 years.....			47	1.69			25	1.44			72	1.59
60 to 64 years.....			48	1.72			44	2.53			92	2.03
65 years or over.....			34	1.22			34	1.96			68	1.50
Age not reported.....			11	.39			3	.17			14	.31
Total.....	1,144	100.00	2,787	100.00	1,105	100.00	1,737	100.00	2,249	100.00	4,524	100.00

Taking up the total number of persons in these Italian families as shown in the total columns of the preceding table, it is seen that a very large proportion of native-born persons, 56.87 per cent, were under 5 years of age and 29.79 per cent were between 5 and 9 years of age, making 86.66 per cent under 10 years of age. This becomes more noticeable when compared with the following table, showing similar information for the inhabitants of the slum districts embraced in the Seventh Special Report, where the proportion of native-born persons under 5 years of age was but 21.73 per cent in Baltimore, 29.42 per cent in Chicago, 35.80 per cent in New York, and 35.92 per cent in Philadelphia, and the proportion of those from 5 to 9 years of age but 17.72 per cent in Baltimore, 17.30 per cent in Chicago, 20.69 per cent in New York, and 18.08 per cent in Philadelphia. The largest proportion of foreign-born persons in the Italian families included in the present report, 14.85 per cent, was found between 30 and 34 years of age, 60.87 per cent of all having been between 20 and 44 years of age. Of the slum population embraced in the Seventh Special Report, the largest proportion of foreign-born persons was found in each of the cities between 25 and 29 years of age, while the proportion between 20 and 44 years, though not so large as that found in the Italian families embraced in this report, was quite large, amounting to 48.12 per cent in Baltimore, 55 per cent in Chicago, 54.96 per cent in New York, and 51.78 per cent in Philadelphia. The table from the Seventh Special Report follows.

NUMBER AND PER CENT OF PERSONS OF EACH AGE PERIOD, BY SEX AND NATIVITY, IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

Age periods.	Males.				Females.				Total.			
	Native born.		Foreign born.		Native born.		Foreign born.		Native born.		Foreign born.	
	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.
BALTIMORE.												
Under 5 years.....	1,134	21.17	64	1.76	1,211	22.29	51	1.41	2,345	21.73	115	1.59
5 to 9 years.....	917	17.12	172	4.73	995	18.31	169	4.67	1,912	17.72	341	4.70
10 to 14 years.....	598	11.16	244	6.70	634	11.67	204	5.64	1,232	11.42	448	6.17
15 to 19 years.....	558	10.42	275	7.56	548	10.09	359	9.92	1,105	10.25	634	8.74
20 to 24 years.....	495	9.24	313	8.60	536	9.87	404	11.16	1,031	9.56	717	9.88
25 to 29 years.....	443	8.27	404	11.10	386	7.10	403	11.14	829	7.68	807	11.12
30 to 34 years.....	386	7.21	423	11.62	366	6.74	345	9.53	752	6.97	768	10.58
35 to 39 years.....	299	5.58	311	8.55	300	5.52	259	7.16	599	5.55	570	7.85
40 to 44 years.....	207	3.86	331	9.10	185	3.41	300	8.29	392	3.63	631	8.69
45 to 49 years.....	133	2.48	269	7.39	105	1.93	237	6.55	238	2.21	506	6.97
50 to 54 years.....	86	1.61	259	7.12	65	1.20	253	6.99	151	1.40	512	7.05
55 to 59 years.....	30	.56	185	5.08	38	.70	167	4.61	68	.63	352	4.85
60 to 64 years.....	36	.67	156	4.29	22	.40	173	4.78	58	.54	329	4.53
65 years or over.....	31	.58	211	5.80	35	.64	292	8.07	66	.61	508	6.93
Age not reported.....	4	.07	22	.60	7	.13	3	.08	11	.10	25	.35
Total.....	5,357	100.00	3,639	100.00	5,433	100.00	3,619	100.00	10,790	100.00	7,258	100.00
CHICAGO.												
Under 5 years.....	1,202	28.07	157	2.46	1,267	30.83	139	2.79	2,469	29.42	296	2.61
5 to 9 years.....	735	17.17	366	5.75	717	17.45	318	6.38	1,452	17.30	684	6.02
10 to 14 years.....	454	10.60	422	6.63	452	11.00	407	8.16	906	10.80	829	7.30
15 to 19 years.....	383	8.94	512	8.04	442	10.76	551	11.05	825	9.83	1,063	9.36
20 to 24 years.....	456	10.65	719	11.29	432	10.51	608	12.19	888	10.58	1,327	11.68
25 to 29 years.....	333	7.78	949	14.90	296	7.20	690	13.83	629	7.50	1,639	14.43
30 to 34 years.....	256	5.98	799	12.54	185	4.50	495	9.92	441	5.26	1,294	11.39
35 to 39 years.....	189	4.41	615	9.66	136	3.31	449	9.00	325	3.87	1,064	9.37
40 to 44 years.....	91	2.13	541	8.49	69	1.68	392	7.66	160	1.91	923	8.13
45 to 49 years.....	42	.98	351	5.51	41	1.00	279	5.59	83	.99	630	5.55
50 to 54 years.....	29	.68	266	4.18	22	.54	220	4.41	51	.61	486	4.28
55 to 59 years.....	11	.26	135	2.12	4	.10	127	2.55	15	.18	262	2.31
60 to 64 years.....	13	.30	112	1.76	9	.22	108	2.16	22	.26	220	1.94
65 years or over.....	4	.09	155	2.43	6	.15	158	3.17	10	.12	313	2.75
Age not reported.....	84	1.96	270	4.24	31	.75	57	1.14	115	1.37	327	2.88
Total.....	4,282	100.00	6,369	100.00	4,109	100.00	4,988	100.00	8,391	100.00	11,357	100.00
NEW YORK.												
Under 5 years.....	1,902	33.49	209	2.06	1,932	38.34	192	2.40	3,884	35.80	401	2.21
5 to 9 years.....	1,117	19.67	441	4.34	1,128	21.82	441	5.52	2,245	20.69	882	4.86
10 to 14 years.....	626	11.02	616	6.07	604	11.68	573	7.17	1,230	11.34	1,189	6.55
15 to 19 years.....	431	7.59	748	7.37	529	10.23	776	9.71	960	8.85	1,524	8.40
20 to 24 years.....	356	6.27	950	9.35	317	6.13	942	11.79	673	6.20	1,892	10.43
25 to 29 years.....	284	5.00	1,307	12.87	216	4.18	960	12.01	500	4.61	2,267	12.49
30 to 34 years.....	174	3.06	1,333	13.13	147	2.84	908	11.36	321	2.96	2,241	12.35
35 to 39 years.....	116	2.04	1,141	11.24	102	1.97	792	9.91	218	2.01	1,933	10.65
40 to 44 years.....	65	1.14	983	9.68	64	1.24	658	8.23	129	1.19	1,641	9.04
45 to 49 years.....	30	.53	581	5.72	27	.52	503	6.30	57	.52	1,084	5.98
50 to 54 years.....	23	.40	508	5.00	18	.35	408	5.11	41	.38	916	5.05
55 to 59 years.....	10	.18	246	2.42	10	.19	279	3.49	20	.18	525	2.89
60 to 64 years.....	9	.16	230	2.26	8	.16	263	3.29	17	.16	493	2.72
65 years or over.....	7	.12	213	2.10	5	.10	225	2.82	12	.11	438	2.41
Age not reported.....	530	9.33	649	6.39	13	.25	71	.89	543	5.00	720	3.97
Total.....	5,680	100.00	10,155	100.00	5,170	100.00	7,991	100.00	10,850	100.00	18,146	100.00
PHILADELPHIA.												
Under 5 years.....	1,192	35.92	137	2.36	1,232	35.93	139	3.08	2,424	35.92	276	2.68
5 to 9 years.....	618	18.62	374	6.44	602	17.56	350	7.76	1,220	18.08	724	7.02
10 to 14 years.....	322	9.70	448	7.72	329	9.59	410	9.10	651	9.65	858	8.32
15 to 19 years.....	263	7.92	487	8.39	258	7.52	521	11.65	521	7.72	1,012	9.81
20 to 24 years.....	232	6.99	629	10.84	273	7.93	568	12.60	504	7.47	1,197	11.61
25 to 29 years.....	172	5.18	760	13.09	187	5.45	545	12.09	359	5.32	1,305	12.65
30 to 34 years.....	152	4.58	698	12.03	153	4.46	437	9.69	305	4.52	1,135	11.01
35 to 39 years.....	136	4.10	547	9.42	125	3.65	385	8.54	261	3.87	932	9.04
40 to 44 years.....	71	2.14	467	8.05	71	2.07	303	6.72	142	2.10	770	7.47
45 to 49 years.....	40	1.21	287	4.95	53	1.55	233	5.17	93	1.38	520	5.04
50 to 54 years.....	53	1.00	280	4.82	31	.90	194	4.30	64	.95	474	4.60
55 to 59 years.....	21	.63	138	2.38	24	.70	106	2.35	45	.67	244	2.37
60 to 64 years.....	14	.42	118	2.03	17	.50	128	2.84	31	.46	246	2.38
65 years or over.....	26	.78	126	2.17	35	1.02	141	3.13	61	.90	267	2.59
Age not reported.....	27	.81	308	5.31	40	1.17	44	.98	67	.99	352	3.41
Total.....	3,319	100.00	5,804	100.00	3,429	100.00	4,508	100.00	6,748	100.00	10,312	100.00

The following table, compiled from the Eleventh Census of the United States, shows similar facts for the total population of Chicago:

NUMBER AND PER CENT OF PERSONS OF EACH AGE PERIOD, BY SEX AND NATIVITY, OF THE TOTAL POPULATION OF CHICAGO.

[From the Eleventh Census of the United States.]

Age periods.	Males.				Females.				Total.			
	Native born.		Foreign born.		Native born.		Foreign born.		Native born.		Foreign born.	
	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.	Num-ber.	Per-cent.
Under 5 years.....	68,619	20.74	2,571	1.08	67,187	21.04	2,406	1.14	135,806	20.89	4,977	1.11
5 to 9 years.....	50,908	15.39	7,489	3.15	50,848	15.92	7,401	3.49	101,756	15.65	14,890	3.31
10 to 14 years.....	36,645	11.07	11,876	5.00	37,357	11.70	11,946	5.63	74,002	11.38	28,822	5.30
15 to 19 years.....	34,376	10.39	13,648	5.74	37,063	11.61	15,290	7.26	71,439	10.89	29,083	6.46
20 to 24 years.....	34,830	10.53	26,216	11.04	35,620	11.15	28,864	13.37	70,450	10.33	54,580	12.14
25 to 29 years.....	30,937	9.35	35,891	15.11	28,916	9.05	30,997	14.61	59,853	9.21	66,888	14.87
30 to 34 years.....	25,562	7.73	33,648	14.16	21,289	6.67	24,951	11.76	46,851	7.21	58,594	13.03
35 to 39 years.....	16,253	4.91	26,732	11.25	13,352	4.18	20,825	9.82	29,605	4.55	47,557	10.58
40 to 44 years.....	10,354	3.13	22,726	9.57	8,518	2.67	18,457	8.69	18,872	2.90	41,163	9.15
45 to 49 years.....	7,308	2.21	18,745	7.89	6,092	1.91	14,983	7.06	13,400	2.06	33,728	7.50
50 to 54 years.....	5,192	1.57	14,269	6.01	4,465	1.40	12,336	5.82	9,657	1.49	26,605	5.92
55 to 59 years.....	3,056	.92	8,516	3.59	2,693	.84	8,112	3.83	5,749	.88	16,628	3.70
60 to 64 years.....	2,214	.67	6,900	2.91	2,139	.67	6,993	3.30	4,353	.67	13,893	3.09
65 years or over.....	2,761	.83	7,806	3.29	3,178	.99	8,726	4.11	5,939	.91	16,532	3.68
Age not reported..	1,864	.56	500	.21	626	.20	238	.11	2,490	.38	738	.16
Total.....	330,879	100.00	237,523	100.00	319,343	100.00	212,105	100.00	650,222	100.00	449,628	100.00

Table V.—Place of birth, by sex.—This table shows the province or country where born for all persons embraced in the investigation. A very few of the foreign-born persons (less than one-half of 1 per cent) found in these families were of other than Italian origin. According to the Eleventh Census of the United States, there were 5,685 persons of Italian birth in the city of Chicago. As many as 4,493 persons of Italian birth were found in the families embraced in this report; 2,249 were born in the United States, while 31 were born in other countries. Of the 66.33 per cent of persons of both sexes born in Italy, the largest proportion, 18.28 per cent, were born in the province of Campania. Basilicata follows with 17.78 per cent, Calabria with 12.68 per cent, Sicily with 7.83 per cent, Abruzzo with 5.18 per cent, etc. Those born in the United States, mainly children, constituted 33.20 per cent of all persons found in these families.

Table VI.—Number and size of families, by kind of family.—Three classes or kinds of families were found in gathering the data for the Ninth Special Report, viz, private families, cooperative families, and boarding and lodging houses. Every group of individuals living under one roof and bearing some relation to one head, whether of kin or not, has, according to the usual custom, been termed a family. In addition to the private or normal family, in which all or most of its members are related by ties of blood, and the boarding and lodging house, there has been found, among these Italians, the cooperative family. The cooperative family is composed of a number of persons, usually males, living together and sharing the household expenses. Very frequently they do their own cooking and housework. Table VI shows the number and

per cent of families of each size, from one to eighteen persons, subdivided as to the kind of family, as described above. Of the 1,348 families investigated, 1,265, or 93.84 per cent, were private; 68, or 5.05 per cent, were cooperative, and 15, or 1.11 per cent, were boarding and lodging houses. Taking into consideration all families of whatever kind, it was found that those consisting of 4 persons predominated, embracing 20.55 per cent of all families; those of 5 persons follow, embracing 19.51 per cent, while those of 6 persons embraced 13.43 per cent, and those of 3 persons, 12.02 per cent.

The average size of all families in the present report is 5.02 persons. In the Seventh Special Report, in which slum families of various nationalities were included, the average size of the family was, in Baltimore, 4.48 persons; in Chicago, 5.09 persons; in New York, 4.90 persons, and in Philadelphia, 5.15 persons. The average size of all families in Chicago, according to the Eleventh Census of the United States, was 4.99 persons. The figures for the Italian families included in the present report do not, then, differ materially in respect to size of family from what has been shown in the Seventh Special Report and in the Eleventh Census.

Table VII.—Nativity of parents.—This table classifies the native-born and foreign-born persons included in this investigation according to parent nativity, with specified place of birth. The following table, showing the number and per cent of persons of each parent nativity, brings the figures into more convenient form for comparison:

NUMBER AND PER CENT OF PERSONS OF EACH PARENT NATIVITY.

Birthplace of—		Native born.		Foreign born.		Total.	
Father.	Mother.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
United States.....	United States.....	3	0.14	.....	.....	3	0.05
United States.....	Basilicata.....	1	.04	.....	.....	1	.01
United States.....	Liguria.....	4	.18	.....	.....	4	.08
Abruzzo.....	Abruzzo.....	117	5.20	365	8.07	482	7.12
Abruzzo.....	Basilicata.....	2	.09	.....	.....	2	.03
Abruzzo.....	Campania.....	.....	.....	1	.02	1	.01
Apulia.....	Apulia.....	4	.18	12	.27	16	.24
Basilicata.....	Abruzzo.....	4	.18	.....	.....	4	.06
Basilicata.....	Basilicata.....	715	31.79	1,195	26.41	1,910	28.20
Basilicata.....	Campania.....	8	.36	.....	.....	8	.12
Basilicata.....	Lombardy.....	5	.22	.....	.....	5	.07
Basilicata.....	Sicily.....	5	.22	1	.02	6	.09
Basilicata.....	Germany.....	2	.09	.....	.....	2	.03
Basilicata.....	Ireland.....	1	.04	.....	.....	1	.01
Basilicata.....	Sweden.....	1	.04	.....	.....	1	.01
Calabria.....	United States.....	2	.09	.....	.....	2	.03
Calabria.....	Abruzzo.....	2	.09	.....	.....	2	.03
Calabria.....	Basilicata.....	14	.62	.....	.....	14	.21
Calabria.....	Calabria.....	200	8.89	859	18.99	1,059	15.64
Calabria.....	Campania.....	1	.04	1	.02	2	.03
Campagna di Roma.....	United States.....	1	.04	.....	.....	1	.01
Campagna di Roma.....	Campagna di Roma.....	3	.14	6	.13	9	.13
Campania.....	United States.....	3	.14	.....	.....	3	.05
Campania.....	Abruzzo.....	2	.09	.....	.....	2	.03
Campania.....	Basilicata.....	52	2.31	8	.18	60	.89
Campania.....	Calabria.....	6	.27	1	.02	7	.10
Campania.....	Campagna di Roma.....	2	.09	.....	.....	2	.03
Campania.....	Campania.....	678	30.15	1,238	27.36	1,916	28.29
Campania.....	Sicily.....	7	.31	.....	.....	7	.10
Campania.....	Ireland.....	4	.18	.....	.....	4	.06
Emilia.....	Emilia.....	14	.62	32	.71	46	.68
Liguria.....	United States.....	6	.27	.....	.....	6	.09
Liguria.....	Basilicata.....	3	.14	.....	.....	3	.05
Liguria.....	Liguria.....	73	3.25	105	2.32	178	2.63

NUMBER AND PER CENT OF PERSONS OF EACH PARENT NATIVITY—Concluded.

Birthplace of—		Native born.		Foreign born.		Total.	
Father.	Mother.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Liguria.....	Scotland.....	1	0.04	.....	.....	1	0.01
Lombardy.....	Basilicata.....	9	.40	1	0.02	10	.51
Lombardy.....	Emilia.....	1	.04	.....	.....	1	.01
Lombardy.....	Liguria.....	2	.09	.....	.....	2	.03
Lombardy.....	Lombardy.....	17	.76	36	.80	53	.78
Lombardy.....	Piedmont.....	3	.14	.....	.....	3	.05
Marches.....	Basilicata.....	1	.04	2	.05	3	.05
Marches.....	Marches.....	.....	.....	4	.09	4	.06
Piedmont.....	Piedmont.....	1	.04	7	.15	8	.12
Sicily.....	Basilicata.....	2	.09	.....	.....	2	.03
Sicily.....	Sicily.....	213	9.47	530	11.72	743	10.97
Tuscany.....	Liguria.....	4	.18	.....	.....	4	.06
Tuscany.....	Tuscany.....	29	1.29	80	1.77	109	1.61
Tuscany.....	France.....	3	.14	4	.09	7	.10
Tuscany.....	Not specified.....	.....	.....	1	.02	1	.01
Venetia.....	United States.....	2	.09	.....	.....	2	.03
Venetia.....	Liguria.....	1	.04	.....	.....	1	.01
Venetia.....	Venetia.....	10	.44	29	.64	39	.58
France.....	France.....	.....	.....	3	.07	3	.05
Germany.....	Germany.....	2	.09	1	.02	3	.05
Ireland.....	United States.....	1	.04	.....	.....	1	.01
Ireland.....	Ireland.....	.....	.....	1	.02	1	.01
Sweden.....	Sweden.....	.....	.....	1	.02	1	.01
Not specified.....	Campania.....	1	.04	.....	.....	1	.01
Not specified.....	Not specified.....	1	.04	.....	.....	1	.01
Total.....	.....	2,249	100.00	4,524	100.00	6,773	100.00

In Table V, showing the place of birth of persons included in the present investigation, it was seen that the largest proportion were born in Campania, that province being followed by Basilicata, Calabria, Sicily, Abruzzo, etc. In the table immediately preceding, giving the birthplace of the parents of those shown in Table V, it is seen that Campania also shows the largest proportion, 28.29 per cent, and is followed by Basilicata with 28.20 per cent, Calabria with 15.64 per cent, Sicily with 10.97 per cent, Abruzzo with 7.12 per cent, etc.

Table VIII.—Relationship to head of family, by nativity and sex.—Native-born persons, foreign-born persons, and native and foreign born persons combined are in this table classified according to their relationship to the head of the family in which they reside, and further classified by sex. The table shows that of the native-born persons living in these Italian families 95.02 per cent were children of the heads of their respective families. This is accounted for in the same manner as the disproportion existing between the number of native and foreign born single and married persons in the analysis to Table IV. It was stated there that foreign-born persons coming to this country are usually married or of marriageable age, while the native born include a great number of children. Native-born heads of families and their wives constituted less than 1 per cent of all native-born persons living in these families. Of foreign-born persons, however, 54.07 per cent were heads of families and their wives, while sons and daughters of the head constituted but 20.07 per cent of all foreign born. Considering the facts for both native and foreign born persons combined, heads of families and their wives constituted 36.35 per cent of all persons, their sons and daughters 44.96 per cent, the remainder being fathers and

mothers, brothers and sisters, uncles and aunts, nephews and nieces, cousins, boarders, lodgers, persons belonging to cooperative families, etc.

Table IX.—Foreign-born voters and aliens, by years in the United States.—This table classifies all foreign-born males 21 years of age or over embraced in these families as voters or as aliens, and gives the number of years they have been in the United States. All males of foreign birth 21 years of age or over, not naturalized, have been considered aliens. A residence of five years in the United States is necessary for a person to become a voter in the State of Illinois. Of the foreign-born males 21 years of age or over who had been in the United States five years, 45 per cent were voters. Of those who had been in the United States a greater number of years, the proportion of voters was considerably larger, and taking into consideration all persons included in the table, 53.81 per cent were voters and 46.19 per cent were aliens. According to the Eleventh Census of the United States, 31.27 per cent of all foreign-born males 21 years of age or over in Chicago were aliens. The considerably larger proportion of aliens among the Italians embraced in this investigation, 46.19 per cent, shows that persons of this class to quite a large extent have not taken advantage of the privilege of becoming naturalized citizens of this country. An even larger proportion, 52.51 per cent, of the foreign-born persons 21 years of age or over included in the Seventh Special Report were classed as aliens in Chicago.

There were 1,012 aliens in the Italian families included in this investigation and a partial report was secured as to whether naturalization papers had been taken out. Of a total of 939 persons reporting as to this fact, 132, or 14.06 per cent, reported that they had taken out such papers preliminary to becoming citizens of the United States, while 807, or 85.94 per cent, reported that they had not taken out naturalization papers.

Table X.—Weekly earnings and hours of work, by occupation and sex.—This table shows the various occupations engaged in by the persons composing the Italian families canvassed, arranged under the following general industry heads: Agriculture, fisheries, and mining; professional; domestic and personal service; trade and transportation; manufactures and mechanical industries; nonproductive; housewives and at work, and scholars and at work. The number and the sex of persons working at each occupation are shown, together with their average hours of work per week and their highest, lowest, and average weekly earnings while employed. It is unfortunate that the information as to working hours and earnings was so often impossible to secure, and is, consequently, not reported in the table. It is believed, however, that the data given on these points are representative and afford a very fair idea of the conditions that exist. It is interesting to note the occupations most frequently followed by the persons composing these families: Under the general industry heading of agriculture, fisheries, and mining, 28 worked as quarrymen; under professional, musicians

and organ grinders numbered 62; under domestic and personal service were found 797 laborers, 126 street sweepers, 73 bootblacks, 45 barbers, 32 sewer diggers, 23 pavers, 22 saloon keepers, and 18 scissors grinders; under trade and transportation, 186 worked as rag and paper pickers, sorters, etc., 154 as small peddlers, 119 as railroad laborers, 78 as newsboys, news dealers, etc., 32 as small merchants or dealers in various lines, 20 as salesmen, 15 as teamsters, and 14 as wood pickers; under manufactures were found 60 hod carriers, 38 candy makers and candy factory employees, 26 pants makers and finishers, 22 mosaic layers, 19 tailors and tailoresses, 16 shoemakers, and 14 tinkers; under the head of nonproductive (by far the largest), 1,689 were classed as at home, which in this table means all persons 9 years of age or under who were not at school and unemployed during the year; 1,044 were housewives and 113 were engaged in housework without pay; 361 were classed as having no occupation, and include those 10 years of age or over who were unemployed twelve months and who were not at school during the year, and 876 were scholars. Under the division of housewives and at work, which includes those performing their household duties and, in addition, engaging in work for pay, were found 188 persons. The occupations most common to them were the making and finishing of pants and other garments, dressmaking, washing, and wood, coal, and rag picking. Under the division of scholars and at work were 112 persons who, in addition to attendance at school, were engaged in selling papers, blacking shoes, peddling, etc. It is seen that the occupations are generally those requiring but a low grade of intelligence and little skill or muscular strength.

The following table, drawn from Table X, shows the number and per cent of persons, by groups of occupations:

NUMBER AND PER CENT OF PERSONS, BY GROUPS OF OCCUPATIONS.

Groups of occupations.	Males.		Females.		Total.		Per cent under each group.
	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	
Agriculture, fisheries, and mining.....	32	100.00			32	100.00	0.47
Professional.....	63	95.45	3	4.55	66	100.00	.98
Domestic and personal service.....	1,194	99.17	10	.83	1,204	100.00	17.78
Trade and transportation.....	655	95.34	32	4.66	687	100.00	10.14
Manufactures and mechanical industries...	306	81.82	68	18.18	374	100.00	5.52
Nonproductive.....	1,581	38.47	2,529	61.53	4,110	100.00	60.68
Housewives and at work.....			188	100.00	188	100.00	2.78
Scholars and at work.....	100	89.29	12	10.71	112	100.00	1.65
Total.....	3,931	58.04	2,842	41.96	6,773	100.00	100.00

According to this table, the nonproductive class included 60.68 per cent of all the persons in the families canvassed. Less than 1 per cent of all were engaged in agriculture, fisheries, and mining or in professional work. Those engaged in domestic and personal service constituted 17.78 per cent of all, those engaged in trade and transportation 10.14 per cent, those engaged in manufactures and mechanical indus-

tries 5.52 per cent, while those who were engaged in some work in addition to their household duties constituted 2.78 per cent, and those engaged in some work besides going to school, 1.65 per cent.

The small proportion of women at work at gainful occupations is quite noticeable. In domestic and personal service, less than 1 per cent were females; in trade and transportation, but 4.66 per cent of all embraced under that head were females, and in manufactures and mechanical industries 18.18 per cent were females.

The following table, taken from the Seventh Special Report of the Commissioner of Labor, relating to the population of typical slum sections of four cities, is reproduced for comparison with the preceding table relating to the Italian families embraced in the present report:

NUMBER AND PER CENT OF PERSONS IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA, BY GROUPS OF OCCUPATIONS.

[From the Seventh Special Report of the Commissioner of Labor.]

Groups of occupations.	Males.		Females.		Total.		Per cent under each group.
	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	
BALTIMORE.							
Agriculture, fisheries, and mining.....	63	82.89	13	17.11	76	100.00	0.42
Professional.....	95	84.82	17	15.18	112	100.00	.62
Domestic and personal service.....	1,685	82.92	347	17.08	2,032	100.00	11.26
Trade and transportation.....	1,668	90.11	183	9.89	1,851	100.00	10.26
Manufactures and mechanical industries.....	2,109	70.73	873	29.28	2,982	100.00	16.52
Nonproductive (not gainful).....	3,373	31.80	7,234	68.20	10,607	100.00	58.77
Housewives and at work.....			384	100.00	384	100.00	2.13
Scholars and at work.....	3	75.00	1	25.00	4	100.00	.02
Total.....	8,996	49.84	9,052	50.16	18,048	100.00	100.00
CHICAGO.							
Agriculture, fisheries, and mining.....	10	100.00			10	100.00	.05
Professional.....	169	89.42	20	10.58	189	100.00	.96
Domestic and personal service.....	2,376	84.23	445	15.77	2,821	100.00	14.29
Trade and transportation.....	2,014	90.31	216	9.69	2,230	100.00	11.29
Manufactures and mechanical industries.....	2,235	77.04	666	22.96	2,901	100.00	14.69
Nonproductive (not gainful).....	3,753	33.32	7,512	66.68	11,265	100.00	57.04
Housewives and at work.....			176	100.00	176	100.00	.89
Scholars and at work.....	94	60.26	62	39.74	156	100.00	.79
Total.....	10,051	53.93	9,097	46.07	19,748	100.00	100.00
NEW YORK.							
Agriculture, fisheries, and mining.....	27	96.43	1	3.57	28	100.00	.10
Professional.....	237	90.80	24	9.20	261	100.00	.90
Domestic and personal service.....	3,454	88.52	448	11.48	3,902	100.00	13.48
Trade and transportation.....	2,378	90.93	237	9.07	3,165	100.00	10.91
Manufactures and mechanical industries.....	2,930	67.17	1,432	32.83	4,362	100.00	15.04
Nonproductive (not gainful).....	6,266	37.83	10,296	62.17	16,562	100.00	57.12
Housewives and at work.....			634	100.00	634	100.00	2.19
Scholars and at work.....	43	52.44	39	47.56	82	100.00	.28
Total.....	15,835	54.61	13,161	45.39	28,996	100.00	100.00
PHILADELPHIA.							
Agriculture, fisheries, and mining.....	13	92.86	1	7.14	14	100.00	.08
Professional.....	135	88.82	17	11.18	152	100.00	.89
Domestic and personal service.....	1,625	82.40	347	17.60	1,972	100.00	11.56
Trade and transportation.....	1,740	91.48	162	8.52	1,902	100.00	11.15
Manufactures and mechanical industries.....	2,286	77.60	660	22.40	2,946	100.00	17.27
Nonproductive (not gainful).....	3,305	33.71	6,498	66.29	9,803	100.00	57.46
Housewives and at work.....			242	100.00	242	100.00	1.42
Scholars and at work.....	19	65.52	10	34.48	29	100.00	.17
Total.....	9,123	53.48	7,937	46.52	17,060	100.00	100.00

A comparison of these two classes of slum residents shows a uniformly smaller proportion of women at work among the families of Italian origin. From 11.26 to 14.29 per cent of the persons embraced in the Seventh Special Report were employed in domestic and personal service, the largest per cent, 14.29, being for Chicago, while 17.78 per cent of the persons included in the present report were employed under this industrial group. The proportions engaged in trade and transportation do not differ greatly, but while the Seventh Special Report shows 16.52 per cent engaged in manufactures and mechanical industries in Baltimore, 14.69 per cent in Chicago, 15.04 per cent in New York, and 17.27 per cent in Philadelphia, but 5.52 per cent of the persons in these Italian families fall in this group. The proportion of nonproductive persons is seen to be uniformly smaller for the persons embraced in the Seventh Special Report.

The following two summaries, taken from Table X, show for each group of occupations the average weekly earnings and average hours of work per week of persons engaged in remunerative occupations. As Table X shows, a large number of persons engaged in productive or remunerative occupations did not report earnings or hours of work. The following summaries, of course, deal only with those who reported. Out of a total of 2,663 persons engaged in remunerative occupations, 2,420, or 90.87 per cent, reported as to earnings, and 1,820, or 68.34 per cent, reported as to hours of work:

AVERAGE WEEKLY EARNINGS OF PERSONS ENGAGED IN REMUNERATIVE OCCUPATIONS.

Groups of occupations.	Males.		Females.		Total.	
	Number reporting.	Average weekly earnings.	Number reporting.	Average weekly earnings.	Number reporting.	Average weekly earnings.
Agriculture, fisheries, and mining.....	32	\$7.64½	.....	.....	32	\$7.64½
Professional.....	52	5.09½	3	\$3.00	55	4.98
Domestic and personal service.....	1,115	7.27½	8	2.28½	1,123	7.23½
Trade and transportation.....	562	4.47	26	2.15	588	4.37
Manufactures and mechanical industries	297	8.25½	64	3.02	361	7.33
Housewives and at work.....	.....	.....	153	1.72	153	1.72
Scholars and at work.....	96	2.29	12	1.95	108	2.25
Total.....	2,154	6.41	266	2.11½	2,420	5.93½

AVERAGE HOURS OF WORK PER WEEK OF PERSONS ENGAGED IN REMUNERATIVE OCCUPATIONS.

Groups of occupations.	Males.		Females.		Total.	
	Number reporting.	Average hours of work per week.	Number reporting.	Average hours of work per week.	Number reporting.	Average hours of work per week.
Agriculture, fisheries, and mining.....	26	59.8	.....	.....	26	59.8
Professional.....	24	52.0	.....	.....	24	52.0
Domestic and personal service.....	1,024	62.1	2	39.0	1,026	62.1
Trade and transportation.....	333	56.2	15	46.1	348	55.8
Manufactures and mechanical industries	248	55.5	54	54.6	302	55.3
Housewives and at work.....	.....	.....	40	52.1	40	52.1
Scholars and at work.....	66	51.1	8	44.9	74	50.4
Total.....	1,721	59.4	99	51.2	1,820	59.0

It is seen that the highest earnings, \$7.64½ per week, were made by those engaged in agriculture, fisheries, and mining, although but 32 persons reported under this class. In manufactures and mechanical industries, with 361 persons reporting, the average earnings were \$7.33 per week; in domestic and personal service, with 1,123 persons reporting, they were \$7.23½ per week. The average earnings for the 2,420 persons reporting in all industrial groups were \$5.93½ per week. The average hours of work in the seven groups are shown to have varied from 50.4 to 62.1 per week, the average for all groups being 59 hours.

The following summaries, from the Seventh Special Report, relating to typical slum sections of Baltimore, Chicago, New York, and Philadelphia, enable us to institute a comparison as to earnings and hours of work between the Italian families just mentioned and slum residents of various nationalities:

AVERAGE WEEKLY EARNINGS OF PERSONS ENGAGED IN REMUNERATIVE OCCUPATIONS IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

Groups of occupations.	Males.		Females.		Total.	
	Number reporting.	Average weekly earnings.	Number reporting.	Average weekly earnings.	Number reporting.	Average weekly earnings.
BALTIMORE.						
Agriculture, fisheries, and mining	61	\$5.49	13	\$3.73	74	\$5.18
Professional	78	15.57	17	9.02	95	14.40
Domestic and personal service	1,654	9.00	332	4.41½	1,986	8.23½
Trade and transportation	1,592	11.58½	176	7.11½	1,768	11.14
Manufactures and mechanical industries	2,037	9.27½	854	4.49	2,891	7.86
Housewives and at work			378	4.62½	378	4.62½
Scholars and at work	3	3.00	1	3.00	4	3.00
Total	5,425	9.91½	1,771	4.80	7,196	8.65½
CHICAGO.						
Agriculture, fisheries, and mining	8	10.98½			8	10.98½
Professional	117	15.30½	15	14.09½	132	15.16½
Domestic and personal service	2,050	9.93	355	5.97	2,415	9.35
Trade and transportation	1,578	11.03	186	5.90	1,764	10.49
Manufactures and mechanical industries	2,043	11.79½	636	5.53	2,679	10.31
Housewives and at work			142	4.71	142	4.71
Scholars and at work	85	4.06	58	3.15	143	3.69
Total	5,891	10.89½	1,392	5.60	7,283	9.88½
NEW YORK.						
Agriculture, fisheries, and mining	25	9.44	1	4.00	26	9.23
Professional	142	13.77½	12	11.80	154	13.62
Domestic and personal service	3,080	8.65½	343	4.74½	3,423	8.26½
Trade and transportation	2,168	10.16½	218	4.82	2,386	9.67½
Manufactures and mechanical industries	2,441	10.26½	1,299	4.56½	3,740	8.28½
Housewives and at work			579	3.13	579	3.13
Scholars and at work	35	3.13½	33	3.14	68	3.13½
Total	7,891	9.64	2,485	4.29½	10,376	8.36
PHILADELPHIA.						
Agriculture, fisheries, and mining	6	9.71	1	6.00	7	9.18
Professional	79	13.70½	15	13.79	94	13.72
Domestic and personal service	1,284	8.63½	270	3.93	1,554	7.82
Trade and transportation	1,157	9.83	102	5.82½	1,259	9.50½
Manufactures and mechanical industries	1,892	10.16½	597	5.02½	2,489	8.93
Housewives and at work			158	4.41	158	4.41
Scholars and at work	15	3.10½	7	3.21½	22	3.14
Total	4,433	9.67½	1,150	4.86	5,583	8.68

AVERAGE HOURS OF WORK PER WEEK OF PERSONS ENGAGED IN REMUNERATIVE OCCUPATIONS IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

Groups of occupations.	Males.		Females.		Total.	
	Number reporting.	Average hours of work per week.	Number reporting.	Average hours of work per week.	Number reporting.	Average hours of work per week.
BALTIMORE.						
Agriculture, fisheries, and mining.....	60	73.97	8	66.00	68	73.03
Professional.....	81	54.33	16	33.06	97	50.82
Domestic and personal service.....	1,624	64.51	290	72.81	1,914	65.77
Trade and transportation.....	1,608	67.60	176	67.41	1,784	67.58
Manufactures and mechanical industries.....	2,067	61.40	850	61.16	2,917	61.33
Housewives and at work.....	.....	.....	225	64.48	225	64.48
Scholars and at work.....	3	64.51	1	72.00	4	66.38
Total.....	5,443	64.19	1,566	64.24	7,009	64.21
CHICAGO.						
Agriculture, fisheries, and mining.....	8	65.50	.....	.....	8	65.50
Professional.....	113	50.77	15	39.00	128	49.39
Domestic and personal service.....	2,170	64.84	336	71.30	2,506	65.71
Trade and transportation.....	1,801	61.93	205	58.34	2,006	61.56
Manufactures and mechanical industries.....	2,178	57.25	643	57.19	2,821	57.24
Housewives and at work.....	.....	.....	123	57.78	123	57.78
Scholars and at work.....	80	53.75	59	55.81	139	54.62
Total.....	6,350	61.02	1,381	60.59	7,731	60.94
NEW YORK.						
Agriculture, fisheries, and mining.....	27	61.52	1	60.00	28	61.47
Professional.....	173	53.69	21	43.10	194	52.54
Domestic and personal service.....	3,201	66.99	304	66.68	3,505	66.96
Trade and transportation.....	2,500	64.86	259	60.16	2,759	64.42
Manufactures and mechanical industries.....	2,717	59.34	1,366	58.34	4,083	59.01
Housewives and at work.....	.....	.....	560	55.99	560	55.99
Scholars and at work.....	37	57.47	35	56.96	72	57.22
Total.....	8,655	63.65	2,546	58.86	11,201	62.55
PHILADELPHIA.						
Agriculture, fisheries, and mining.....	11	66.55	1	66.00	12	66.50
Professional.....	81	46.59	17	31.12	98	43.91
Domestic and personal service.....	1,323	64.32	255	75.40	1,578	66.11
Trade and transportation.....	1,450	65.65	133	64.78	1,583	65.58
Manufactures and mechanical industries.....	2,123	59.78	624	58.38	2,747	59.46
Housewives and at work.....	.....	.....	181	60.30	181	60.30
Scholars and at work.....	16	52.69	5	52.80	21	52.72
Total.....	5,004	62.46	1,216	62.54	6,220	62.47

The very considerably smaller earnings of the persons belonging to the Italian families dealt with in the present report is noticed. Their average earnings for all the classes of work engaged in, as has been shown, were \$5.93½ per week. For the general slum population shown in the tables just given the average weekly earnings for the group were, in Baltimore, \$8.65½; in Chicago, \$9.88½; in New York, \$8.36, and in Philadelphia, \$8.68. This difference is doubtless due to the fact that the persons embraced in these exclusively Italian families, as has been previously shown, were employed as a rule at occupations of the lowest grade, requiring no skill and but little manual dexterity or strength. The average hours of work per week were shorter for the members of these Italian families than for the general slum population.

Table XI.—Persons unemployed, by months unemployed, sex, and age.—
 This table includes all persons 15 years of age or over engaged in remunerative occupations who reported that they were unemployed during any part of the year, and shows for each sex and age the months unemployed. It is proper to state that 90 males and 42 females, making a total of 132 persons, did not report whether employed or not, and have consequently been omitted from this table. In the previous table and the analysis, it was shown that of a total of 6,773 persons included in this investigation, 4,110, or 60.68 per cent, were not engaged in any remunerative or productive occupation. These persons were classed as nonproductive, and consisted of those too young to work, those who were unemployed during the whole year, housewives and persons engaged in housework without pay, those who had no occupation, retired persons, and scholars. In this table those who were unemployed fractional parts of months during the year have been classed under the nearest whole month, while those employed less than half a month have been excluded. Of the 2,663 persons employed in remunerative occupations, 1,517, or 56.97 per cent, were unemployed some part of the year. Of this number, 40 were unemployed one month, 56 two months, 49 three months, 66 four months, 102 five months, 250 six months, 183 seven months, 232 eight months, 310 nine months, 161 ten months, and 68 eleven months during the year. The average time unemployed for these 1,517 persons was, therefore, over seven months.

The following table, reproduced from the Seventh Special Report of the Commissioner of Labor, shows the results of the investigation of typical slum sections of Baltimore, Chicago, New York, and Philadelphia so far as it relates to nonemployment. The figures are for the year ending March 31, 1893:

PERSONS UNEMPLOYED AND AVERAGE MONTHS UNEMPLOYED IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

City.	Total population of the slum districts canvassed.	Slum population unemployed.		Months unemployed.	
		Number.	Per cent.	Total.	Average.
Baltimore	18, 048	1, 504	8. 67	a 5, 255	a 3. 6
Chicago	19, 748	3, 135	15. 88	a 7, 327	a 3. 1
New York	28, 996	2, 615	9. 02	a 6, 116	a 3. 1
Philadelphia	17, 060	2, 591	15. 19	a 5, 132	a 2. 9

a Not including those for whom the months unemployed were not reported.

It is seen from this table that of the total persons included in that investigation, both productive and nonproductive, 8.67 per cent in Baltimore were unemployed some part of the year, 15.88 per cent in Chicago, 9.02 per cent in New York, and 15.19 per cent in Philadelphia. Of the total persons in the Italian families included in the present report the very large proportion of 22.40 per cent were unemployed

some part of the year. The average time unemployed of those who were shown to have been unemployed in the Seventh Special Report was 3.6 months in Baltimore, 3.1 months in Chicago and New York, and 2.9 months in Philadelphia. The present investigation shows that the average time of nonemployment of the unemployed in the Italian families was 7.2 months, or double the highest average of the unemployed slum population shown in the Seventh Special Report.

As has been stated, 1,517 persons engaged in productive occupations in these Italian families were unemployed during some portion of the year. The question as to the means of subsistence when unemployed was answered by 1,486 of these persons. It was stated by 717, or 48.25 per cent, that they lived on their savings while unemployed; 287, or 19.31 per cent, had credit and went into debt for the means of subsistence; 233, or 15.68 per cent, lived on their savings until they had exhausted them and then resorted to credit; 96, or 6.46 per cent, lived wholly on charity while unemployed; 26, or 1.75 per cent, lived on their children's earnings, while 127, or 8.55 per cent, subsisted in various ways, the most common being stated as on savings and charity, relatives' support, credit and charity, rents, wife's earnings, savings and wife's earnings, etc.

Table XII.—Illiterates, by sex, age periods, and degree of illiteracy.—This table includes all illiterate persons 10 years of age or over embraced in the investigation. Those who can neither read nor write and those who can read but can not write, the two classes of illiterates, are shown by sex and nativity for each specified age period. The great majority of native-born persons in these families, as has been shown, were children under 10 years of age, and therefore do not appear in this table. Of the 2,752 illiterate persons found in these families, but 32 were native born, and of these 30 were under 21 years of age. Dealing with persons, therefore, almost entirely foreign born, no comparison of native and foreign born illiterate persons is possible or desirable.

As regards the degree of illiteracy, it is seen that 2,684, or 97.53 per cent, of the 2,752 illiterate persons could neither read nor write, while 68, or 2.47 per cent, could read but could not write any language. Similar data for the persons embraced in the Seventh Special Report are shown in the following table:

NUMBER AND PER CENT OF ILLITERATES OF EACH DEGREE OF ILLITERACY IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

Degree of illiteracy.	Baltimore.		Chicago.		New York.		Philadelphia.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Unable to read and write..	2,411	92.23	3,609	95.83	9,870	98.03	4,485	97.46
Unable to write.....	203	7.77	157	4.17	198	1.97	117	2.54
Total	2,614	100.00	3,766	100.00	10,068	100.00	4,602	100.00

Of a total of 2,752 illiterate persons embraced in the present report, 1,373, or 49.89 per cent, were from 31 to 50 years of age; 748, or 27.18 per cent, were from 21 to 30 years; 342, or 12.43 per cent, were from 10 to 20 years; 278, or 10.10 per cent, were 51 years of age or over, while 11, or 0.40 per cent, did not report as to age.

The following table, taken from the Seventh Special Report, shows the distribution as to age of the residents of the typical slum sections embraced in that report:

NUMBER AND PER CENT OF ILLITERATES OF EACH AGE PERIOD IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

Age periods.	Baltimore.		Chicago.		New York.		Philadelphia.	
	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.
10 to 14 years.....	160	6.12	253	6.72	610	6.06	241	5.24
15 to 20 years.....	250	9.57	364	9.06	897	8.91	463	10.06
21 to 30 years.....	646	24.71	1,103	29.29	2,074	20.56	1,376	29.90
31 to 50 years.....	1,070	40.93	1,431	38.00	4,157	41.29	1,716	37.29
51 years or over.....	469	17.94	348	9.24	1,269	12.60	525	11.41
Age not reported.....	19	.73	267	7.09	461	4.58	281	6.10
Total.....	2,614	100.00	3,766	100.00	10,068	100.00	4,602	100.00

Table XIII.—Literates, by sex, age periods, and language.—This table deals with the literate persons 10 years of age or over embraced in the families included in this report. The number of male and of female native and foreign born persons falling under each age period are shown and further classified as to whether they read and write the English language only, Italian only, or both English and Italian. Of the native-born literates, 265 could read and write English only and 3 could read and write Italian only. No native-born persons in these families were found who could read and write both English and Italian. Of the 1,533 foreign-born literates, 221 could read and write English only, showing that the ability to read and write was probably acquired after their arrival in this country; 984 could read and write Italian only, while 328 were able to read and write both English and Italian.

Table XIV.—Literates and illiterates, by sex.—This table brings into comparison the information given in the two previous tables relating to illiterates and literates. It is shown that of the 2,812 males 10 years of age or over included in this report, 48.04 per cent were literate and 51.96 per cent were illiterate. Of the 1,741 females 10 years of age or over, 25.85 per cent were literate and 74.15 per cent were illiterate. Comparing the literate males and females, it is seen that 19.32 per cent of the literate males could read and write English only, while 50 per cent of the literate females were in this class; 60.55 per cent of the males and 37.56 per cent of the females could read and write Italian only, and 20.13 per cent of the males and 12.44 per cent of the females were able to read and write both English and Italian. Taking into consideration persons of both sexes, it is seen that of a

total of 4,553 persons 10 years of age or over 2,752, or 60.44 per cent, were illiterate, while 1,801, or 39.56 per cent, were literate. The proportion of illiterate persons (60.44 per cent) is thus seen to be very high in the families included in this investigation. It is shown in Table XII that but 32 of the 2,752 illiterates were native born, a proportion too small to be considered. A comparison as to illiteracy is, therefore, possible between these Italian families and the foreign-born population of the typical slum sections of Baltimore, Chicago, New York, and Philadelphia, as presented in the Seventh Special Report of the Commissioner of Labor. The following table, drawn from that report, shows the per cent of literates and illiterates of each foreign nationality as given there:

PER CENT OF LITERATES AND ILLITERATES BORN IN EACH SPECIFIED FOREIGN COUNTRY IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

Place of birth.	Baltimore.		Chicago.		New York.		Philadelphia.	
	Literates.	Illiterates.	Literates.	Illiterates.	Literates.	Illiterates.	Literates.	Illiterates.
Austria-Hungary.....	63.55	36.45	90.37	9.63	73.63	26.37	69.16	30.84
British America.....	72.73	27.27	87.01	12.99	100.00	.....	80.00	20.00
China.....	66.67	33.33	93.94	6.06	81.91	18.09	81.25	18.75
France.....	90.00	10.00	90.48	9.52	83.33	16.67	100.00	.....
Germany.....	72.50	27.50	87.62	12.38	92.92	7.98	85.26	14.74
Great Britain.....	94.93	5.07	93.42	6.58	92.23	7.77	91.41	8.59
Ireland.....	75.73	24.27	84.71	15.29	60.68	39.32	74.21	25.79
Italy.....	47.52	52.48	30.14	69.86	33.16	66.84	36.37	63.63
Netherlands.....	100.00	.....	91.67	8.33	100.00	.....	59.09	40.91
Norway and Sweden.....	92.50	7.50	91.67	8.33	100.00	.....	100.00	.....
Poland.....	52.69	47.31	69.80	30.20	49.76	50.24	59.73	40.27
Russia.....	70.30	29.70	71.31	28.69	45.65	54.35	58.08	41.92
Spain and Portugal.....	33.33	66.67	100.00	.....	57.14	42.86	66.67	33.33
Other foreign and foreign not specified.....	74.42	25.58	56.39	43.61	66.61	33.39	57.35	42.65
Total.....	69.38	30.62	66.14	33.86	42.31	57.69	53.39	46.61

This table shows that those of Italian birth were to an even larger extent illiterate in the families included in the Seventh Special Report than is shown by the present report, and that in each of the four cities, with the exception of Baltimore, the proportion of illiterates among persons of that nationality was greater than among those of any other country.

Taking up again Table XIV, and considering the literates only, it is seen that 26.99 per cent of all the literates could read and write English only; 54.80 per cent could read and write Italian only, while 18.21 per cent were able to read and write both English and Italian.

The following table, showing the number and per cent of persons able and not able to speak English, by years in the United States, while not bearing directly on illiteracy, is thought to be of interest in this connection.

NUMBER AND PER CENT OF PERSONS ABLE AND NOT ABLE TO SPEAK ENGLISH,
BY YEARS IN THE UNITED STATES.

[This table includes all persons 10 years of age or over.]

Years in the United States.	Able to speak English.			Not able to speak English.			Per cent.	
	Males.	Females.	Total.	Males.	Females.	Total.	Able to speak English.	Not able to speak English.
Total native born.....	132	146	298	.....	2	2	99.33	0.67
Foreign born:								
Under 1 year.....	2	.....	2	60	49	109	1.80	98.20
1 year.....	11	4	15	33	29	62	19.48	80.52
2 years.....	26	7	33	39	43	81	28.95	71.05
3 years.....	110	30	140	107	107	214	39.55	60.45
4 years.....	147	35	182	105	126	231	44.07	55.93
5 years.....	178	42	220	78	121	199	52.51	47.49
6 years.....	163	44	207	63	98	161	56.25	43.75
7 years.....	133	43	176	30	49	79	69.02	30.98
8 years.....	166	57	223	43	75	118	65.40	34.60
9 years.....	128	57	185	31	69	100	64.91	35.09
10 years or over.....	828	264	1,092	163	238	401	73.14	26.86
Not reported.....	14	4	18	3	2	5	78.26	21.74
Total foreign born.....	1,906	587	2,493	754	1,006	1,760	58.62	41.38
Aggregate.....	2,058	733	2,791	754	1,008	1,762	61.30	38.70

Of native-born persons, practically all were able to speak English. Of the total foreign-born persons, 58.62 per cent were able to speak English, while 41.38 per cent were unable to do so. Of all the persons in these families 10 years of age or over, both native and foreign born, 61.30 per cent were able to speak English, while 38.70 per cent were not able to do so. The proportion of persons able and not able to speak English who have been in the United States each specified number of years is shown in the table. The proportion able to speak English of those who have been in the United States less than one year is shown to be but 1.80 per cent. This proportion gradually increases as the years of residence in the United States increase, until 73.14 per cent of those who had been in the United States 10 years or over were able to speak the English language with reasonable clearness.

Table XV.—School attendance, by nativity, age, kind of school, and sex.—This table shows the native and foreign born males and females of each age attending public and private schools. Of a total of 988 persons in these families who attended school during some portion of the year, 582, or 58.91 per cent, were native born, and 406, or 41.09 per cent, were foreign born. No comparison as to the proportion of native and foreign born persons attending school can be made between these families and those embraced in the Seventh Special Report, owing to the fact that these families are exclusively Italian or of foreign extraction, while those embraced in the Seventh Special Report are to a large extent native, and would naturally show a larger proportion of native-born persons at school.

The following table classifies all scholars according to sex and age:

NUMBER AND PER CENT OF SCHOLARS OF EACH AGE.

Age.	Males.		Females.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 5 years	1	0.18	2	0.48	3	0.30
5 years	14	2.45	9	2.16	23	2.33
6 years	39	6.83	45	10.79	84	8.59
7 years	91	15.94	64	15.35	155	15.69
8 years	78	13.66	57	13.67	135	13.67
9 years	64	11.21	66	15.83	130	13.16
10 years	67	11.73	49	11.75	116	11.74
11 years	44	7.70	25	5.99	69	6.98
12 years	44	7.70	45	10.79	89	9.01
13 years	39	6.83	18	4.32	57	5.77
14 years	26	4.55	23	5.51	49	4.96
15 years	30	5.25	11	2.64	41	4.15
16 years	10	1.75	3	.72	13	1.32
17 years	14	2.45	.....	.....	14	1.42
18 years	3	.53	.....	.....	3	.30
19 years	1	.18	.....	.....	1	.10
20 years	2	.35	.....	.....	2	.20
21 years	2	.35	.....	.....	2	.20
24 years	1	.18	.....	.....	1	.10
25 years	1	.18	.....	.....	1	.10
Total	571	100.00	417	100.00	988	100.00

The largest proportion of scholars were 7 years of age, the per cent for males being 15.94, for females, 15.35, and for both males and females, 15.69. Over one-half of all scholars were from 7 to 10 years of age, inclusive, the proportion being 52.54 per cent of males, 56.60 per cent of females, and 54.26 per cent of both males and females.

The following table, taken from the Seventh Special Report and embracing the scholars in families residing in typical slum sections of Baltimore, Chicago, New York, and Philadelphia, shows the number and per cent of scholars classified according to age periods:

NUMBER AND PER CENT OF SCHOLARS OF EACH AGE PERIOD IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

Age periods.	Baltimore.		Chicago.		New York.		Philadelphia.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 5 years .....	.....	.....	7	0.25	25	0.58	16	0.61
5 to 9 years	1,201	45.68	1,197	42.58	2,313	53.29	1,356	51.85
10 to 13 years	1,166	44.35	1,183	42.08	1,613	37.16	995	38.05
14 to 19 years	259	9.85	419	14.91	384	8.85	243	9.29
20 years or over	3	.12	5	.18	3	.07	2	.08
Age not reported .....	.....	.....	.....	.....	2	.05	3	.12
Total	2,629	100.00	2,811	100.00	4,340	100.00	2,615	100.00

A similar classification of the scholars included in the present report shows that 3, or 0.30 per cent, were under 5 years of age; 527, or 53.35 per cent, were from 5 to 9 years; 331, or 33.50 per cent, were from 10 to 13 years; 121, or 12.25 per cent, were from 14 to 19 years; while 6, or 0.60 per cent, were 20 years of age or over.

The following table classifies the scholars in these Italian families according to the kind of school which they attended, whether public or private:

NUMBER AND PER CENT OF SCHOLARS ATTENDING PUBLIC AND PRIVATE SCHOOLS.

Kind of school.	Males.		Females.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Public	503	88.09	382	91.61	885	89.57
Private	68	11.91	35	8.39	103	10.43
Total	571	100.00	417	100.00	988	100.00

Of all male scholars 88.09 per cent attended public schools; of all female scholars 91.61 per cent attended public schools, while the proportion of all scholars of both sexes attending public schools was 89.57 per cent. In Table XV of the present report and the summaries drawn therefrom the term private school has been made to include schools variously designated as parochial schools, kindergartens, Italian private schools, and private night schools, as well as those termed simply private schools. Table III of this report shows in detail the specific kind of schools attended by the scholars in each of these Italian families.

The following table, taken from the Seventh Special Report, shows the distribution of the scholars included in that report, by kind of school:

NUMBER AND PER CENT OF SCHOLARS IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA ATTENDING PUBLIC AND PRIVATE SCHOOLS.

[From the Seventh Special Report of the Commissioner of Labor.]

Kind of school.	Baltimore.		Chicago.		New York.		Philadelphia.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Public	1,703	64.78	2,181	77.59	2,743	63.20	2,241	85.70
Private	926	35.22	630	22.41	1,597	36.80	374	14.30
Total	2,629	100.00	2,811	100.00	4,340	100.00	2,615	100.00

This table shows that but 64.78 per cent of the scholars in the typical slum families of Baltimore attended public schools and 35.22 per cent private schools; in Chicago 77.59 per cent attended public and 22.41 per cent private schools; in New York 63.20 per cent attended public and 36.80 per cent private schools, and in Philadelphia 85.70 per cent attended public and 14.30 per cent private schools. As has been shown, 89.57 per cent of the scholars included in the present report attended public while but 10.43 per cent attended private schools.

In this connection the following table is given, showing the months of school attendance during the year, by sex and kind of school:

MONTHS IN SCHOOL DURING YEAR, BY SEX AND KIND OF SCHOOL.

Months in school during year.	Males.		Females.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
PUBLIC.						
1 month	2	0.40	3	0.79	5	0.57
2 months	4	.80	10	2.62	14	1.58
3 months	17	3.38	13	3.40	30	3.39
4 months	18	3.58	17	4.45	35	3.96
5 months	8	1.59	6	1.57	14	1.58
6 months	39	7.75	12	3.14	51	5.76
7 months	34	6.76	21	5.49	55	6.21
8 months	6	1.19	10	2.62	16	1.81
9 months	14	2.78	3	.79	17	1.92
10 months	358	71.17	284	74.34	642	72.54
Not specified	3	.60	3	.79	6	.68
Total	503	100.00	382	100.00	885	100.00
Average number of months in school		8.80		8.78		8.79
PRIVATE.						
1 month	1	1.47			1	.97
2 months			1	2.86	1	.97
3 months	1	1.47	1	2.86	2	1.95
4 months	3	4.41	1	2.86	4	3.88
5 months	1	1.47			1	.97
6 months	3	4.41	1	2.86	4	3.88
7 months	4	5.89			4	3.88
8 months	3	4.41	1	2.86	4	3.88
9 months	2	2.94	1	2.86	3	2.92
10 months	50	73.53	29	82.84	79	76.70
Not specified						
Total	68	100.00	35	100.00	103	100.00
Average number of months in school		8.96		9.20		9.04
PUBLIC AND PRIVATE.						
1 month	3	.53	3	.72	6	.61
2 months	4	.70	11	2.64	15	1.52
3 months	18	3.15	14	3.36	32	3.24
4 months	21	3.68	18	4.31	39	3.95
5 months	9	1.58	6	1.44	15	1.52
6 months	42	7.35	13	3.12	55	5.57
7 months	38	6.65	21	5.03	59	5.97
8 months	9	1.58	11	2.64	20	2.02
9 months	16	2.80	4	.96	20	2.02
10 months	408	71.45	313	75.06	721	72.97
Not specified	3	.53	3	.72	6	.61
Total	571	100.00	417	100.00	988	100.00
Average number of months in school		8.82		8.81		8.81

The first section of this table deals with those attending public schools, the second section with those attending private schools, while the third combines the data for both public and private schools. Of those attending public schools 72.54 per cent were in school ten months, the full school year, the average months in school of all attending public schools being 8.79. Of those attending private schools 76.70 per cent were in school ten months, the average months in school of all attending private schools being 9.04. Taking into consideration the data for both public and private schools, it is seen that 72.97 per cent were in school ten months during the year, the average months of school attendance for all scholars being 8.81.

These figures show very interesting results, taken in connection with Table XVI and its summary, which latter gives the per cent of persons from 5 to 14 years of age at home, at work, at school, and both at work and at school.

Table XVI.—Condition of all children from 5 to 14 years of age, inclusive, by nativity and sex.—This table deals with the condition of all children from 5 to 14 years of age, inclusive, showing the number of males and females of each age and nativity who are at home, at work, at school, and both at work and at school. The following table, drawn from Table XVI, shows the number and per cent of each condition, by sex:

NUMBER AND PER CENT OF CHILDREN OF EACH CONDITION, BY SEX.

Sex.	At home.		At work.		At school.		At work and at school.		All children.	
	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.
Male.....	199	26.29	52	6.87	450	59.44	56	7.40	757	100.00
Female.....	271	38.38	34	4.82	394	55.81	7	.99	706	100.00
Total.....	470	32.12	86	5.88	844	57.69	63	4.31	1,463	100.00

Of the males from 5 to 14 years of age, 26.29 per cent were at home. This designation includes all persons 5 to 14 years of age, inclusive, who were not at school during the year and who had no occupation. Of the females, a larger proportion, 38.38 per cent, were at home. The greatest proportion of children, however, of both sexes were at school; the per cent of males at school being 59.44 and of females 55.81. Of the males, 6.87 per cent were at work and 7.40 per cent both at work and at school, while of the females, 4.82 per cent were at work and 0.99 per cent both at work and at school. Taking up the totals for both males and females, it is seen that of the 1,463 children from 5 to 14 years of age, inclusive, in these Italian families, 844, or 57.69 per cent, were at school during some part of the year; 470, or 32.12 per cent, were at home during the year; 86, or 5.88 per cent, were at work during the whole or some part of the year, while 63, or 4.31 per cent, were both at work and at school.

The following summary, drawn from the Seventh Special Report, relating to the slums of large cities, shows similar figures for the children from 5 to 14 years of age in families residing in typical slum sections of Baltimore, Chicago, New York, and Philadelphia.

NUMBER AND PER CENT OF CHILDREN OF EACH CONDITION, BY SEX, IN CERTAIN SLUM DISTRICTS OF BALTIMORE, CHICAGO, NEW YORK, AND PHILADELPHIA.

[From the Seventh Special Report of the Commissioner of Labor.]

City and sex.	At home.		At work.		At school.		At work and at school.		All children.	
	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.	Num-ber.	Per cent.
BALTIMORE.										
Male.....	545	28.22	124	6.42	1,259	65.20	3	0.16	1,931	100.00
Female.....	651	32.52	97	4.84	1,253	62.59	1	.05	2,002	100.00
Total.....	1,196	30.41	221	5.62	2,512	63.87	4	.10	3,933	100.00
CHICAGO.										
Male.....	554	28.02	117	5.92	1,257	63.58	49	2.48	1,977	100.00
Female.....	551	28.04	73	3.85	1,254	66.21	36	1.90	1,894	100.00
Total.....	1,085	28.03	190	4.91	2,511	64.87	85	2.19	3,871	100.00
NEW YORK.										
Male.....	445	15.89	209	7.46	2,117	75.61	29	1.04	2,800	100.00
Female.....	569	20.72	204	7.43	1,948	70.94	25	.91	2,746	100.00
Total.....	1,014	18.28	413	7.45	4,065	73.30	54	.97	5,546	100.00
PHILADELPHIA.										
Male.....	379	21.51	175	9.93	1,192	67.65	16	.91	1,762	100.00
Female.....	309	18.27	109	6.45	1,264	74.75	9	.53	1,691	100.00
Total.....	688	19.92	284	8.23	2,456	71.13	25	.72	3,453	100.00

As just stated, 57.69 per cent of the children in the Italian families included in this report were at school during some part of the year. The table given above for the children in typical slum families shows that the proportion of children at school was much larger, being 63.87 per cent in Baltimore, 64.87 per cent in Chicago, 73.30 per cent in New York, and 71.13 per cent in Philadelphia. The proportion of children at home in the typical slum families was, on the contrary, universally smaller than in these Italian families. In the latter 32.12 per cent were classed as at home; in the former 30.41 per cent were at home in Baltimore, 28.03 per cent in Chicago, 18.28 per cent in New York, and 19.92 per cent in Philadelphia. The proportion of children at work in typical slum families was 5.62 per cent in Baltimore, 4.91 per cent in Chicago, 7.45 per cent in New York, and 8.23 per cent in Philadelphia, while in the Italian families included in the present report it was 5.88 per cent. The proportion of children who were both at work and at school during some part of the year was greater in the Italian families.

Table XVII.—Married women having a specified number of Italian-born children living, by number of children born to each in Italy and years of married life in Italy.—This table is the first of a series of three tables relating to married women and their children. As the title indicates, this table deals with conditions in Italy, showing the number of children born in Italy and living, by years of married life in Italy.

Table XVIII.—Married women having a specified number of native-born children living, by number of children born to each in the United

States and years of married life in the United States.—This table, the second relating to married women, etc., deals with conditions in the United States, showing facts similar to those given in the preceding table for Italy.

Table XIX.—Married women having a specified number of children living, by number of children born to each and years of married life.—In this table the facts are shown for married women, children born and living, and years of married life, regardless of locality.

The following table, drawn from Table XIX, shows the number and per cent of married women who have had no children and who have had children of total married women, by years married:

NUMBER AND PER CENT OF MARRIED WOMEN WHO HAVE HAD NO CHILDREN AND WHO HAVE HAD CHILDREN OF TOTAL MARRIED WOMEN, BY YEARS MARRIED.

Years married.	Married women who have had no children.		Married women who have had children.		Total married women.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 1 year.....	31	100.00	.....	.....	31	100.00
1 year.....	21	70.00	9	30.00	30	100.00
2 years.....	9	20.45	35	79.55	44	100.00
3 years.....	7	12.28	50	87.72	57	100.00
4 years.....	6	9.84	55	90.16	61	100.00
5 years.....	3	4.41	65	95.59	68	100.00
6 years.....	5	9.43	48	90.57	53	100.00
7 years.....	4	8.16	45	91.84	49	100.00
8 years.....	5	8.77	52	91.23	57	100.00
9 years.....	4	6.35	59	93.65	63	100.00
10 years.....	4	6.06	62	93.94	66	100.00
11 years.....	1	2.08	47	97.92	48	100.00
12 years.....	1	1.82	54	98.18	55	100.00
13 years.....	1	2.33	42	97.67	43	100.00
14 years.....	.....	.....	49	100.00	49	100.00
15 years.....	3	5.88	48	94.12	51	100.00
16 years.....	.....	.....	38	100.00	38	100.00
17 years.....	1	2.08	47	97.92	48	100.00
18 years.....	1	2.70	36	97.30	37	100.00
19 years.....	1	2.86	34	97.14	35	100.00
20 years.....	2	3.57	54	96.43	56	100.00
21 years.....	1	6.25	15	93.75	16	100.00
22 years.....	1	2.70	36	97.30	37	100.00
23 years.....	.....	.....	25	100.00	25	100.00
24 years.....	3	12.00	22	88.00	25	100.00
25 years.....	.....	.....	23	100.00	23	100.00
Over 25 years.....	4	2.99	130	97.01	134	100.00
Not reported.....	3	4.17	69	95.83	72	100.00
Total.....	122	8.90	1,249	91.10	1,371	100.00

Of the 1,371 women embraced in this table, including widowed as well as married women, 122, or 8.90 per cent, have had no children, while 1,249, or 91.10 per cent, have had children. Similar ratios are given for those married each specified number of years. It will be seen that it is stated in this and the following summary that no women who have been married under 1 year have had children. That it was so reported is probably due to the fact that some of those women who have been married less than but nearly one year reported themselves as married 1 year and have been so tabulated.

In the table immediately following is shown the number and per cent of married women who have had no children, by number of years mar-

ried. A similar distribution according to years married is shown for married women who have had children and for total married women.

NUMBER AND PER CENT OF MARRIED WOMEN WHO HAVE HAD NO CHILDREN AND WHO HAVE HAD CHILDREN, BY YEARS MARRIED.

Years married.	Married women who have had no children.		Married women who have had children.		Total married women.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Under 1 year	31	25.41	.....	.....	31	2.26
1 year	21	17.21	9	0.72	30	2.19
2 years	9	7.37	35	2.80	44	3.21
3 years	7	5.73	50	4.00	57	4.16
4 years	6	4.92	55	4.41	61	4.45
5 years	3	2.46	65	5.21	68	4.96
6 years	5	4.10	48	3.84	53	3.87
7 years	4	3.28	45	3.60	49	3.57
8 years	5	4.10	52	4.16	57	4.16
9 years	4	3.28	59	4.73	63	4.60
10 years	4	3.28	62	4.97	66	4.81
11 years	1	.82	47	3.76	48	3.50
12 years	1	.82	54	4.33	55	4.01
13 years	1	.82	42	3.36	43	3.14
14 years .....	.....	.....	49	3.92	49	3.57
15 years	3	2.46	48	3.84	51	3.72
16 years .....	.....	.....	38	3.04	38	2.77
17 years	1	.82	47	3.76	48	3.50
18 years	1	.82	36	2.88	37	2.70
19 years	1	.82	34	2.72	35	2.55
20 years	2	1.64	54	4.33	56	4.09
21 years	1	.82	15	1.20	16	1.17
22 years	1	.82	36	2.88	37	2.70
23 years .....	.....	.....	25	2.00	25	1.82
24 years	3	2.46	22	1.76	25	1.82
25 years .....	.....	.....	23	1.84	23	1.68
Over 25 years	4	3.28	130	10.41	134	9.77
Not reported	3	2.46	69	5.53	72	5.25
Total	122	100.00	1,249	100.00	1,371	100.00

Of the married women who have had no children 25.41 per cent were married less than one year, 17.21 per cent were married one year, 7.37 per cent were married two years, etc. Of the married women who have had children 0.72 per cent were married one year, 2.80 per cent two years, 4 per cent three years, 4.41 per cent four years, etc.

The following table summarizes the results of Tables XVII, XVIII, and XIX, showing the number and per cent of married women who bore each specified number of children during their married life in Italy, in the United States, and in both countries. Looking at the table it will be seen that 96 married women bore no children during their married life in Italy, 331 none during their married life in the United States, and 122 none during their married life in both countries. This last number, it will be noted, is not the sum of those who bore no children in Italy and those who bore none in the United States, as many women who had no children in one country had children in the other. The figures for 1 child, 2 children, etc., should be read in like manner.

NUMBER AND PER CENT OF MARRIED WOMEN WHO HAVE BORNE EACH SPECIFIED NUMBER OF CHILDREN.

Number of children born.	In Italy.		In the United States.		In both Italy and the United States.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
No children.....	96	10.95	331	24.61	122	8.90
1 child.....	175	19.96	174	12.94	108	7.88
2 children.....	155	17.67	236	17.55	148	10.80
3 children.....	117	13.34	181	13.46	166	12.11
4 children.....	93	10.61	144	10.71	166	12.11
5 children.....	63	7.18	95	7.06	161	11.74
6 children.....	37	4.22	67	4.98	137	9.99
7 children.....	39	4.45	44	3.27	95	6.93
8 children.....	28	3.19	23	1.71	90	6.56
9 children.....	20	2.28	14	1.04	71	5.18
10 children.....	11	1.26	5	.37	34	2.48
11 children.....	8	.91	4	.30	24	1.75
12 children.....	2	.23	1	.07	11	.89
13 children.....	1	.11			5	.37
14 children.....	4	.46			6	.44
15 children.....	1	.11				
17 children.....	1	.11			1	.07
18 children.....					1	.07
19 children.....	1	.11			1	.07
Not specified.....	25	2.85	26	1.93	24	1.75
Total.....	877	100.00	1,345	100.00	1,371	100.00

Of the 877 married women who spent a portion of their married life in Italy, 10.95 per cent had no children born in Italy, 19.96 per cent had one child, 17.67 per cent had two children, 13.34 per cent had three children, 10.61 per cent had four children, etc. Of the 1,345 married women who spent the whole or a portion of their married life in the United States, 24.61 per cent had no children born in the United States, 12.94 per cent had one child, 17.55 per cent had two children, 13.46 per cent had three children, 10.71 per cent had four children, etc. Considering the number of children born either in Italy or the United States, of the 1,371 married women embraced in the table, 7.88 per cent had one child, 10.80 per cent had two children, 12.11 per cent had three children, 12.11 per cent had four children, 11.74 per cent had five children, etc.

So far as conditions in Italy were concerned, 799 married women who had spent a portion of their married life in Italy before coming to the United States showed an aggregate of 8,455 years of married life spent there. During this time there were born to them 2,505 children. It is thus seen that while in Italy a child was born to each of these married women every 3.38 years. The conditions in the United States show that 1,280 married women who had spent the whole or a portion of their married life in the United States aggregated 8,997 years of married life in the United States and had borne during that time 3,329 children—that is, while in the United States a child was born to each of these married women every 2.70 years. Taking into consideration the results for both Italy and the United States, 1,296 married women in these families aggregated 17,466 years married and had 5,860 children, a child for every 2.98 years of married life. These figures necessarily include only those married women who reported both years married and children born.

Table XX.—Persons sick or physically defective, by kind of ailment or defect and sex.—This table shows the various ailments and defective physical conditions from which the members of these Italian families suffered during the year. Out of a total of 6,773 persons 1,448, or 21.38 per cent, were reported as sick during the year or physically defective. Excluding childbirth from consideration, the number of persons otherwise sick and physically defective was 1,185, or 17.50 per cent; excluding childbirth, the proportions for the four cities canvassed in the slum investigation were 1.85 per cent for Baltimore, 3.90 per cent for Chicago, 2.35 per cent for New York, and 2.03 per cent for Philadelphia. The exceedingly small proportion of sick and physically defective persons found among the general slum population embraced in the Seventh Special Report was noticeable, the highest being 3.90 per cent for Chicago. In the present investigation the proportion of sick and defective, excluding childbirth, as has been shown, reached 17.50 per cent.

As regards specific diseases or ailments, 301, or 20.79 per cent of the 1,448 persons reported as sick or defective during the year suffered from childbirth, or childbirth and some other ailment; 203, or 14.02 per cent, suffered from fevers, malarial, typhoid, etc., or fever and some other ailment; 112, or 7.73 per cent, suffered from rickets, or rickets and some other ailment; 114, or 7.87 per cent, suffered from bronchitis, or bronchitis and some other ailment, while 100, or 6.91 per cent, suffered from rheumatism, or rheumatism and some other ailment. Over one-half (55.52 per cent) of all persons reporting ailments or defects suffered during the year from childbirth, fevers, rickets, bronchitis, and rheumatism. Going further and taking up the other ailments most frequently reported, 80, or 5.52 per cent of all ailing and defective persons, suffered from accidental injuries, etc.; 73, or 5.04 per cent, suffered from female complaint, etc.; 42, or 2.90 per cent, from pneumonia, etc.; 41, or 2.83 per cent, from measles, etc.; 28, or 1.93 per cent, from diphtheria; 26, or 1.80 per cent, from inflammation of the eyes; 23, or 1.59 per cent, from dyspepsia, etc.; 19, or 1.31 per cent, from consumption, etc.; 18, or 1.24 per cent, from miscarriage, etc., while the proportion of those suffering from any other ailment or defect ranged from 1.24 to 0.07 per cent.

DOMESTIC CONDITIONS, COST OF FOOD, ETC.

In connection with this investigation partial reports were secured from the families and individuals involved relating to their domestic conditions; their customs in the United States and in Italy as regards baking bread, spinning, sewing, knitting, etc.; their food and the cost of the same, and the padrone system, the commissions paid padrones, and the prices of food bought from padrones as compared with market prices, etc. These points are taken up and such data given as were secured.

BAKING, SPINNING, SEWING, ETC., IN ITALY AND IN THE UNITED STATES.

In answer to the inquiry, Do you bake your bread in this country? out of 965 families reporting 675, or 69.95 per cent, stated that they baked their bread. The number of families answering the inquiry, Did you bake your bread in Italy? was 851. Of this number 777, or 91.30 per cent, answered in the affirmative, as against 69.95 per cent just shown as baking their bread in the United States.

In answer to the inquiry, Do you spin in this country? out of 895 families reporting only 7, or less than 1 per cent, answered in the affirmative, while in answer to the inquiry, Did you spin in Italy? out of 834 families reporting 636, or 76.26 per cent, answered in the affirmative.

In answer to the inquiry, Do you sew in this country? 770, or 86.32 per cent, of the 892 families reporting answered in the affirmative; of the 848 families answering the inquiry, Did you sew in Italy? 779, or 91.86 per cent, answered in the affirmative. Of those families reporting as to whether or not they did sewing in this country, 892 in number, the additional question, Do you sew for a boss? was asked, and an affirmative answer given in 88 cases.

In answer to the inquiry, Do you knit stockings in this country? 156, or 17.73 per cent, of the 880 families reporting answered in the affirmative, while of the 842 families reporting as to whether or not they knitted stockings in Italy 721, or 85.63 per cent, answered in the affirmative.

Of 849 families reporting, 633, or 74.56 per cent, stated they worked in the fields in Italy. In answer to the inquiry, Did you use kerosene lamps in Italy? 846 families reported, 571, or 67.49 per cent, of which answered in the affirmative. Of the 850 families reporting, but 27, or 3.18 per cent, had stoves in Italy. Coal is almost universally reported as the fuel used for cooking in this country, 969, or 98.48 per cent, out of a total of 984 families using that kind of fuel, the remaining 15 families, with the exception of one which used wood and one which used coke, using coal in connection with some other fuel.

In these families 305 persons were found who reported that they had sent money to bring relatives from Italy. The aggregate amount involved was \$19,384.75, or an average of \$63.56 for each of the 305 persons reporting.

But 9 persons reported that they had invested in land in Italy. The total amount was \$2,440, or an average of \$271.11 per individual. Seventy-six persons reported that they had invested in land in the United States. The aggregate amount of their investments was \$260,665, or an average of \$3,429.80 per individual.

Of the 271 male members of these families who were found to have visited Italy since their arrival in this country, 245 had returned to Italy once, 16 had returned twice, 8 had returned three times, 1 had returned four times, and 1 had returned five times. Of the 39 females who had visited Italy, 32 had returned to Italy once, 1 had returned twice, 5 had returned three times, and 1 had returned five times.

FOOD.

The following general report from the agent of the Department who canvassed these families and secured the data which form the basis of the tables included in this report relates to the food of these people and embodies the result of careful inquiry on this subject:

Three facts led to this inquiry concerning the food of the Italian working people:

1. Italians are considered fitted for the lighter kinds of manual labor only. In Chicago they are thought best fitted for street sweeping and not strong enough for work in the waterworks extension department and for sewer digging.

2. It is difficult to persuade an Italian to go to a hospital. He says he starves in places where the food is known to be abundant and well prepared. His absence from work is thus protracted by the unscientific care which he receives at home, and if he is suffering from a contagious disease his reluctance often leads to concealment which imperils other lives.

3. Rickets, a disease due to malnutrition, is exceedingly prevalent among the children of Italian working people.

Considering the large number of causes which may have resulted in this state of things—hereditary weakness, unhealthful housing, and utter ignorance of all the laws of hygiene—it would be presumptuous to attribute all these facts to the quality of food used. Indeed, one great cause of the antipathy to hospitals is probably ignorance of the English language. It may not, however, be entirely profitless to look to the food as one of the possible causes. Possibly the errors of diet common among Italian workingmen are just as common among workingmen of other nationalities. Investigations show that the Russian Jews and Bohemians market more judiciously and cook their food more wisely than do the Italians. It may be for this reason—probably for this and other reasons—that the workingmen of these nationalities are in better physical condition than are the Italians.

It must be borne in mind that the following statements are true only of Italians of the poorer class—not of the richer classes nor of the very poorest class. The food of the last named is obtained to a large extent from garbage boxes. Reference here is made to the laborer who works for \$1.25 per day and to the fruit peddler or organ grinder with an income of about the same amount.

As is the case with the poor of other nationalities in this country, there is probably no fault to be found with the food from a purely quantitative standpoint. It is probable that there are exceedingly few Italian persons in the city of Chicago who do not spend enough money upon their food to buy sufficient nutriment to keep their bodies in good condition, providing only the money is judiciously spent and the food properly prepared. Except in rare cases, the Italians certainly eat enough. Immediately following this statement will be found brief dietaries of Italian workingmen at hard labor. The fact that the quantities are not generally given does not seem to render them valueless, for the reasons just given.

In connection with the first of the three points mentioned above, viz, the bearing of the food upon the capacity for labor, it must be remembered that the condition of the Italian laborer in this country, and particularly during the last two or three years, is peculiar. Having only the most unskilled labor to offer, he is the first to be thrown out of

employment during seasons of industrial depression. The result has been that in the city of Chicago during the past two years the Italian has worked on an average but little more than four months out of the twelve. The other eight months were spent in idleness and almost absolute inactivity in poorly ventilated rooms. During these months the laborer, helpless because of his ignorance of the English language, hardly ventures farther than the nearest saloon. The food to which he has been accustomed in his native land and to which he clings is peculiarly ill adapted for this inactive period. In theory these eight months of idleness should be a preparation for the season of hard work. The man having little outdoor life and no immediate necessity for exertion has no need for large amounts of starches and fats, but he has the greatest need for the proteids or nitrogenous substances which create muscle and give powers of endurance. The food of the Italian fails to meet this requirement.

It must be mentioned, first, that the large expenditure for beer, which takes the place in this country of the light wines of Italy, seriously curtails the amount of money available for food. Were it not for this large outlay for beer, beef, which the Italian looks upon as a luxury, might be substituted more often for pork. Another thing to be noted is that the money available for food, after this unfortunately large sum has been deducted, is not expended in such a way as to accomplish the most good. Pork, with its large amount of fat and small amount of proteids, as compared with beef, is used much more than the latter. Lard is tried out in large quantities in the fall for use in winter, and enters into the preparation of almost every dish. The beef used is generally from the round. Wheat flour is used in very large quantities and is made into bread and macaroni. It is not uncommon for a family of five or six to use a barrel every six weeks. Oatmeal and other prepared cereals, whole wheat, graham and rye flours, are almost unknown. Beans, eggs, chickens, and cheese are the other more solid kinds of food. Green vegetables are used in very large quantities, but unfortunately are seldom obtained in fresh condition. With the exception of dandelion greens, which are cut by the Italians themselves, the vegetables reach them only after rejection from the better markets. Red peppers and tomatoes are in the greatest favor, and are dried for winter use. A paste, made by drying in the sun the pulp and juice of the tomato, is a characteristic Italian dish. Vegetables are used not as an accompaniment of meat, but as a substitute for it. It will be seen by reference to the dietaries that the Italian laborer frequently takes for his lunch only bread and peppers. The Italians use little butter and milk. Cases could be cited almost without number of these people who have 15 or 20 cents per day to spend for beer and only 3 cents for milk.

With reference to the methods of cooking, meats are generally fried. The Italian fries his round steak in lard, thus reducing it to its most indigestible and innutritious form. He might well take a lesson from his neighbor, the Russian Jew, who by long, slow cooking makes a most palatable, nutritious dish of his chuck beef, an even lower-priced cut of meat. Eggs, an excellent though not an economical food even when well prepared, are largely deprived of their food value by being fried hard in lard. They are usually mixed with potatoes before frying. Cabbage, peppers, and tomatoes are cooked in the same way with potatoes. Macaroni is boiled in water, covered with a sauce of lard flavored with onions, garlic, peppers, or parsley, and is served with cheese. Beans are boiled with potatoes and served with lard sauce or are used for salad.

The conclusion is that the amount of fat and starch taken in this diet is enough for a man at hardest labor and far in excess of the needs of an idle man, and that in the absence to so large an extent of beef, oatmeal, and other foods having large proportions of nitrogenous food principles, there is a deficiency of muscle-forming materials. Foods, such as eggs and beef, having the greatest value for giving strength of muscle and endurance, have their usefulness impaired by pernicious methods of cooking. In view of these facts it seems fair to infer that after a winter of inactivity, in bad air and on such a diet, the system of the Italian laborer is in such a debilitated condition as to make him entirely unprepared for the return of the working season. To this physical unfitness may be attributed his unwillingness to make any exertion to get work—a matter of surprise to his would-be benefactors who consider only his poverty and indebtedness, and not his physical condition.

As to the second point, the aversion to hospitals, there is no doubt that an Italian, taken from his food fried in lard, which attains and retains a much higher temperature than food cooked in milk or water, and which is highly spiced with peppers and highly flavored with garlic and onions, really suffers when the plain, nutritious, and well-prepared food of a hospital is set before him. We can learn more from the instinctive action of a little child than from the protests of scores of grown people. Italian children, when first taken to the hospitals, turn with disgust from such foods as bread and milk or milk toast. It is doubtless true that this change in diet is not only distasteful, but so radical as frequently to disorder the digestive system. Perhaps the treatment of an Italian during this period of change should be studied much as the treatment of an inebriate being won from his strong drink is studied. The sudden change certainly produces an abnormal physical condition. A little more attention to this subject by hospital authorities and a few harmless concessions to the tastes of the Italians during the first few days of their stay in the hospital might result in their greater willingness to go to hospitals and in their greater tractableness while there. Many an Italian workingman, from pure aversion to American food, lies sick in his own home for months, while unhealthful surroundings and bad food conspire against his recovery, who might speedily return to health if taken to a hospital.

The third point, concerning the children, is of interest, because it bears upon the condition of the future workingman. A sick child may outgrow his diseases, but can hardly be expected to attain the greatest vigor of manhood. The great prevalence of rickets among Italian children may be seen by reference to the general tables. Rickets never proves fatal, but a child affected with this disease is especially subject to lung, bronchial, throat, and other troubles. The frequent acute troubles of the children, traceable to rickets, produce great drains upon the purse of the Italian laborer. The seeds of this disease are often sown before birth. A poorly nourished mother often nurses one child almost up to the time of the birth of her second child. The second child, weak at birth, is nursed until the mother's milk is entirely unfitted for the demands of its system. The weakness thus engendered is aggravated by giving the child the same unwholesome food that its parents eat, and in addition large quantities of fruit in a more or less decayed condition. Milk is used in very small quantities. The question, Do you give your children milk? is usually answered in the affirmative by the Italian mother, but further inquiry usually brings out the information that she buys only about 3 cents' worth per day

and gives it to the children in form of "milk and tea" or "milk and coffee." Beer is given to the very youngest children. Oatmeal and other prepared cereals, whole wheat and graham flours, with their wealth of mineral matters for the formation of bone, are as unfamiliar to the child as to the father, to whom, as previously stated, they are an unknown food. The food of the Italian, therefore, with its insufficiency of proteids and its excess of the most indigestible of fats, has an added fault, when considered as a diet for children, because of the exclusion to so large an extent of milk, oatmeal, and other foods rich in mineral matters.

DIETARIES OF ITALIAN LABORING MEN.

[Time, August, 1896. Sunday bills of fare not taken.]

No. 1. Age, 29; married; sewer digger. Breakfast and lunch: One pound round steak (beef), three times per week, one-half for breakfast and one-half for lunch; red peppers instead of the round steak, three times per week; every morning 5 cents' worth of beer; bread with all these meals. Supper: Macaroni and beans, or round steak fried with potatoes; always bread and 5 cents' worth of beer.

No. 2. Age, 19; single; sewer digger. Breakfast and lunch: One pound round steak, three times per week; peppers, three times per week; always bread and 5 cents' worth of beer. Supper: Fried potatoes and eggs, or boiled potatoes and macaroni; bread and 5 cents' worth of beer.

No. 3. Age, 35; married; sewer digger. Breakfast and lunch: One pound round steak; bread; 5 cents' worth of beer for lunch. Supper: Round steak fried with potatoes; macaroni and beans; potatoes and peppers fried together.

Nos. 4, 5, 6, 7. Day laborers. Food for each, breakfast and lunch: Five cents' worth of summer sausage; 1 pound bread. Supper: Three boiled eggs or head cheese; bread.

No. 8. Age, 29; single; sewer digger. Breakfast and lunch: Coffee, bread, 10 cents' worth of beer; pork chops, four times per week; fried eggs, twice a week. Supper: Beef fried with potatoes, or peppers fried with potatoes, or macaroni; bread and 5 cents' worth of beer.

No. 9. Age, 31; single; sewer digger. Breakfast and lunch: Bread; 10 cents' worth of beer; fried eggs, or potatoes fried with peppers or cheese. Supper: Macaroni with beans, or peppers fried with potatoes or sausage; bread; 5 cents' worth of beer.

No. 10. Age, 33; single; sewer digger. Breakfast: Coffee or tea and bread. Lunch: Five cents' worth of beer; bread; pork chops twice a week; other days fried eggs, ham, sausage, peppers, or cheese (always beer and bread, with choice of the other articles named). Supper: Potatoes fried with eggs, or sausage fried with peppers.

No. 11. Age, 34; single; sewer digger. Breakfast and lunch: Five cents' worth of pork chops; 15 cents' worth of beer; bread. Supper: Macaroni and beefsteak, or peppers fried with potatoes, or cabbage fried with potatoes, or beans and macaroni; bread and 5 cents' worth of beer.

No. 12. Age, 21; single; day laborer. Breakfast: One pound round steak, fried, three times per week; peppers, three times per week. Supper: Macaroni only, four times a week; fried potatoes with peppers twice a week; beer unknown.

No. 13. Age, 24; single; day laborer. Breakfast and lunch: One pound pork chops every morning, one-half for breakfast and one-half for lunch; peppers three times per week; bread and 5 cents' worth of beer daily. Supper: Macaroni and beans, or peppers and potatoes, or beef and potatoes (beef three times per week); 5 cents' worth of beer.

No. 14. Age, 23; single. Eats no breakfast. Lunch: Ham or sausage with bread and peppers. Supper: Occasionally, round steak; usually, macaroni only, or potatoes and cabbage; beer unknown.

Inquiry was made as to the actual cost of food and milk among these people, and replies were secured as to food from 742 families, embracing 3,711 persons, while 782 families, embracing 3,914 individuals, reported as to the cost of milk. The result of this inquiry is embodied in the table which follows:

COST OF FOOD AND MILK, BY SIZE OF FAMILY.

Size of family.	Cost of food per week.		Cost of milk per day.	
	Per family.	Per individual.	Per family.	Per individual.
1 person	\$1.88½	\$1.88½	\$0.003	\$0.003
2 persons	2.65½	1.33	.017	.009
3 persons	3.18½	1.06	.023	.008
4 persons	3.60	.90	.024	.006
5 persons	3.97	.79½	.027	.005
6 persons	4.28	.71½	.028	.005
7 persons	4.73½	.67½	.039	.006
8 persons	5.77	.72	.036	.004
9 persons	6.82½	.76	.024	.003
10 persons	8.37½	.83½	.046	.005
11 persons	10.22½	.93	.038	.003
12 persons	10.90	.91	.060	.005
13 persons	17.87½	1.37½	.045	.003
Average	4.11	.82	.027	.005

In this table is shown the cost of food per week and the cost of milk per day, according to the size of the family. These costs are given for the family and for the individual. In families of one person the average cost of food per week was \$1.88½, and the average cost of milk per day about one-third of a cent. In families of two persons the average cost of food per week per family was \$2.65½ and per individual \$1.33. The cost of milk per day in these families was 1.7 cents per family, or less than 1 cent per individual. The cost of food and of milk per family naturally increases as the size of family increases, while the cost per individual decreases. The average cost of food per week per individual for the 3,711 individuals in the 742 families reporting as to the cost of food was 82 cents. The average cost of milk per day per individual for the 3,914 individuals in the 782 families reporting as to cost of milk was one-half of 1 cent. The average cost of milk per day for each family reporting was 2.7 cents. Reports were secured from 726 families as to the amounts expended for beer per day. Of this number of families 533, or 73.42 per cent, reported that they used beer and that the average cost of beer per day per family was 11.1 cents. The average cost of milk per day per family was, as just stated, but 2.7 cents.

In answer to the inquiry, Do you give your children milk? 573, or 82.09 per cent, of the 698 families reporting answered in the affirmative. In answer to the inquiry, Do you give your children beer? 498, or 71.65 per cent, of the 695 families reporting answered in the affirmative. The inquiry as to whether or not these families ate beefsteak was answered in the affirmative in 858, or 89.84 per cent, of the 955 families reporting as to this fact.

PADRONE SYSTEM.

The inquiry, Do you work for a padrone? was asked of 1,860 persons connected with these families, and 403, or 21.67 per cent, answered in the affirmative. Of this number 24, or 5.96 per cent, reported that they paid no commission to the padrone for securing the job, while 379, or 94.04 per cent, reported that they paid a commission. It was not found possible to ascertain the amount of commission paid by each of these 379 persons, but quite a large proportion of them were able to report the exact amount of commission paid for their last job and the length of time said job lasted. An aggregate of \$1,650.50 was paid to padrones by the 341 persons reporting, or an average of \$4.84 per individual, for the last job at which they worked, and the aggregate time worked on these jobs was 3,958½ weeks, or an average of 11 weeks and 4 days per individual. The average amount paid per week to padrones for employment at the last job at which the 341 persons worked, as shown by these figures, was 42 cents each. This commission to padrones is a matter of no small moment to the workmen when the very low wages at which they work is taken into consideration. This investigation has not shown that any large proportion of the workmen were fed by the padrones, but it is known that in many cases where they were taken out of the city to work they were compelled to purchase the whole or part of their food from the padrones. A number of reports were secured from workmen who were taken out of the city to work and a comparison made between the prices paid for the food which the workmen were compelled to purchase from the padrones and Chicago market prices. The following table shows the results of these reports:

PRICES PAID FOR CERTAIN ARTICLES OF FOOD TO THE PADRONE AND IN THE CHICAGO MARKETS.

Workman number.	Bread (per loaf).		Macaroni (per pound).		Macaroni (per box).		Cheese (per pound).		Sausage (per pound).		Bacon (per pound).	
	Pa-drone's price.	Chi-cago price.	Pa-drone's price.	Chi-cago price.	Pa-drone's price.	Chi-cago price.	Pa-drone's price.	Chi-cago price.	Pa-drone's price.	Chi-cago price.	Pa-drone's price.	Chi-cago price.
1	\$.07	\$.04	.....	.....	\$1.50	\$1.00	\$.14	\$.07	\$.22	\$.06	\$.16	\$.05
2	.....	.....	\$.09	\$.05	.....	.....	.....	.....	.15	.10	.....	.....
3	.07	.04	.....	.....	1.60	1.00	.....	.....	.21	.12	.16	.10
4	.06	.04	.....	.....	.....	.....	.40	.25	.20	.16	.18	.08
5	.08	.04	.....	.....	.....	.....	.....	.....	.....	.....	.15	.12
6	.06	.04	.....	.....	.....	.....	.....	.....	.16	.10	.....	.....
7	.06	.04	.....	.....	1.30	1.05	.30	.28	.....	.....	.....	.....
8	.08	.04	.....	.....	1.75	1.00	.15	.08	.15	.08	.15	.08
9	.07	.03	.....	.....	1.50	1.00	.....	.....	.18	.12	.16	.10
10	.06	.04	.07	.05	.....	.....	.....	.....	.12	.08	.....	.....
11	.10	.03	.12	.04	.....	.....	.....	.....	.....	.....	.15	.07
12	.07	.03	.08	.04	.....	.....	.....	.....	.22	.15	.13	.11
13	.....	.....	.06	.04	.....	.....	.....	.....	.18	.15	.13	.11
14	.06	.04	.07	.04	.....	.....	.....	.....	.18	.12	.18	.10
15	.07	.04	.....	.....	1.60	1.25	.35	.15	.20	.11	.13	.08
16	.07	.03	.07	.05	.....	.....	.35	.25	.22	.08	.14	.08
17	.08	.05	.10	.07	.....	.....	.35	.27	.17	.09	.12	.10
18	.07	.04	.....	.....	2.10	1.25	.36	.25	.20	.14	.16	.08
19	.06	.04	.07	.05	.....	.....	.20	.10	.20	.10	.....	.....
20	.06	.04	.06	.04	.....	.....	.35	.28	.15	.10	.....	.....
21	.08	.04	.07	.05	.....	.....	.....	.....	.20	.12	.15	.08

PRICES PAID FOR CERTAIN ARTICLES OF FOOD TO THE PADRONE AND IN THE CHICAGO MARKETS—Concluded.

Workman number.	Lard (per pound).		Sugar (per pound).		Coffee (per pound).		Tea (per pound).		Beans (per pound).		Tomatoes (per can).	
	Padrone's price.	Chicago price.	Padrone's price.	Chicago price.	Padrone's price.	Chicago price.	Padrone's price.	Chicago price.	Padrone's price.	Chicago price.	Padrone's price.	Chicago price.
1												
2												
3	\$0.13	\$0.08	\$0.09	\$0.05½	\$0.40	\$0.25					\$0.15	\$0.09
4	.15	.08	.08	.05			\$0.50	\$0.25				
5	.15	.08	.10	.06	.40	.20	.40	.20	\$0.06	\$0.03	.15	.07
6			.07	.05								
7												
8	.15	.08							.03	.02½		
9	.12	.06							.07	.04		
10			.07	.05	.35	.20	.30	.20				
11												
12	.14	.08							.08	.05		
13	.11	.08							.05	.04		
14	.10	.05										
15	.10	.07	.06	.05			.40	.20			.12½	.10
16	.14	.07									.12	.08
17	.17	.10										
18	.15	.09									.10	.05
19									.09	.05		
20												
21	.12½	.06	.07	.05	.30	.18	.20	.15				

The prices are given in this table, by each workman reporting, for such articles of food as were for sale by the padrones. The quality of the food for sale by the padrones was frequently reported as good, although in the majority of cases it was reported as of unknown or of bad quality. In each instance the prices of articles of food sold by the padrones are compared with Chicago prices for the same quality of food. Reports were secured from 21 workmen. Of this number 15 stated that they were compelled to purchase from the padrones such food as they kept for sale; 2 reported that they were practically compelled to patronize the padrones because they had no money to purchase elsewhere; 2 reported themselves helpless to do otherwise because of their distance from any other place where food could be purchased, while 1 did not report, and 1 reported that he was not compelled to patronize the padrones. All of these workmen were taken from the city to work on railroads, probably at track repairing or construction.

As will be seen from this table, the prices charged by padrones are frequently double those charged in Chicago markets for similar articles of food of the same quality. Considering each article embraced in the table, and all combined, it is seen that the padrone's prices show an average increase over Chicago prices as follows: For bread, 82.19 per cent; for macaroni by the pound, 61.11 per cent; for macaroni by the box, 50.33 per cent; for cheese, 46.02 per cent; for sausage, 72.40 per cent; for bacon, 67.91 per cent; for lard, 77.04 per cent; for sugar, 44.58 per cent; for coffee, 74.70 per cent; for tea, 80 per cent; for beans, 61.70 per cent; for tomatoes, 65.38 per cent; and for all articles of food combined, 59.55 per cent.

THE ANTHRACITE MINE LABORERS.

BY G. O. VIRTUE, PH. D.

Practically all the anthracite coal produced in the United States comes from those rich deposits in the State of Pennsylvania lying in the hills and valleys of the Blue Ridge Mountains from the head waters of the Schuylkill and the Lehigh rivers northward and westward to the Susquehanna. Those deposits occupy an area of a little less than 500 square miles, chiefly in the counties of Schuylkill, Carbon, Luzerne, Lackawanna, and Northumberland. Originally one vast bed of coal, the area has by geological action been broken into three distinct fields known in trade circles as the southern or Schuylkill field, the middle or Lehigh field, and the northern or Wyoming field. At present the mines employ 143,610 men and boys and annually send to market in the neighborhood of 45,000,000 long tons of coal, about one-third the total coal product of the United States.

The industry has grown to its present dimensions within three-quarters of a century. Coal was known to exist in the northern field as early as 1768, and various efforts were made, especially after 1791, when coal was discovered near the Lehigh, to introduce it into the seaboard cities. But the comparative plenty of wood for fuel, the easy communication with the English and Virginia mines, and the lack of means of transportation from the anthracite mines long stood in the way of their development. It was not till during the second war with Great Britain that the growing scarcity of wood and the interruption of the supply of soft coal led to the first successful efforts to send anthracite to market.

The Lehigh Coal and Navigation Company and the Schuylkill Navigation Company began their canals about the same time, the one completing an imperfect communication with Philadelphia in 1820 and the other in 1825. The beginning of the anthracite industry is usually reckoned from the opening of the Lehigh mines in 1820. The development from that time was continuous and rapid. The shipments reached 1,000,000 tons in 1842, the year the Reading Railroad, the first of the coal roads, was completed. What its growth has been since that time is sufficiently indicated by the following table:

SHIPMENTS, IN LONG TONS, OF ANTHRACITE COAL AT DECENNIAL PERIODS FROM 1850 AND IN 1895.

Year.	Tons.	Year.	Tons.
1850.....	3,358,899	1880.....	23,437,242
1860.....	8,513,123	1890.....	35,855,173
1870.....	16,182,191	1895.....	46,511,477

It is with the social side of this great industry, and especially with the history of the laborers for the last generation, that this paper will deal. The earlier history of the laborers can never be fully written. It is only since the era of organization, which for the anthracite laborers begins with the closing years of the civil war, that they have been deemed of sufficient importance to receive from chroniclers more than a passing notice. Indeed, since that time they have not received from writers upon the labor movement the attention which their importance deserves. The reason for this neglect may, no doubt, be found in the isolated position of the miners and the small part they have in consequence played in the labor movement. The different conditions of employment, moreover, which obtain at the anthracite mines from those found in the bituminous mines, have stood in the way of that degree of cooperation with miners elsewhere which has long existed between bituminous miners in widely separated districts. The history of the anthracite miners, therefore, stands very much by itself. But the example of 50,000 laborers for several years holding an important industry firmly in their grasp, and the steps by which their power was lost, furnish a subject of sufficient interest in itself to warrant a more careful study than has yet been given it.

It is often assumed that the deplorable condition of the anthracite miners at the present time has been produced by the large corporations which dominate the trade. Such glimpses as we have of the laborers before the extension of corporate control over the industry show much the same conditions as now exist. To be sure, accounts (*a*) are not wanting which tell of the contentment and happiness of the miners in the early years of the trade. Contentment has not even now wholly departed from the coal fields; but as the condition of equality which marked the early years of the industry disappeared, discontent arose. The miner was not satisfied with his rude house of logs or slabs when he saw substantial towns built up about him showing every sign of comfort and even luxury, and especially since this growing apart in signs of material wealth was accompanied by the disappearance of that easy familiarity between the employer and employed which belongs to the small undertaking. The dullest man naturally asked why he could not share in the comforts he saw increasing about him. His explanation then as now was found in his hard conditions of employment.

The conditions were indeed hard. Employment was irregular, rents were high, and wages low. Laborers were subject to all the impositions practiced at the present day. On the whole the standard of living was low. It was a standard that did not belong to the general conditions of employment in America, but one that seemed to attend the occupation everywhere. The miners were for the most part English, Welsh, Scotch, and Irish, and had been used to the conditions of life described in the report of the Children's Employment Commission of 1842. They

a For example see Hazard's Register of Pennsylvania, May, 1828.

brought with them to America the standard of living described there, just as to-day European laborers of a lower type bring their habits and ideas of life from less-favored countries to our own. Then, as now, better terms of employment brought some of the improvements sought by immigration; but with all the opportunities afforded by expanding industries in a rich, new country, the lot of the miners remained a hard one. This was no doubt largely due to the remarkable lack of mobility which has long been noticed as a characteristic of mine labor everywhere.

Not only do miners rarely leave the calling to which they have been brought up, but to a remarkable extent their sons become miners. An observer, speaking of a particular district in Pennsylvania, declared that during the years 1862-1872 "there were not half a dozen sons of miners that engaged in any other business, or sought any other trade for a livelihood;" and the belief was expressed that the same state of affairs existed throughout the mining region of the State. (a) Schulze-Gävernitz notes that 90 per cent of the Durham colliers are the sons of colliers. (b) This strong tendency for mining to become a family calling is no doubt due to the isolation of mining communities and to the small opportunities offered to sons remaining at home to go into other trades. Fortunately the causes which have held both father and son to the mines are less operative than formerly. But for many years each speculative movement and the steady stream of immigration brought new numbers to the mines, and those who came stayed, as did their sons. The result was a normal surplus of mine labor.

Taking advantage of this state of the labor market, the operators were able to keep wages at a low level. In 1828, when the business was getting fairly upon its feet, miners received \$1 per day and laborers 80 cents; and this scale remained until the early forties, when the miners received but 87½ cents and laborers but 70 cents. (c) Meanwhile, by the general introduction of the "truck store," wages had been reduced 15 or 20 per cent below what they nominally were. (d) After the depression following the panic of 1837, and the introduction of anthracite as a smelting fuel in 1840, there was an upward movement of wages, and the expansion of the trade in the early fifties on the opening of several new lines of railway to the mines brought another slight improvement. The very hard years 1857-1859 sent wages back to their old level, old-time abuses were resorted to with renewed vigor, and new ones invented. Even on the hard terms offered, the struggle for employment produced a degree of suffering and bitterness never before known in the region.

The next decade brought remarkable changes, not only in the condition of the laborers but of the whole industry. The transition from a business of small undertakings to one of larger scope and involving

a Report of the Secretary of Internal Affairs, 1876-77, Part III, p. 599.

b Social Peace, p. 170.

c The Miners' Journal, April 16 and June 20, 1846.

d *Ibid.*, February 11 and May 20, 1843.

larger means had begun during the fifties. During the sixties influences chiefly traceable to the war greatly accelerated the change. It was marked by an increased depth of the mines, a greater outlay for machinery, both for working the mines and for the preparation of the coal for market, and, above all, by a rapid consolidation of the ownership of lands and of the railroads leading to them. So marked were the changes from 1863 to 1873, they may be said to have constituted a revolution in the industry.

The period was no less important for the laborers. To them the war was an event of the first importance. Immigration was checked. The demand for troops and for labor in other directions stopped the drift of laborers to the mines, and even drew off some already there. As the issue of paper money began to influence the currency the profits of the operators began to rise. Their royalties, already low, being payable in currency, were thus made lower still. As the war advanced they were able to secure very remunerative prices for their coal, though not for a greatly increased product. The conditions of the labor market were now changed. The operators could not afford to stop work, and the laborers were able to secure a share in the prosperity which had come to the trade. Wages for all kinds of mine labor rose with prices, and miners working on contract were by 1865 receiving \$150, \$200, and not infrequently \$250 per month. Anthracite laborers, who at the beginning of the decade were as poorly paid as any in the United States, had become perhaps the best paid.

In spite of the high wages paid, the operators had continued for a time to make large profits. But as soon as capital was set free from providing for the armies a considerable stream began to flow in the direction of the coal fields. The stream soon became a flood. Nowhere was the speculation characteristic of the period more rampant than in the anthracite region. That speculation was carried so far was largely due to the fact that the railway companies were rapidly extending their lines toward tide water and westward and northward to the lakes, and at the same time were building new laterals within the region and acquiring others by purchase or lease. Railroads being built, the owners felt themselves compelled to secure tonnage for them by purchasing the coal lands from which it must come. The lands once bought must now be developed; and so rapidly was this done that soon all the phenomena of "over production," which from the beginning of the industry had been more or less complained of, became more marked than ever before. In 1860 the shipments had been but 8,500,000 tons. The next year this was slightly diminished because of the lack of a market, and in 1862 still further by a flood which affected the product of all the mines of the region. By 1865 the capacity of the mines had been increased but a million tons above that of 1860. In 1866 the shipments rose to 12,700,000 tons, in 1867 to 13,000,000 tons, and in 1870 to 16,100,000 tons. This increase came, too, at a time when the demand for anthracite was

somewhat weakened by the slackening of manufacturing activity and the increasing use of bituminous coal, and before any considerable extension of the market had taken place.

With the first indication of a weakening market the operators, by general, though not concerted action, took steps to protect their profits through a reduction of wages. The laborers, no longer in the favorable position for making bargains which they had previously enjoyed, were compelled, 1866-67, to submit to several sharp reductions. By 1868 they began to understand the logic of the situation, and when a further reduction was proposed, met it with a counter proposition for a restriction of the output of coal.

It should be noted that up to this time there had been no general organization among the workmen. Many years before (in 1849) a society had been organized by an English miner named Bates, who gave his name to the organization; but a long strike carried on that year failed, "Bates's Union" broke down, and Bates himself departed with the funds of the society. The distrust naturally existing among the workmen was increased by this failure, and no further mention of an organization is to be found till 1860. In that year the workmen at the collieries of the Forestville Improvement Company formed a union, which lasted till 1864. By that time a number of local unions were formed in various parts of the coal region. (a) They no doubt had considerable influence in the numerous strikes and threats of strikes by which the workmen secured the advances in their wages during the war. But it was not till 1868 that these local unions were united in an organization for the whole anthracite region. The movement in this direction was no doubt partly induced by the cooperation of the employers, which, for a long time suspected, became clearly evident in 1867, when the operators to the north of Broad Mountain organized the Mahanoy Valley and Locust Mountain Coal Association.

It may be said in passing that several similar associations of operators were formed in the southern district during the next two years, and in the latter part of 1869 were all brought together in the "Anthracite Board of Trade of the Schuylkill Coal Region." The organization embraced practically all the operators of the southern field, and through it for the next few years negotiations were carried on with the workmen. It was believed by the workmen that the chief object of these associations was to injure them. The operators, on the other hand, explained their action by the existence of an organization among the workmen and by the violence with which their demands were accompanied. It is of little purpose to quarrel over the question as to whether the pot or the kettle began it. Organization was in the air, and by means of it both sides during 1868 and 1869 were making preparations for the struggle which it was foreseen must come.

Another cause operating to bring the men together was the effort

^a Bannan's Statistics of the Anthracite Coal Trade, 1869.

made in the summer of 1868 to secure the adoption of an eight-hour day. The State legislature that year made eight hours a legal day where there was no agreement to the contrary, the law to take effect the 1st of July. Probably as a means of restricting the production of coal as much as to secure easier terms of employment, the miners of the Mahanoy Valley demanded the adoption of a shorter day with the continuance of their old wages. The operators refused the demand and a strike ensued. Many of the leaders were themselves opposed to the movement. The method of payment to many of the men made the question of the length of the working day immaterial. About three-fourths of the miners in Luzerne County and five-sixths in Schuylkill County, for example, were working by contract—that is, they were working on a “breast” at so much per car, or were driving tunnels, gangways, or other passages at so much per yard. A miner working on a “breast” furnished his own tools, powder, fuses, etc., and paid a laborer for loading the coal into the car. He was usually able, if his place worked fairly well, to blow down as much coal in six or eight hours as the laborer could handle in ten, and to him an eight-hour day was of no consequence except, indeed, as it restricted the output and thus maintained prices, upon which the continuance of the scale of wages depended.

The “eight-hour” strike became quite general throughout the region and lasted for several weeks. It was not successful in securing the adoption of the eight-hour day, but it did relieve the glut in the market somewhat and checked the fall in prices. On the whole, the workmen were well pleased with the success of the strike. It gave them their cue in their contentions with the operators for the next few years, and it aided greatly in securing the cooperation of workmen in all parts of the region. In the early part of 1868 the Schuylkill County court gave a charter to the Workingmen’s Benevolent Association of St. Clair, (*a*) whose constitution formed the model for the new societies elsewhere. In the latter part of 1868 and the early part of 1869 the whole region was organized. When the operators now proposed a reduction of wages the laborers proposed a restriction of the output. They said, what was perfectly true, that if coal continued to be produced at the full capacity of the mines, prices would continue to fall. Any reduction of wages would bring only temporary relief. If coal were brought to the pit’s mouth for nothing, the difficulties of overproduction would still show themselves, and in the end restriction would have to be resorted to; the remedy might as well be applied before the reduction of wages as after; if the operators were not wise enough or united enough to

a This association was modeled upon the Miners’ Benevolent Society of Carbon County, founded in 1864. The Workingmen’s Benevolent Association was the name under which all parts of the anthracite fields were organized. In 1870 the legislature gave the society a charter and the name was changed to the Miners and Laborers’ Benevolent Association, but it continued to be called, except officially, by its old name—the Workingmen’s Benevolent Association.

take measures for the preservation of their own interests and those of their employees, they, the workmen, would.

Indeed, one of the expressed purposes of the workingmen's union was to accomplish this end. Thus Article I of the constitution of the Summit Hill branch of the association stated that "The object of this society is to make such arrangements as will enable the operator and the miner to rule the coal market." How this was to be done appeared in the following order issued by the general council of the Workingmen's Benevolent Association: (a)

POTTSVILLE, PA., April 29, 1869.

We, the Executive Committee of the W. B. A., do hereby unanimously adopt the following resolutions, to wit:

Resolved, That we, the Executive Committee of the W. B. A., do hereby give due notice to all our employers and consumers of coal that there will be a general suspension of work to take place Monday, the 10th of May, 1869.

Resolved, That all work will be suspended except rock work, tunneling, and repairing, but no coal to be cut under any consideration.

Resolved, That the foregoing resolutions be published in the Miners' Journal, the Pottsville Standard, and the Workingmen's Advocate, Philadelphia.

(Signed)

JOHN SINEY, *Pres.*
GEORGE CORBETT, *Secy.*

Under this order the suspension became general throughout the region and was continued till the middle of June. The official notice that work might be resumed ran as follows: (b)

OFFICIAL NOTICE.

MAHANAY CITY, PA., June 9, 1869.

Whereas we, the Miners and Laborers' Association of the anthracite coal fields of Pennsylvania, suspended work on the 10th of May, ultimo, almost unanimously; and

Whereas the object of our doing so has been to a great extent accomplished, to wit, the reduction or depletion of the surplus of coal already in the market, together with the preventing, if possible, the enormous oversupply that was going to the market, thereby not only keeping the price of labor down to last winter's prices, but would eventually compel either local suspension or reduction of wages, and in consequence local strikes; and

Whereas the public press of the country, in most instances through which the public opinion is formed and expressed, has denounced our association, in this its first powerful movement, representing that we had a design to run up prices to an exorbitant height, etc., and in some instances even threatening to appeal to Congress to repeal the tariff on foreign coal: Therefore be it

Resolved, That we do not nor have desired to run the coal too high in the market, but, on the contrary, we prefer the steady, healthy market,

^aThe Miners' Journal, May, 1869.

^bAnthracite Monitor, June 12, 1869.

which will afford to the operators and dealers fair interest on their investments and at the same time receive for our share a fair day's wages for a fair day's work.

Resolved, That, taking into consideration the great risk and danger the miner or laborer has to incur in pursuing his daily occupation, we claim that we should receive pay commensurate to said work or danger, and not be stinted down to the lowest prices given to common laborers where employments are safe and free from all risks to life, limb, and family.

Resolved, That on and after the 16th instant all districts or branches which can agree with their employers as to basis and conditions of resumption do then resume work.

By order of committee.

JOHN PARKER, *Chairman*.

T. M. WILLIAMS, *Secretary*.

This was an attempt, it will be noticed, to justify the action of the Workingmen's Benevolent Association to the public, not to the operators. Strangely enough, the latter made but little opposition at this time to the policy of the workmen. Some were, of course, injured severely by being kept from mining enough coal to fill their orders. But it was generally agreed that too much coal was being mined, and many of the operators were glad to throw the responsibility for the stoppage of the mines upon the laborers. Later, however, when the workmen made other stoppages necessary, this first suspension was bitterly condemned by the operators as an act of tyranny entailing great loss upon them. During the suspension the question of providing against overproduction in the future was much discussed by the men in their unions. In May a resolution of the general council restricted the miners to one car less per day than had formerly been considered a day's work, and those doing yard work were similarly restricted.

It was at this time, too, that the proposition was made to the operators to base wages thereafter upon the selling price of coal. One of the conditions of beginning work after the suspension, therefore, was the adoption of a sliding scale of wages. In the Lehigh and Schuylkill regions the men secured the sliding scale. In the northern region, however, they failed. In fact, the suspension itself had been only partially successful there. Two of the largest producers, the Delaware, Lackawanna and Western Railroad Company and the Pennsylvania Coal Company, by offering higher wages to their men, were able to keep them at work while the other mines were closed; and now when the question of a sliding scale was proposed, there was not sufficient strength in the organization to secure its adoption. (*a*)

The scale adopted in the two lower regions differed. In the Lehigh region wages were made dependent upon the price of coal at tide water. When the average price of coal at Elizabethport was \$5 per ton the

a Wilkesbarre Record, March 16, 1870.

"basis" rate of wages (*a*) was paid. When the price of coal advanced \$1, wages were increased 15 per cent. For advances in price of a fractional part of a dollar a like part of the 15 per cent of wages was to be added. The scale did not slide downward, *i. e.*, below the basis. (*b*)

In the Schuylkill region wages were based upon the price of coal at Port Carbon, at that time an important shipping point on the Schuylkill, 2 miles above Pottsville. When the average price of coal of all sizes above pea was \$3 at Port Carbon, the basis rate of wages was paid. For each 25 cents advance in the price of coal, wages were increased 5 per cent. The \$3 at Port Carbon was called by the miners the "minimum" also; that is, there was to be no reduction in wages if the price of coal went below that point. Prices were well maintained throughout the remainder of the year, and the workmen received some 12 per cent more than the basis wages. The following figures, taken from Bannan's Statistics of the Anthracite Coal Trade for 1869, show how the scale operated for the chief classes of laborers and for miners working by the week. The wages of the miners working on contract are not given, since the deductions to be made from them make such quotations misleading.

OPERATION OF THE SLIDING SCALE FOR THE SCHUYLKILL REGION FROM JUNE TO DECEMBER, 1869.

Month.	Rate.	Wages per week.		
		Miners.	Inside laborers.	Outside laborers.
June.....	10 per cent above basis.....	\$15.40	\$13.20	\$12.10
July.....	15 per cent above basis.....	16.10	13.80	12.65
August.....	35 per cent above basis.....	18.90	16.20	14.85
September.....	Basis.....	14.00	12.00	11.00
October.....	10 per cent above basis.....	15.40	13.20	12.10
November.....	15 per cent above basis.....	16.10	13.80	12.65
December.....	Basis.....	14.00	12.00	11.00

Long before the end of the year it became apparent that the conflict between the operators and the workmen would be renewed. On the side of the operators some dismissals were made which were regarded as attacks on the Workingmen's Benevolent Association. Certainly there were not lacking bitter denunciations of that organization. It must be said, however, the operators were not without provocation. The impertinence and arrogance which so often accompany the possession of power, especially in the hands of those who have not been used

a The miners on contract received 57½ cents per ton of 48 cubic feet when working on the mammoth vein. Those working on more difficult veins received a percentage above this rate. From 12 to 14 tons could be mined under favorable conditions. But the miner had to pay the laborer for loading, and other expenses, as for powder, fuses, oil, tools, etc., had to be deducted. Miners working by the day received at this time \$16 per week; inside laborers, \$14.

b Labor Troubles in the Anthracite Regions of Pennsylvania, 1887-1888. House Reports, 50th Cong., 2d sess., No. 4147, p. 39. Bannan's Statistics of the Anthracite Coal Trade, 1869.

to wield it, were no doubt sufficient to provoke hostility from the employers. In one case the use of the courts was sought, perhaps as much to weaken the organization as to protect the operators. A controversy arose over a case where the miners asked for an advance of wages on a vein that worked hard, and upon the refusal of the advance by the operator the miners left the work, and in accordance with the rules of the Workingmen's Benevolent Association no one was allowed to take their places. The strikers were arrested for conspiracy and finally imprisoned therefor.

This action on the one hand embittered the workmen and on the other strengthened the hands of the operators. By the end of the year both sides were ready for another test of strength. The initiative was taken by the operators. In the latter part of December the Anthracite Board of Trade resolved upon a readjustment of wages, changing the basis to \$2 per ton, and making reductions in wages amounting to from 25 to 40 per cent. Such a proposition the workmen did not deign to consider. They looked upon it as an open declaration of war upon their organization. The operators themselves could not hold together on such ground, and the resolution which had been taken, not to let the mines be worked till this proposition was agreed to, was, about the middle of January, 1870, rescinded. A month later a more moderate proposition was made, but still providing for a considerable reduction. The Workingmen's Benevolent Association had, however, just succeeded in getting the first mining law through the legislature, which provided for inspection and safety appliances at the mines, and, flushed with this success, they felt no disposition to yield anything. Those operators who had been paying wages on the \$3 basis were then induced to cooperate with the Board of Trade. About the middle of March the operators announced their intention of closing the mines of the Schuylkill region on the 2d of April if their terms were not acceded to.

On that date work in the southern district practically ceased, and was not resumed till the 1st of August. An agreement was reached in the latter part of July called, from the part taken in forming it by the president of the Reading Railroad, the "Gowen compromise." The \$3 basis was retained but the sliding scale was changed to $8\frac{1}{4}$ per cent for each movement of 25 cents in price and was made to slide downward as well as upward. Provision was made also for a sharp reduction in contract wages, which were complained of as being unreasonably high. Under this agreement work was continued to the end of the year. Meanwhile, in the northern and middle fields a conflict had been avoided and the mines kept running during the whole year. With all the collieries now at work, the price of coal was greatly reduced and for the five months wages averaged more than 18 per cent below the basis. In November and December the deduction amounted to $24\frac{3}{4}$ per cent of the basis wages.

The low prices and short periods of production made the year a dis-

astrous one for both operators and miners, especially those of the Schuylkill district. Since the beginning of the trade that region has never sent so small a proportion of the output to market. In 1866, 45.56 per cent of the total product came from there, 17.15 per cent from the Lehigh, and 37.29 per cent from the Wyoming region. In 1870 the proportion was 30.70, 20.02, and 49.28 per cent, respectively, for the three regions. Nor was this loss to the southern region a mere temporary one; for, as will be seen, it was upon the product of the mines during these years that the combinations soon to be formed by the operators based the division of the tonnage to be mined by each. The small output during these years of strife, therefore, stood in the way of the claims of the southern district for the share it really deserved.

The Schuylkill operators had begun work in August protesting against the terms of the Gowen compromise; but there was no course left open to them but to continue at work, since they saw their markets being occupied by the operators from the other regions. The laborers themselves were convinced that the terms were too severe, and in November, 1870, they received a proposition for an agreement for 1871 more favorable to the operators. (a) The committees of the Anthracite Board of Trade and of the Workingmen's Benevolent Association agreed to recommend the plan adopted by them to the bodies they represented. Whether an agreement was really made is a disputed question. The most probable account has it that before definite action was taken by the Workingmen's Benevolent Association the operators of the northern region, who, it will be remembered, had by paying higher wages kept their men at work during the suspension in the other fields, found themselves unable, now that all the mines were running, to pay the wages agreed upon and announced a reduction, amounting in the case of contract work to 34 per cent.

The miners struck. On January 10, 1871, work in the northern region was generally suspended. An appeal was made to the workmen in the other regions for aid. It will be easily understood why the workmen in the lower fields were reluctant in joining in the strike. During the last two years they had had two severe conflicts with their employers—conflicts in which they had received scant support from those who were now seeking their aid. Here was an opportunity for retaliation. On the other hand, however, there was a chance for them to strike one more blow at their employers. The existence of the union was threatened by the playing of the workmen of one region against those of another. A sacrifice must be made, and so, in spite of the earnest efforts of the leaders to hold their men to what they and the operators alike regarded as at least a tacit agreement, the Workingmen's Benevolent Association, in the latter part of January, resolved that they "adhere to the \$3 basis so long as Luzerne and Carbon (the two northern counties) work with us in good faith. If Luzerne and Carbon men

a The Miners' Journal, February 25, 1871.

do not work with us in good faith, that we then make such arrangements as will be for our own welfare." (a)

It was thought by the miners that, with the general suspension, prices would soon advance and the operators would once more be able to pay the old wages. After a month, therefore, they offered to go back to work. Some of the operators, now on the verge of ruin, were ready to resume on the miners' terms. But a new feature was introduced into the situation to prevent these "guerrillas" from operating their mines.

The time had now come for harmonious action on the part of the operators. If it could not be obtained in one way it must be in another. When those operators who had resumed work offered their coal for shipment they found that freight rates had on most of the roads been doubled; on the Reading they were trebled. Such rates were of course prohibitive, and all mining ceased. The Reading was not at this time an owner of coal lands, but it had suffered from the frequent stoppages of the mines which were the source of the greater part of its traffic, and had, therefore, a very direct interest in the settlement of the controversy now being waged. Moreover, the company was at this moment taking steps for the purchase of coal lands, and it was afterward charged that it had as great an interest in the destruction of the business of the small operators as it had in the settlement of the labor dispute. By this action of the railroad companies the working of the mines was brought to a standstill. A legislative committee was appointed to inquire whether the companies were not exceeding their charter privileges in demanding such high rates.

The committee found that it had been decided (b) by the supreme court of the State that "tolls" in the charters had reference to a charge for passage, and not for carriage. There were, therefore, no charter restrictions upon the rates that might be made for "freight." Whether there existed an unlawful combination among the companies, the committee did not undertake to say. That was a matter for judicial inquiry. (c)

The report of the committee was made April 15. In the meanwhile the operators, ignoring the officers of the Workingmen's Benevolent Association, had tried to come to terms directly with the workmen. About the time the legislative committee made its report some of the operators at Scranton attempted to put nonunion men to work. Three of the men were shot by a mob, and others were driven away with stones. The State militia was sent to put down the disturbance. The strikers got possession of the arms of the militia and, visiting every colliery where work was being done, drove the workmen away. (d) In spite of the investigating committees, the governor's proclamation, and the militia, the deadlock continued. But preparations had been

a The Miners' Journal, February 25, 1871.

b Boyle v. The Philadelphia and Reading R. R. Co., 4 P. F. Smith, 310.

c Pennsylvania Senate Journal, 1871, p. 787.

d Commercial and Financial Chronicle, April 15, 1871.

making for some time for a settlement, a form of settlement, too, which brought with it the hope of more friendly relations between the miners and the operators than had hitherto existed.

During the winter Mr. Eckley B. Coxe, an operator at Drifton, in the middle region, had written a series of articles for the Anthracite Monitor, a paper published by the miners' union, in which he advocated arbitration as a means of settling disputes between employer and employed. Efforts were made during February and March to get the question in dispute before a board of arbitration, but it was not till the strike had dragged on almost four months that the miners were willing to submit the question. On April 17 a joint board composed of an equal number of miners and of operators, representing each of the anthracite counties, met at Mauch Chunk to pass upon the questions in dispute. In case of nonagreement the final decision was to be made by an umpire. For this position Judge William Elwell, of Bloomsburg, was chosen.

The questions to be submitted were those pertaining to the general relations between the miners and the operators—questions as to the interference on the part of the workmen with the operation of the mines and with nonunion workmen, the attitude of the operators toward the miners' unions and the like, and the more pressing question as to wages and the sliding scale. It turned out that some of the miners did not have authority to submit the question of wages to an umpire, and it seemed as though the arbitration would fail. The matters relating to the attitude of the workmen and the employers were, however, submitted to the umpire and by him defined April 19. Again the operators sought to ignore the miners' unions by making directly to the miners an offer of fair wages with no sliding scale for the remainder of the year. This attempt, probably, had something to do with inducing the miners to submit the question of wages to arbitration. At any rate this was agreed to May 11, and on the 17th Judge Elwell gave his decision. The decision related only to wages in the Schuylkill region. The sliding scale of 1 per cent for each 3 cents rise and fall in the price of coal was retained. Two dollars and seventy-five cents was taken as the basis, but wages were not to be reduced after coal had fallen to \$2.25 at Port Carbon. Contract work was reduced 10 per cent upon the prices paid in 1869.

In the agreement of May 11, to submit the question of wages to arbitration, provision was made for the settlement of all future disputes, except those concerning wages, by district boards composed of three miners and three operators, these boards to have power, in case of disagreement, to appoint an umpire. This, so far as the writer is aware, is the first noteworthy example of arbitration in the United States. The introduction of this mode of settling difficulties was looked upon with great satisfaction by those who had seen the suffering and loss occasioned by the strikes of the past half dozen years. Before the mines had been running long, however, this feeling of satisfaction was

turned to one of chagrin. The price of coal went below \$2.75 at Port Carbon, and some miners demanded that no corresponding reduction should be made in their wages. One operator acceded to the demand. Every effort was made by the officers of the Workingmen's Benevolent Association to induce the men to stand by the agreement, and the Anthracite Board of Trade expelled the offending operator from membership. But in spite of the efforts made on both sides, other miners and other operators, disregarding the award of the umpire, made such terms as they could, and thus increased the causes of dissension between the miners and their employers.

This exhibition of bad faith on the part of the workingmen stood in their way when at the end of the year an agreement was made for 1872. The operators did not refuse to meet the committee of the Workingmen's Benevolent Association, as under the circumstances they might well have done, but the miners wisely made concessions to the operators and trouble was avoided. Wages per week were to be \$10, \$11, and \$12, respectively, for outside laborers, inside laborers, and miners, when coal sold at \$2.50 at Port Carbon. Contract wages were reduced $8\frac{1}{2}$ per cent below those for 1871. The miners insisted, however, that, since it was the fault of the operators if coal went below the basis price, they (the miners) should not be made to suffer for it, and succeeded in getting a promise that wages should not be at less than the basis rate for more than two months during the year, and at no time were they to be reduced more than $8\frac{1}{2}$ per cent. (a) This last provision worked unfavorably for the operators on account of the low price of coal during 1872. (b) The next year saw the formation of the first combination of the operators to restrict production and maintain prices, and, in spite of the panic of that year and the depression which followed, prices and wages were well maintained till 1875. (c) There were some difficulties, settled often by strikes, but they did not become general. In one case at least successful resort was made to arbitration. In 1872 the miners in the employ of Ario Pardee & Co., near Hazleton, asked for an advance of wages and were refused. The request was renewed in 1873, when it was agreed to submit the matter to Judge Dargan as umpire. His decision, though against the miners, was acquiesced in by them. (d) The depression which began in 1873 cut off a large part of the market for coal used in iron furnaces and factories, and no attempt was made to advance wages during 1874, and the operators, aided by their combinations, abstained from attempting any reduction.

In 1875, however, all this was changed. All over the region there was a movement for lower wages. In the Lehigh district the reduction offered amounted to from 15 to 20 per cent. In the Schuylkill region

a The Coal and Iron Record, March, 1872, I, p. 30.

b Saward, The Coal Trade, 1874, p. 60.

c *Ibid.*, 1875, p. 27.

d Labor Troubles in the Anthracite Regions of Pennsylvania, 1887-1888. House Reports, 50th Cong., 2d sess., No. 4147, p. 40.

it was from 10 to 20 per cent. Another virtual reduction was also proposed. In 1874 the method of deciding upon the price of coal, upon which wages depended, had been to choose five collieries by lot from all those in the region shipping 30,000 tons or more. These were to return to the joint committee of operators and miners making the drawing the prices obtained for their coal at Port Carbon. The average of these prices determined the wages for the month. It was now proposed by the operators to include in these drawings only the white-ash collieries. Inasmuch as coal from the red-ash veins, as for example the Lykens Valley coal, brought considerably higher prices than the white-ash, the price of coal so far as wages were concerned would be reduced by this exclusion of the red-ash collieries. Moreover, outside laborers were to be paid specific wages, *i. e.*, they were to be deprived of the questionable advantage of the sliding scale. (*a*) In the northern region heavy reductions were proposed, and there submitted to.

It is charged all through these troubles that the miners of the northern district were not to be relied upon at critical moments. Their faithlessness is often attributed to the policy of the large operators in buying off the men with temporarily higher wages, or when it was cheaper to do so, in making terms with the leaders. It was openly charged, too, that these operators were as faithless to the operators in the other districts as they induced their men to be to their fellow-miners. In the strike of 1875, for example, it was charged that they, by furnishing the Lehigh and Schuylkill strikers with funds, greatly prolonged the struggle and reaped a handsome profit in the increased business they were able to do. (*b*) In the Lehigh and Schuylkill regions the miners refused the terms offered, and on January 1, 1875, went out on what came to be known in the anthracite region as the "long strike."

It is not intended to give the details of the long and tedious struggle which followed. For the most part it was carried on in an orderly way, though in some places violence was occasionally resorted to, and at one time the militia was called out to quell a disturbance. In the early days of July the strike ended in the unconditional surrender of the miners. Substantial reductions in wages were made all over the region. The miners were compelled also to give up an advantage they had won in the legislature. The measurement of coal in wagons had long been a subject of dissension, and the miners had finally succeeded in securing an act providing for the weighing of coal. (*c*) The operators now required as one of the conditions of resuming work that the rights secured by this act be signed away. The sliding scale, it is true, was retained. But it was no longer desired when the Workingmen's Benevolent Association was destroyed; and this was one of the most impor-

a The Miners' Journal, January 4, 1875.

b The Engineering and Mining Journal, August 4, 1875.

c Laws of Pennsylvania, 1875, p. 38.

tant results of the strike. The power of the union was completely broken. Some local organizations were for a time maintained, but the old order was gone, never to be restored.

It is perhaps worth while to note more carefully the work of this remarkable organization and the causes of its breakdown. Brought into the anthracite region by miners who had had experience in the English trade unions, it had the chief features of its prototype—the maintenance of a standard wage, the exclusion of nonunion workmen, and provision for sick and death benefits for its members. One of the main objects, as given in the constitution of the association, was, “that the stranger might find the kind attention and fostering care of a brother when needing assistance, and be encouraged in resolutions of morality and sobriety at all times.” Liberal provisions were made for payments to the sick and disabled, and for the care of widows and orphans. Without doubt the “benevolent” features of the society were intended to be made a prominent feature of the work. But there is no record of the administration of the funds for this or other purposes.

Benefit expenditures are, however, said to have been “enormous,” and they doubtless were considerable. The strikes in which the society found itself involved from the very first necessarily absorbed most of the energies of the miners and created in the public mind the impression that the union was intended solely for purposes of warfare. The strongest motive to union was the prevention of the further decline of wages. Certainly such success as was gained in this direction was dearly bought. But much of the advantage gained from the union was not seen by the public. Race prejudice and hatred were for the time held in check, and a more humane and fraternal spirit, even in the midst of strife and occasional acts of treachery, than had before existed was exhibited in many an act of devotion and self-sacrifice. It was through the direct influence of the union that cooperative stores were started by the miners at various places—a venture, it must be said, that was far from successful. Through it several newspapers were supported for varying periods. Through it was secured the passage of the first mine-inspection law which, though faulty, led to the enactment of a more satisfactory one. Through it also was secured the passage of the law to provide for weighing coal at the breaker, though this, through the hostility of the employers, never became operative.

The example of successful organization here aided in effecting organizations elsewhere. John Siney, long prominent in the anthracite region, became the first president of the Miners' National Association, organized at Youngstown, Ohio, in 1873. He was active in introducing the Miners and Laborers' Benevolent Association into the bituminous fields of Pennsylvania, where he and Xingo Park with twenty-six others were convicted of conspiracy in 1875 for trying to prevent non-union men from working—an event which contributed much to the collapse of the miners' organizations throughout the State and of course to the downfall of the union in the anthracite region.

In politics, and especially in local affairs, the workingmen became a ruling power. Indeed, to the active part taken by the union in political affairs is sometimes attributed its loss of power. As soon as the political field was entered, the officers of the union found themselves opposed not only by the operators, but by the politicians. A part of the game for both these elements was to destroy the confidence of the men in their leaders. This is why no just conception of these men can be had from the speeches and public prints of the time. They are always depicted as unscrupulous and overreaching men, urging the miners to make unreasonable demands upon their employers. As a matter of fact, the leaders were far more conservative than the men they led. Their failure lay where it so often lies in leading a labor movement, in not being able to control the machinery they had set in motion. With ordinary workmen and in ordinary circumstances the leadership exhibited might have been highly successful. As it was, both men and conditions were extraordinary; and the wonder is, not that the organization broke down, but that it lasted as long as it did.

One of those conditions was the united action of the operators. It will be remembered that up to 1871 the lines of both operators and workmen were constantly broken by those on both sides who sought a temporary and personal advantage at the expense of the permanent interest of their fellows. In the beginning of this year it seemed the miners had learned to act together. They had ordered a thirty days' "suspension." It became general. No one could predict what might not be accomplished if only moderation were practiced. It was at this time that the railroad companies raised their freights to prevent work from being begun till all began. The chief danger from the operators' side was in the Schuylkill district, where the mining was done by numerous individual operators. The Reading Railroad Company, not relying upon the manipulation of freight rates to control the "guerilla" operators, determined at this time to become a purchaser of coal lands. From being an owner of coal lands the company soon became an operator. This furnished the condition precedent to a combination of all the producers. By the latter part of 1872 the united front of the workmen was, therefore, met by an equally united front on the part of the operators.

Another difficulty with which the union had to contend was the lawlessness and violence which prevailed in the region during its whole history. Much of this violence was the natural attendant upon the numerous strikes in which the workmen were engaged, and for which the union should properly be held responsible. But this is by no means true of the frequent burnings of breakers, and not less frequent murders, which characterized the ten years from 1866 to 1876. This kind of lawlessness is traceable for the most part to the secret society known as the "Molly Maguires" which flourished at this time. There was no connection between this society and the Workingmen's Benev-

olent Association, except that the members of the one were also members of the other. But the work of the Molly Maguires, whatever its stated purpose, was to satisfy personal vengeance rather than to improve the condition of the miners. While some of the local unions were doubtless dominated by these men, and the union as a whole was in some degree influenced by them, the larger society had nothing to do with their darker deeds. The most that can be said against the union is that it did not prevent, though no doubt it checked, the lawlessness for which an indiscriminating public held it responsible. But whatever the degree of blame justly resting upon the union, every breaker burned and every murder committed told against it by binding together more closely the operators and by weakening public sympathy in the miners' cause.

But after all is said, the real and sufficient reason for the downfall of the Workingmen's Benevolent Association must be sought in the immoderate policy pursued in all its affairs. These affairs from the first the men conducted unwisely. They were unreasonable in their demands and arrogant and domineering when success came to them. One must conclude, however strong his sympathy with their main purpose, that they brought upon themselves the failure they deserved.

One result attributed to the Workingmen's Benevolent Association should not be passed over in silence. It is sometimes said that to its influence was due the consolidation in the ownership of anthracite lands which took place at this time, especially in the Schuylkill district. Mr. Gowen for several years was in the habit of referring to the tyranny of the laborers as the chief cause for his purchase of lands and for embarking the Reading company in the business of mining coal. With from 70 to 75 per cent of the company's receipts coming from the transportation of coal, it had suffered severely from the frequent stoppages of the mines, and any means of controlling the labor organization, held to be responsible for these stoppages, was a matter of prime importance to it. The substitution of the Reading's single control of the mines for the antagonism of many individual operators was expected at the time to supply the means of effectually dealing with the miners. But while the contests with the miners were a convenient excuse for Mr. Gowen to urge at this time in order to quiet the opposition to his plans, and while his action may have been hastened somewhat by the labor troubles, the sufficient reason for the Reading's purchase of coal lands lay in the necessity of protecting the company's territory from invasion by other railroads. In all parts of the region the companies were extending their lines and buying lands to supply tonnage for them in the period coincident with the life of the union. But that movement began before the appearance of the union, and would, without doubt, have progressed as it did whether there had been a union or not.

It may be said, in passing, since it throws some light upon after developments, that the hostile attitude assumed by the companies at this

time toward organized labor has ever since been constantly maintained. This is especially true of the Reading. Every effort has been made by the company to prevent organized labor from gaining a foothold not only at the mines but upon the railroad as well. Its hostility was shown early in 1877 when, on being informed by Pinkerton detectives of the movement which culminated in the great strikes of that year, Mr. Gowen promptly gave notice to the engineers on the road to quit the Brotherhood of Locomotive Engineers or the service of the company. It again showed itself in the contest of the receivers with the Brotherhood of Railway Trainmen in 1894, when it appeared that employees were required to sign an agreement not to join a labor union while in the employ of the company. With these facts in mind let us now return to the course of events after the downfall of the Workingmen's Benevolent Association in 1875.

The ten years which followed the "long strike" have little for us to consider and may be quickly passed over. Wages had been considerably reduced, but the condition of the trade during the industrial depression was not such as to invite attempts to increase them. During the ten years several organizations of local importance made their appearance in various districts, but none became general. In the late seventies, however, even before the lift that came in business conditions in 1879, a society was organized on the lines of the old order, called the Miners and Laborers' Amalgamated Association, which gained some strength during the early eighties, especially in the middle and southern districts. So, too, the Knights of Labor had gained considerable strength in the vicinity of Scranton as early as 1878, when it was estimated that they were 15,000 strong. (a) Opposed by the Catholic Church, the order grew slowly during the next six or seven years, then in 1885 and 1886 it spread with great rapidity over the whole region, absorbing or overshadowing all other organizations of miners.

As the strength of the organization increased attempts were made to gain recognition for it and to correct abuses which, it was felt, had been accumulating. First of all it was urged that there should be a restoration of the wages paid prior to the "long strike." Nominally there had been no material change in the rate since that time, but it was held by the men that there had been by various devices a virtual decrease in wages. One device was by increasing the size of the mine car; another was by unfairly docking the miners for waste stone and dirt sent to the breaker; another was by charging miners exorbitant prices for supplies needed in the mines, as powder, cotton, fuses, and the like. All the companies furnished such supplies to their men, and certainly the door was open to abuse in this direction. So, too, since the disappearance of the Workingmen's Benevolent Association, the abuse arising from the "company store," which had during the life of

^a The Engineering and Mining Journal, April 15, 1878.

the union been held in check, had come back, if not in so great a degree as before the war, still in a form to create great annoyance and considerably to decrease wages. Since the destruction of the union, too, the deductions from "basis" wages made through the operation of the sliding scale was a source of complaint.

It had been part of that plan that representatives of the miners should be present at the drawing of collieries, on the returns of which wages for the southern district depended. Since 1875 the miners were not so represented. It was believed that false returns were made by the Schuylkill Coal Exchange, only the ghost of which now remained. In fact, it was on this point that a joint committee of Knights of Labor and of the Amalgamated Association succeeded in gaining recognition and in winning their first success in 1886. The committee told the Reading Company that the men did not think they were receiving the wages due them in view of the market price of coal, and for some reason or other there was an advance in the wages paid the next month. Two great advantages were gained by this action of the joint committee—the organization had been recognized and its power to increase wages had been shown. The effect upon the organizations was greatly to increase their strength.

In 1887 a demand for an advance of wages, which had for a year or two been made in a half-hearted way, became decidedly bolder. The price of coal had declined since 1875 and was normally below \$5 at tide water. It was, therefore, asked by the Lehigh miners that the advanced wages should be paid upon a new basis of \$4 at tide water and that the sliding scale should be materially changed. In both districts where the sliding scale was employed, it was asked that the miners might be represented upon the committee for declaring the wages each month. The attempt was made to secure the cooperation of miners over the whole region. The Lehigh operators refused to consider these demands or to treat with the organization. This led to a strike in September, which lasted for many months. In the southern district the miners were more successful. The Reading, in its usual precarious financial condition, was anxious to prevent a conflict, and agreed to advance wages from September 1, 1887, to January 1, 1888, and to continue them thereafter in case the Lehigh operators should consent to a similar advance.

The outcome of the strike in the Lehigh district thus became a matter of prime importance to the miners of the southern district. They therefore did all in their power to strengthen the hands of the strikers, chiefly by furnishing money for the strike. On the other hand, the Reading attempted to give aid to the Lehigh operators by furnishing them with coal with which to fill their orders. This was considered by the miners as a breach of faith, though why it was more so on the part of the Reading than their own actions had been it is difficult to see. At any rate, in the closing days of the year, the miners, foreseeing that there

would be a reduction after the first of the year, made preparations for a strike. (a)

It is worth noting how the strike was precipitated. When in November, 1887, it was found that coal was being moved by the Reading Company for Lehigh operators, a protest was sent to the company, but the coal continued to be moved. In the latter part of December, however, it was decided by the workmen that the time had come to stop this kind of aid. This they attempted to do through the Knights of Labor working for the railroad company. In fact that organization had allowed itself to be used for similar purposes earlier in the year. The Reading Company had received a consignment of flour to a firm in Philadelphia which had refused to hire some Knights of Labor and the Knights on the railroad refused to handle it. Now, during the holiday season, when an attempt was made to load a barge belonging to a Lehigh operator with Reading coal, the Knights of Labor refused to do the work and were discharged. About the same time switching crews refused to handle coal intended for similar purposes and they were discharged. The company felt that since it was paying the high rate of wages agreed upon it could brook no interference with the free disposal of its product. The workmen tried to get the company to submit the gathering difficulties to arbitration, but the company could see nothing to arbitrate. On the 6th of January work at the Reading collieries ceased and was not generally resumed till about the 1st of March. At that time there was an unconditional surrender on the part of the men. They resumed work at the old scale of wages and their organizations which had shown so much strength were again completely broken.

Since the failure of the strike of 1887-88 there has been no organization of importance among the anthracite miners. Efforts in that direction have by no means been wanting, however, and at the present time there seems to be a steady growth, especially in the middle district, of the United Mine Workers, but an effectual organization has almost insuperable difficulties to overcome. The great obstacle to union here, as elsewhere, is lack of confidence and faith among the members; and scarcely anywhere is that obstacle so great and so hard to remove as among the coal miners. Here is ignorance, the parent of distrust, in an unusual degree; a past full of failure to secure what unfortunately is usually made the only object of such organizations; a marked dissimilarity in race, language, and religion, making it difficult to secure cohesion enough for any united effort; the danger, arising from the same causes, that a movement once started can not be controlled; the existence of a normal surplus of mine labor; and over all, the steady, united opposition of the operators to the rise of any sort of labor organization.

It is expected that this last-mentioned difficulty will be removed by

^aLabor Troubles in the Anthracite Regions of Pennsylvania, 1887-1888. House Reports, 50th Cong., 2d sess., No. 4147.

the so-called "labor union intimidation" act, which became a law in June, 1897, "to protect employees of corporations in their right to form, join, or belong to labor organizations by prescribing penalties for any interference therewith." But with a large mass of laborers at hand to choose from, whose needs are pressing and whose prejudices are easily played upon, and in view of the difficulty of proving that unfriendliness to laborers is due to their connection with a union, it may well be doubted whether the obstacles in the way of effective organization will be materially lessened by the law. Several of the difficulties mentioned grow out of the remarkable change which has taken place in the character of the mining population in recent years. This is a matter of importance as bearing not only upon the question of organization but upon the general conditions of employment in the region, and deserves to be spoken of at some length.

As has been said before, the early miners in the anthracite region were, for the most part, English, Welsh, Scotch, Irish, and German, and the growth of the mining population down to the early seventies was mainly through additions from the same stock, either by natural increase or by immigration. It was these people who, putting aside race and religious antipathies, acted together in the movement for the ten years following the war in the Workingmen's Benevolent Association. But about the time of the collapse of that society in 1875 immigration from another source began. It is at this time we first hear of the Poles, Hungarians, and Italians coming into the mining region. How far their introduction was due to the action of the operators under a system of contracting for their labor before their importation is not clear. It is quite certain, however, that this method of securing laborers was common at the time and had been for many years. Indeed, in 1864, Congress had openly sanctioned such a plan by passing the "Act to encourage immigration."^(a) By this act contracts, whereby the wages of laborers were pledged for the payment of passage money or other money advanced to them, were legalized, and such advances were made a lien upon any property those receiving them might afterward acquire. Immunity from military service was also expressly guaranteed, and a commissioner and a superintendent of immigration, whose chief functions seem to have been to facilitate the bringing of laborers, were provided for. Thus encouraged, companies were not wanting to "assist in carrying out the intention of Congress." One of these was the American Emigrant Company, with an authorized capital of \$1,000,000. Among its references were governors of States, Congressmen, Senators, and Cabinet officers, and letters were written by Henry C. Carey and Chief Justice Chase approving of the law and wishing the company success.^(b)

^a 13 Statutes at Large, 385.

^b The American Emigrant Company, New York, 1865.

There is no doubt that the anthracite operators made use of this method of securing workmen. But at this time and for ten years afterward the laborers brought in were from the United Kingdom or the northern continental countries, and, while from their presence in large numbers they may have contributed to the defeat of the strikers in 1875, they did not constitute a new feature in the mining population. During the late seventies began that immigration to the United States from southern and eastern Europe which has done more than anything else to change public opinion on the subject of immigration and which led, only twenty years after the act to encourage the importation of laborers, to a complete reversal of the policy of that act. Indeed, it is difficult to see how a government which was using its power of taxation for the avowed purpose of maintaining a high standard of wages should so long have allowed employers to use so direct a means of defeating the efforts of laborers in their own behalf. But before the passage of the alien contract-labor law of 1885 a strong current of Poles, Huns, Italians, and Russians had already set toward the United States, a large part of them finding their way to the coal mines; and however well the law may have been administered, the current has continued to the present time even stronger than ever before.

The presence of this class of laborers no doubt contributed to the defeat of the strike of 1887-88. It is said that the operators had been making preparations for the conflict they saw approaching by inducing these men, either before or after reaching the country, to come to the mines. However that may be, there were, it is estimated, at the time of the strike, about 5,000 Poles, Huns, and Italians in the Lehigh district, and double that number in the Wyoming district. (a) The United States census of 1890 shows the total number of these nationalities in the five anthracite counties to be 28,216. This is 10,307 less than the foreign-born Irish in the same counties, 5,627 less than the foreign-born Germans and Austrians combined, while of English there were 22,729 and of Welsh 23,404. There is no means of knowing the number of the various nationalities employed at the mines, but it is certain that a far greater proportion of the Polish, Hungarian, and Italian population are so employed than of the other nationalities named. A fairly accurate indication of the number and growth of this class for the last half dozen years may be had from the following figures furnished by the Philadelphia and Reading Coal and Iron Company, showing the "nationality and parentage," but not the place of birth, of the employees at their mines in 1890, 1895, and 1896:

^a Labor Troubles in the Anthracite Regions of Pennsylvania, 1887-88. House Reports, 50th Cong., 2d sess., No. 4147, p. 49.

NUMBER AND PER CENT OF THE VARIOUS NATIONALITIES EMPLOYED AT THE COLLIERIES OF THE PHILADELPHIA AND READING COAL AND IRON COMPANY, 1890, 1895, AND 1896.

Nationality and parentage.	1890.		1895.		1896.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
American.....	4,719	19.1	5,765	20.6	5,838	20.6
English.....	2,088	8.4	1,960	7.0	1,799	6.3
Irish.....	6,887	27.8	6,450	23.0	6,025	21.3
German.....	3,709	15.0	3,471	12.4	3,207	11.3
Scotch.....	210	.9	223	.8	168	.6
Welsh.....	1,282	5.2	1,112	4.0	1,037	3.7
Polish.....	4,287	17.3	5,955	21.3	6,895	24.3
Hungarian.....	1,466	5.9	2,800	10.0	3,180	11.2
Italian.....	86	.4	245	.9	211	.7
Total.....	24,734	100.0	27,981	100.0	28,360	100.0

These figures account for about 70 per cent of the mine laborers of the southern field. Assuming the same proportions for the whole region, there are not far from 50,000 of the class of which most complaint is made employed at the anthracite mines. The table shows a rapid increase of this class since 1890. In that year the three nationalities formed 23.6 per cent of the employees at the Reading collieries. In 1896 they formed 36.2 per cent. It may be said that the estimates of this element of the population are invariably higher than here set down. But those estimates are usually based upon impressions rather than the actual returns from the collieries.

What will be the social consequence of the continued immigration of this class of people it is difficult to foretell. The very name of Pole and Hun has something of terror in it for us, and yet one comes away from the anthracite region by no means sure that the evils of such immigration have not been greatly exaggerated. The Poles, and especially the Lithuanians, who are not of Polish stock but are usually grouped with them, are a docile and industrious people, and in some respects might well be taken as examples by some of the English-speaking miners. They are compelled by the conditions under which they live to be clannish, but they are perhaps not more so than the Irish. They readily adjust themselves to the life about them, and if the conditions were more conducive to that end might be made into excellent citizens, as many of them now are. Unlike many of the older miners, they become owners of property when it is possible, as have the Welsh, especially in the northern district. For this purpose they have societies, similar to our building associations, to aid in acquiring property, and in some localities, as at Shamokin and Shenandoah, they have made considerable progress. Unfortunately, they do not readily learn the English language. Much of the ignorance attributed to the Poles is, in fact, only ignorance of English. It makes them less valuable workmen, especially in the more dangerous places, than they otherwise would be.

The incomplete returns of the mine inspectors, showing the nationality of those suffering accidents, do not, however, indicate that they are responsible for a disproportionate number of accidents. Nevertheless, it is frequently proposed, ostensibly for the purpose of rendering the mines more safe, to make a knowledge of English a necessary qualification for receiving a miner's certificate. The Poles become naturalized, as a rule, as early as possible. One great drawback throughout the anthracite region to the improvement of the laboring population is that of intemperance, and it is one by which the Poles are especially hampered. Drunkenness is not an accomplishment acquired since their arrival in America. "I think," says the *ensor morum* of his people, writing in the early part of the seventeenth century, "that drunkenness has made its nest in Poland," and the Poles bring with them to America this national characteristic. Shenandoah, with a population of about 15,000, of whom one-third are estimated to be Poles, has 150 saloons. Of these 85 are kept by Poles, only 3 by Americans.

Nevertheless, they are steady workers and are looked upon by the operators as a valuable addition to the mining population. A few years ago it could be said that the English, Welsh, German, and Irish still did the skilled work about the mines, but each year this is becoming less true. The Poles are rapidly passing from the position of laborers to that of miners. It is interesting to note one of the processes by which they have become miners. An English miner working upon a breast finds, from a change in the dip or for other reasons, that he can not make his usual wages and he asks for an advance. This not being granted he leaves the place. Formerly, in the days of the Workmen's Benevolent Association, no one would be allowed to work the breast. Now it is given to a Pole, and by harder work and longer hours he is able to make fair wages. In like manner miners working on contract and employing other miners at day wages often prefer the Poles because they are willing to do more work than a "white" miner. No doubt the preference often shown by the operators for such laborers is likewise due to this cause and to their readiness to work where other miners will not. The operators say that but for the willingness of these people to do such work many places would have to be abandoned long before all the workable coal has been taken out. It is not to be supposed, on the other hand, that the Poles systematically underbid the other workmen. They like high wages and are quite ready to join labor organizations which have higher wages as their aim. Like other Catholics at present they are kept from such organizations, however, to a very great extent by the agitation over the American Protective Association, which has done so much to disturb the work of the labor unions at the mines and elsewhere.

Of the Huns and Italians not so favorable an account can be given. They have all the vices of the Poles with but few of their virtues. With less intelligence than the Poles the Huns more rarely become miners,

and as common laborers their earnings are, therefore, less. The Italians seem to have a dislike for underground work and are found almost exclusively in the breakers or in those parts of the field where the coal is laid bare by "stripping" and quarried like stone. Both nationalities have the reputation for being more vicious than the Poles and far less susceptible to such influences for good as are found about them. All form an incongruous element of population, the attempt to assimilate which will prove a most interesting but dangerous experiment.

What the ultimate effect of the continued influx of this class of population may be, no one can foretell. But there are certain immediate and unmistakable effects that may be briefly noted. The very numbers which continue to come to the mines are in themselves a menace to the welfare of the mining population. A large surplus of laborers in the region is not a new condition, but it is certainly more marked now than ever before. It has resulted in the rapid displacement of the old class of miners, not so much through a reduction in the nominal wages paid as through the greater irregularity of employment now prevailing, and consequently lower annual incomes. Here is one of the many cases where the competition of intelligence and muscle is offset by the competition of standards of living. The Poles, Huns, and Italians have brought a distinctly lower standard into the region, and there is every reason for believing it will become the prevailing one. They are willing to live in poorer houses and more in the same house than the English-speaking miners, who have been forced, sometimes fortunately, into other business, or compelled to be content with a smaller income than they had been used to receiving. The evidence seems to be that the newcomers commit a disproportionate amount of crime, and it is complained that they are responsible through want of knowledge of English for more than their share of accidents in the mines, though the returns do not show it. They certainly present a difficulty in organizing the miners to secure more favorable conditions of employment, and there is little wonder that the older miners despair of any improvement for the future.

The attempt to test the condition of the miners by the wages paid them is one full of difficulties. In the different regions they are paid on a different scale; and in the same colliery will be found miners working on contract at so much per car, others by the week; rockmen working by the yard, the price varying according to the kind of passage driven and whether it is timbered or not; inside laborers getting one price, outside laborers another, while breaker boys receive still another rate. But the time worked is as important to the miner as his rate of wages, and this varies widely at different collieries and for different classes of workmen at the same colliery.

The most recent investigation made of the subject of wages is that of Mr. A. S. Bolles in 1888 and 1889, the results of which are published in the Reports of the Secretary of Internal Affairs, Part III, for the years named. It was found that in 1888 the 10 best paid contract

miners in each of the 45 collieries making returns received for the two hundred and forty-six days worked an average of \$2.98 per day, or \$734.06 for the year, as compared with an average daily wage of \$1.96, or \$465.27 for the year, for the 10 best paid miners in each of the 71 bituminous mines examined. The next year the scope of the inquiry was extended to all the contract miners at the collieries (18 anthracite and 8 bituminous) making returns. Dividing the miners of each colliery into 10 equal groups according to their earning capacity, the average daily earnings for the different classes were found to be as follows:

AVERAGE DAILY EARNINGS OF COAL MINERS, CLASSED BY EARNING CAPACITY.

Class.	Anthracite miners.	Bituminous miners.	Class.	Anthracite miners.	Bituminous miners.
First.....	\$3.55	\$3.24½	Sixth.....	\$2.38	\$2.10½
Second.....	2.98	2.65½	Seventh.....	2.29	2.02
Third.....	2.73	2.41½	Eighth.....	2.20	1.91
Fourth.....	2.61	2.33	Ninth.....	2.06	1.79
Fifth.....	2.50	2.19½	Tenth.....	1.79	1.60

In a few cases the yearly earnings of anthracite miners amounted to more than \$1,000, in one case to more than \$1,400. But the great body of miners working, apparently, about colliery time received between \$400 and \$600 for their year's work. A considerable number earned more than that, and another considerable number even less than \$200. But both extremes should be treated as exceptional cases. The largest earnings do not indicate the superiority of these few miners over the average, but are probably those of men who take contracts by the yard or car and hire one or more miners by the day: This plan is followed in most collieries for a small amount of work not easily supervised by the foreman. It is a subject of complaint by the miners, though probably with little reason, since the contractors are required to pay company wages. The lowest earnings are for men who worked only part of the colliery time and, like the highest, throw no light upon the possible earnings of contract miners. The following figures compiled from the Bolles investigation show the average daily earnings, by classes, of all the contract miners at 26 (18 anthracite and 8 bituminous) representative collieries for the year 1889 and the number of contract miners in each class.

AVERAGE DAILY EARNINGS, BY CLASSES, OF ALL THE CONTRACT MINERS AT 26 REPRESENTATIVE COLLIERIES FOR 1888, AND THE NUMBER IN EACH CLASS.

[To obtain the averages shown in this table, the whole number of contract miners in each colliery were divided into ten classes, according to their wages. As it was impossible to form ten equal classes, the first nine were made equal, the remaining miners being placed in the tenth class. The figures showing contract miners in each class are therefore for the first nine classes only.]

Colliery number.	Class.										Contract miners in each class.
	First.	Second.	Third.	Fourth.	Fifth.	Sixth.	Seventh.	Eighth.	Ninth.	Tenth.	
a 1	\$2.64	\$2.35	\$2.15	\$2.00	\$1.92	\$1.85	\$1.77	\$1.69	\$1.61	\$1.43	15
a 2	3.62	3.33	3.29	3.25	3.20	3.14	3.08	3.01	2.88	2.45	14
a 3	3.60	2.78	2.69	2.65	2.51	2.42	2.34	2.21	2.07	1.82	7
a 4	2.98	2.43	2.32	2.17	2.07	1.97	1.88	1.78	1.66	1.49	8
a 5	4.34	3.41	3.09	2.90	2.75	2.57	2.38	2.23	2.03	1.64	7
a 6	4.58	3.20	3.06	2.98	2.87	2.81	2.77	2.73	2.64	2.49	12
a 7	2.87	2.23	2.10	2.00	1.92	1.82	1.73	1.65	1.58	1.39	20
a 8	3.60	3.07	2.92	2.73	2.64	2.56	2.49	2.42	2.27	1.97	7
a 9	3.82	2.93	2.64	2.52	2.39	2.28	2.19	2.11	1.95	1.55	9
a 10	3.63	2.81	2.51	2.33	2.19	2.09	2.02	1.94	1.85	1.63	9
a 11	4.43	3.96	3.68	3.47	3.12	2.70	2.46	2.39	2.22	2.13	3
a 12	4.02	3.26	3.15	3.07	3.00	2.96	2.91	2.83	2.70	2.34	15
a 13	4.22	3.74	3.52	3.42	3.35	3.24	3.16	3.08	2.91	2.60	14
a 14	3.19	2.95	2.78	2.67	2.59	2.48	2.38	2.24	2.12	1.85	8
a 15	3.92	2.97	2.69	2.49	2.36	2.22	2.11	2.03	1.88	1.53	10
b 16	3.16	2.58	2.31	2.15	2.02	1.93	1.86	1.75	1.61	1.45	33
b 17	2.68	2.42	2.35	2.29	2.24	2.20	2.14	2.07	1.99	1.82	17
b 18	5.93	4.30	3.70	3.39	3.13	2.95	2.74	2.50	2.27	1.83	11
b 19	4.20	3.49	2.87	2.76	2.63	2.47	2.36	2.22	2.07	1.84	4
b 20	2.35	1.97	1.84	1.72	1.62	1.53	1.41	1.31	1.23	1.10	19
b 21	2.56	2.16	2.12	2.07	2.03	1.98	1.95	1.89	1.85	1.74	2
b 22	2.65	2.20	2.11	2.02	1.99	1.95	1.90	1.83	1.70	1.58	5
b 23	2.41	2.11	2.01	1.93	1.89	1.83	1.78	1.72	1.61	1.46	21
a 24	2.92	2.33	2.19	2.06	1.89	1.77	1.64	1.52	1.31	1.12	11
a 25	3.28	2.64	2.42	2.32	2.25	2.18	2.11	2.00	1.85	1.21	26
a 26	2.81	2.30	2.08	1.95	1.88	1.82	1.77	1.71	1.61	1.28	67

a Anthracite.

b Bituminous.

These contract miners, constituting about 30 per cent of the employees, are the best paid workmen at the mines. Those working by the day or week receive much lower wages. In the Schuylkill district the miners not working on contract (about 10 per cent of the whole number of miners) receive \$12 per week, inside laborers \$10.20, outside laborers \$8.10, when coal sells at \$2.50 at Port Carbon. Wages rise or fall at the rate of 1 per cent for each 3 cents increase or decline in prices at the shipping point named. Thus, when coal sells for \$2.56, 2 per cent is added to the basis rate of wages; when it sells for \$2.44, 2 per cent is deducted from that rate, and so on. These prices are the average received for the "prepared sizes," i. e., from lump to chestnut, inclusive, from five collieries drawn each month by lot. The following table shows the prices which have determined wages for the Schuylkill district for each month for the nine years 1888 to 1896, inclusive.

AVERAGE PRICE RETURNED FROM THE COLLIERIES DRAWN TO DETERMINE THE MONTHLY RATE OF WAGES FOR THE SCHUYLKILL REGION FROM 1888 TO 1896.

[To find the rate of wages for any month, add to or subtract from the basis rate one-third as many per cent thereof as the number of cents by which the price given exceeds or falls below \$2.50.]

Year.	Average price for the month of—											
	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.
1888.....	\$2.96	\$2.83	\$2.53	\$2.52	\$2.37	\$2.32	\$2.43	\$2.50	\$2.59	\$2.61	\$2.63	\$2.57
1889.....	2.54	2.50	2.39	2.39	2.30	2.38	2.40	2.36	2.33	2.35	2.37	2.42
1890.....	2.37	2.32	2.24	2.16	2.19	2.24	2.19	2.19	2.24	2.29	2.29	2.35
1891.....	2.33	2.31	2.22	2.24	2.20	2.22	2.23	2.24	2.29	2.30	2.35	2.34
1892.....	2.26	2.22	2.29	2.29	2.30	2.38	2.50	2.60	2.68	2.74	2.67	2.64
1893.....	2.64	2.64	2.58	2.42	2.39	2.45	2.47	2.47	2.55	2.60	2.60	2.58
1894.....	2.62	2.44	2.45	2.35	2.22	2.22	2.22	2.23	2.27	2.26	2.22	2.20
1895.....	2.18	2.22	2.24	2.19	2.05	2.04	2.02	2.04	1.97	2.17	2.25	2.37
1896.....	2.26	2.36	2.50	2.49	2.46	2.43	2.53	2.56	2.60	2.63	2.74	2.70

Between this plan of a sliding scale and that found in the Lehigh district several important points of difference exist. Wages here are based upon the price of coal at Elizabethport, thus making the miner a partner in the transportation business as well as in that of mining. When coal sells at tide water for \$5 per ton the basis rate of wages is paid. Wages rise or fall at the rate of 1 per cent for each advance or decline of 10 cents per ton, as is indicated in the table following. The table shows the basis rate of wages in effect since 1875 for the principal classes of workmen in the Lehigh district and the change in the rate as prices fall.

BASIS RATE OF WAGES FOR THE PRINCIPAL CLASSES OF WORKMEN IN THE LEHIGH DISTRICT, AND THE CHANGE IN THE RATE AS PRICES FALL.

Price of coal.	Per cent. below basis.	Car price.	Wages per week.		Price of coal.	Per cent. below basis.	Car price.	Wages per week.	
			Miners.	First-class laborers.				Miners.	First-class laborers.
\$5.00	0	\$0.871	\$12.60	\$10.80	\$3.70	13	\$0.757	\$10.96	\$9.39
4.90	1	.862	12.47	10.69	3.60	14	.749	10.83	9.29
4.80	2	.853	12.35	10.58	3.50	15	.740	10.71	9.18
4.70	3	.845	12.22	10.47	3.40	16	.731	10.58	9.07
4.60	4	.836	12.10	10.36	3.30	17	.723	10.45	8.96
4.50	5	.827	11.97	10.26	3.20	18	.714	10.33	8.85
4.40	6	.819	11.84	10.15	3.10	19	.705	10.20	8.74
4.30	7	.810	11.72	10.04	3.00	20	.696	10.08	8.64
4.20	8	.801	11.59	9.93	2.90	21	.688	9.95	8.53
4.10	9	.792	11.46	9.82	2.80	22	.679	9.82	8.42
4.00	10	.783	11.34	9.72	2.70	23	.670	9.70	8.31
3.90	11	.775	11.21	9.61	2.60	24	.662	9.57	8.20
3.80	12	.766	11.09	9.50	2.50	25	.653	9.45	8.10

At such collieries in the Lehigh district as do not employ the sliding scale, and in the northern field where it has never been employed, wages are somewhat lower than the basis rate, though not varying much from the rates actually paid. The sliding scale, to secure which so much was suffered, has long been a source of complaint from the miners. They feel that the plan is no longer theirs. They have lost the right to be present at the drawings upon which, in the Schuylkill district, wages depend, and distrust the returns made. This natural distrust is strengthened when any divergence is noted between circular prices

and basis prices. This difficulty was formerly avoided in the Lehigh district by holding the operators to pay wages upon their published prices. Since, however, it is the exception rather than the rule for the circular prices to be fully maintained, this provision was very disadvantageous to the operators.

For the same reason such a divergence as that noted is no evidence of false returns. Moreover, even when circular rates are being maintained there is room for misunderstanding, as in the case where old orders at former low prices are being filled from one or more of the collieries drawn. As a matter of fact, wages have often been paid above the rate required by the scale. Thus in 1879, a year of free competition and low prices, the average rate below the basis was according to the scale $24\frac{3}{4}$ per cent, but the Reading Company paid only $15\frac{1}{4}$ per cent below. The Lehigh producers in 1884 ceased to make deductions after 10 per cent had been reached, though coal went below \$4 at tide water. The Reading in 1886 made advances in order to avoid trouble with their men, so it is generally understood, when the scale did not require it. Whether for good or ill, the plan can be used arbitrarily and for this reason is objectionable.

In the exorbitant freight rates charged for carrying anthracite it is claimed that there is further ground for complaint. Rates are not so high as they were in 1875, but they are above the level of the five years following 1876. Consumers and individual operators who have to pay the rates have long complained of them. The small operators have during recent years been relieved in some degree from the high freight charges by a plan of selling their coal to the large railway coal companies, taking therefor 60 per cent of the prices received at tide water. This system was largely adopted in 1892, partly to aid the Reading in its attempt to control the trade, and partly to quiet the complaints of the small operators who were clamoring for lower rates. What the freight charge now is is immaterial to them. So it is to such coal companies as the Reading Coal and Iron Company, whose stock is owned by the railroad company, and any losses it incurs from high rates are made good by the railroad company, which receives the benefit of high rates. But the high rates, which are almost universally merely nominal, bear heavily upon the miners under the sliding scale. With coal at a given price at tide, the higher the freight charge, the lower the price of coal at Port Carbon; and it is upon this price the miners' wages depend. Likewise in the Lehigh region there is ground for complaint. Wages there are based upon tide-water prices, and these are uniformly lower than prices in the interior, where two-thirds of the product is sold.

The changes which have taken place since 1875 in the preparation of coal are also believed by the miners to have worked to their disadvantage. One of the marked features of the industry during the past twenty years is the great increase in the proportion of "small sizes"

of coal sent to market. With the decline of anthracite as a smelting fuel, it became necessary to break down a greater amount to domestic sizes. This results in the production of an increased amount of small sizes which are sold at a lower price than domestic and large sizes. They are not, it is true, included in the average prices upon which wages are based in the Schuylkill region; but "chestnut" is, and the proportion of this size which sells for 25 or 30 cents below stove coal has greatly increased as compared with the higher-priced sizes. This change, of course, operates against the miners, but probably not so severely as against the operators.

It is further contended by the miners that the level of prices is normally lower than when the sliding scale was adopted, and that the present basis rate should be paid upon a lower price of coal. In a word, the conditions prevailing in 1875 no longer exist. Such workmen as understand their situation, losing sight of the fact that the operators have had many new and onerous conditions to meet, feel that the changes all work against them and that the whole scheme should be readjusted or abandoned; while those who do not understand it look upon the deductions as an attempt of the companies to make good their losses at the expense of their workmen.

But the question of earnings is as much one of time as of rate. The daily earnings, though not high, are not unusually low for the grade of labor employed. The great evil is in the irregularity of employment. There are more than enough laborers in the region to man the collieries at their full capacity. But, as is well known, they are, and for years have been, kept idle a large part of the time to prevent over-production. The Reading collieries were operated an average of 219.2 days for the six years 1885 to 1890; and for the six years 1890 to 1895 an average of 187.1 days. Of the 354 collieries whose time was reported by the inspectors of mines in 1894, only 20 per cent ran 200 days and over; more than 30 per cent ran but half time and less. It is easy to believe that the estimate of 67,000,000 tons as the capacity of the mines is not too high; while in 1896 only 43,200,000 tons were produced.

A restriction of production is necessary if profits are to be earned upon the investments made; but as now effected it is wasteful in the extreme. Each company is compelled to maintain itself on a war footing, and aggravates the difficulties by increasing its capacity each year beyond the growth of the market. A restriction which would bring about the closing of the poorest mines, and keep only the best running at their full capacity, would have the advantage of a lower cost of production and would also correct, though not remove, the evil of the irregularity of employment. Owing to the periodicity of demand for coal, it will always be present in some degree. This mode of restriction would mean undoubtedly the departure of many who are now held at the mines by the vain hope of more work next month. But such a

mode of restriction can not be expected so long as the ownership of the mines remains, as now, divided among the eleven carrying companies which serve the field, each vitally interested in the question as to whose collieries shall be closed.

With wages low and employment irregular, the lot of the anthracite laborers might be supposed to be hard enough. But they have other grievances not wholly fancied. Chief among these is the ever-present complaint against the "order system" and "company store." This is a complaint as old as the industry. It was urged against the Lehigh Coal and Navigation Company in the first decade of its operations, and formed one of the subjects of inquiry of the Packer senate committee which reported on the coal trade in 1834. So serious did the abuse become in the years of depression following the crisis of 1837 that it finally, in 1842, led to riotous strikes. (a) It still existed in 1863, when Governor Curtin referred to it in his message (b) as a subject worthy of legislative action. But the miners were never able to rid themselves of the evil till they became masters of the situation in the day of the Workingmen's Benevolent Association. In some localities they attempted to supply themselves by means of cooperative stores. All these, with perhaps one exception, ended in failure. But everywhere freedom of trade was made possible. After the downfall of the union the old abuses were again complained of, and led to the enactment of the antistore law of June 29, 1881, requiring that employees in mining and manufacturing industries should be paid in lawful money, or by order redeemable at its face value in lawful money within 30 days. This was generally disregarded, however, and in 1886 was declared unconstitutional, as an infringement upon the rights of persons who were *sui juris* to make their own contracts. (c)

A more stringent law was passed in 1891, dealing only with corporations of the State. By the corporation act of 1874 it had been made unlawful for corporations to engage in any other business than that named in their charters. But it was a common practice for officers and stockholders of corporations to keep what was to all intents and purposes a company store and this was held not to be forbidden by law. (d) An act of 1891 forbids mining and manufacturing corporations of the State, or their officers or stockholders acting in the interest of such corporations, to carry on by direct or indirect means a general supply store. Such corporations are also forbidden to grant, lease, or sell to any person the right to keep a store upon their property, with the purpose of defeating the provisions of the act, and any rule or contract with the keepers of any store whereby their employees are obliged to trade at such places is made *prima facie* evidence of the fact that the store is under the control of the corporation.

a The Miners' Journal, February 11 and May 20, 1843; *ibid.*, June 20, 1846.

b January 8, 1863. See, also, The Miners' Journal, March 7, 1863.

c 113 Pennsylvania Reports, 431.

d *McManaman v. Hanover Coal Co.*, 6 Kulp, 181.

In spite of the law, however, the company store still exists. Indeed, individual operators and unchartered companies are not forbidden to maintain them, while those which are have generally evaded the law. It is difficult to tell the extent of the injury inflicted by the system. The State factory inspector reported after an investigation in 1894 that the average excess charged by the company stores over independent stores (he was not speaking especially of mining companies) was 20 per cent, "which, of course, indicates that some of the places are almost intolerably high."^(a) One anthracite operator is reported to have said recently that he could forego any profit on his mining business so long as he had the custom of his employees at the store. A witness before a legislative investigating committee in 1897 said significantly that the stores were not run for the benefit of the miners. In the bituminous region a quantitative expression, probably conservative, of the disadvantage of the store was given in the autumn of 1895, when it was agreed in a convention of miners and operators that a differential of 5 cents per ton should be given in the rate of wages paid by those operators who kept no store. After January, 1896, operators who kept stores were to pay 69 cents per ton for mining, while those having no stores were to pay only 64 cents per ton.^(b)

It should be said that the store evil is by no means so great in the anthracite region as it is in the soft coal region of Pennsylvania. Some of the large companies, like the Reading, have no stores, though the Reading and all other companies furnish mine supplies, as powder, cotton, fuses, and the like. Others, like Coxe Bros. & Co., have stores, but pay their men cash. This is one of the few companies having a store of which it may be said that "the pay office knows nothing about the store." Wages were paid in full to their men after they had gone out on the strike of 1887. All deny that any compulsion is used to secure the trade of their employees, and in some cases real freedom is, perhaps, allowed. But the power of the company to secure patronage, without resorting to competition, is obvious; and the miners generally feel that they are courting discharge when they trade at any but the company store.

This last remark applies as well to the use of the company houses. The miners for the most part live in the company "patch," as the group of houses about the colliery is called. These vary greatly in character. Some are well-built, neatly painted, and pleasantly situated cottages, while others, like those generally of the Mahanoy Valley, are the reverse in every respect. The rents vary as much as the appearance. In 1888 the houses of Coxe Bros. & Co. rented at the following rates:

^a Report of the factory inspector, 1894, p. 66.

^b Annals of the American Academy, January, 1896, p. 164.

HOUSES OF COXE BROS. & CO. AND MONTHLY RENTAL RATES.

Number of houses.	Rental per month.	Number of houses.	Rental per month.
4.....	\$1. 00	20.....	\$3. 60
29.....	1. 50	348.....	4. 00
44.....	2. 00	24.....	4. 50
25.....	2. 75	28.....	4. 60
10.....	3. 00	45.....	4. 75
13.....	3. 25	131.....	5. 00
10.....	3. 50	119.....	5. 50

The \$4 houses are well built and neatly painted and have four rooms, a cellar, and an outkitchen. Those renting for \$5 per month are built double, have five rooms each, and cost \$850. The gross return of 14 per cent upon them, not including the value of the land and garden patch, does not seem exorbitant. These are more favorable conditions than the average. This company prefers that the men should own their houses, as no doubt other companies do, not only because of the trouble of keeping the houses in repair for a shifting population, but because of the greater steadiness of a property-owning class of workmen. Mr. Gowen proposed terms favorable for the purchase of houses upon the Reading lands in the troublous times of the early seventies, but his plan was looked upon by the men merely as a scheme for tying them to a locality and thus crippling their fighting powers. In the northern region the Welsh have always been noted for their efforts to own the houses in which they live.

One hears little complaint of the rents except at times of disturbance. While there is an opportunity in the present state of the labor market for the companies to secure a rental above what competition would fix, the company house has no such possibilities for plunder as the store. In neither case is the whole evil to be measured by the higher rates charged by the employer. It is worth something to men to be free to trade and to live where they like without feeling that the permanency of their position is at stake. Even if they were imposed upon, as in many isolated localities they surely would be, by independent stores or by private owners of houses, the imposition would be more bearable than when coming from their employers.

One of the fruitful sources of complaint lies in the system of dockage which prevails in the anthracite region. What the question of screening and weighing is to the miners of bituminous coal this question is to the anthracite miners. Each colliery has its "docking boss," whose business it is to inspect coal as it comes from the mines and to make deductions for any excess of slate and dirt he may find. That some such check upon the miners is needed is obvious. Economy requires not only that producers pay only for the coal mined, but that the amount of waste lifted to the surface and passed through the breaker at great expense be reduced to the minimum. A rigorous system of inspection, where no mechanical device is possible, is therefore necessary. It may, however, easily be used by unscrupulous employers to deprive the miners of their just earnings. Complaints that this is done

are frequent and many of them are well founded. Even where operators do not make dockage a systematic means of robbery, there is always the possibility that they may and that the docking boss may use it also to vent personal spite. It is not strange, therefore, that the large opportunities now in the hands of the operators should be looked upon with suspicion, and that the men should believe themselves injured when only proper care is taken to guard against their own carelessness or dishonesty.

At the bituminous mines where each miner's coal is weighed, the attempt has long been made to avoid a similar difficulty by allowing the men to maintain a check weighman at their own expense. The plan there has not, however, been an unqualified success. There are obvious reasons why joint inspection by the representatives of the men and their employers would prove still less successful at the anthracite mines. The recognition of this fact has led a recent legislative investigating committee to recommend the appointment of inspectors by the county courts, who shall be the representatives of neither men nor operators, though approved by both. There is little indication that any such plan will be adopted, though its advantages would be great; if not by way of any large saving to the miners, at least in producing a better feeling between the laborers and the operators by removing the suspicion now felt because of the arbitrary power in the hands of the operators.

Turning now to a different phase of our subject, let us consider another condition of employment, namely, that which has to do with the danger of the miner.

Everyone knows that mining is a dangerous occupation, but how dangerous it is few people realize. In 1895 there were 422 fatal and 1,120 nonfatal accidents reported by the inspectors of the anthracite mines. The table following, showing the number of tons mined, the number of employees, the number of fatal and nonfatal accidents, the number of each per 1,000 men employed, and the number of tons of coal mined for each kind of accident, will help to an understanding of what these figures mean. For convenience of comparison similar figures are given for the bituminous mines of Pennsylvania, Illinois, and Great Britain.

TONS MINED, EMPLOYEES, FATAL AND NONFATAL ACCIDENTS, NUMBER OF EACH PER 1,000 EMPLOYEES, AND NUMBER OF TONS MINED FOR EACH ACCIDENT, FOR VARIOUS MINES IN 1895.

Mines.	Tons of 2,240 pounds mined.	Em- ployees.	Accidents.					
			Fatal.			Nonfatal.		
			Num- ber.	Per 1,000 em- ployees.	Tons mined for each.	Num- ber.	Per 1,000 em- ployees.	Tons mined for each.
Anthracite	51,207,000	143,610	422	2.9	121,344	1,120	7.7	45,721
Pennsylvania bituminous ..	46,261,707	84,904	155	1.8	298,463	419	4.9	110,410
Illinois bituminous	15,835,593	38,630	75	1.9	211,141	605	15.7	26,175
Great Britain	189,661,362	700,284	1,042	1.5	182,017	.....	.....	.....

It will be seen that for each 1,000 employees there were 2.9 fatal accidents in the anthracite mines, while in the bituminous mines of Pennsylvania, where similar care may be presumed to be exercised, both in point of safeguards against accidents and in reporting them, there were only 1.8 fatal accidents per 1,000 employees, while the number of tons mined for each death at the bituminous mines was 298,463, as compared with 121,344 at the anthracite mines. This comparison, therefore, shows that it is much more dangerous to work at the anthracite than at the bituminous mines; and if we make the comparison between those engaged in mining proper—that is, between those working underground in the two kinds of mines—the relative danger will be more clearly shown.

The figures are not available to show what proportion of the employees in the Pennsylvania bituminous mines work underground, but the proportion is probably about the same as at the Illinois mines, where 90 per cent are so employed. In the production of anthracite only about 62 per cent of the employees are below ground, the remainder being engaged in the preparation of coal, a part of the operation not especially dangerous. This may be seen from the table following, showing the number and percentages of accidents from various causes in 1895:

NUMBER AND PER CENT OF FATAL AND NONFATAL ACCIDENTS IN ANTHRACITE MINES, BY PRINCIPAL CAUSES, FOR THE YEAR 1895.

Causes.	Accidents.		Percentages.	
	Fatal.	Non-fatal.	Fatal.	Non-fatal.
Explosions of gas	31	164	7.35	14.64
Falls of roof and coal	191	374	45.26	33.39
Falling down slopes, shafts, etc.	14	6	3.32	.54
Explosions of powder, blasts, etc.	59	145	13.98	12.95
Crushed by mine wagons, machinery, etc.	66	243	15.64	21.70
Miscellaneous, underground (a)	29	79	6.87	7.05
Miscellaneous, surface (a)	32	109	7.58	9.73
Total	422	1,120	100.00	100.00

a Estimated.

Thus explosions, falls of roof and coal, and miscellaneous causes account for 73.46 per cent of the fatal accidents; and these all belong to underground working. Of the 15.64 per cent killed by mine wagons and machinery a large part no doubt were underground. Certainly we may say that the 89,000 employees who work inside furnish 80 per cent, and probably more, of the fatal accidents. For this part of the work, therefore, the number of deaths was 3.8 per 1,000 employees, while a similar computation for the bituminous mines of Pennsylvania would give a result not greatly different from that shown in the table for the whole number of workmen, namely, 1.8 deaths per 1,000 employees.

The extremely hazardous nature of anthracite mining, even as compared with other mining, is thus very evident. A partial explanation

of this fact lies in the greater depth of the anthracite mines with their greater accumulations of gas, in the thick, pitching veins which make it difficult to use props in a way to prevent falls of roof and coal, and in the greater amount of blasting required to bring down the hard coal. Thus in mining almost exactly the same number of tons of coal in 1895, only 4 lives were lost in the Pennsylvania bituminous mines from explosions of powder and blasts against 59 from this cause in the anthracite mines. But the bituminous miners used only 149,268 kegs of powder, while the anthracite miners used 1,320,686 kegs of powder and 819,800 pounds of dynamite. (a)

Prior to 1870 no record of accidents at the mines was kept. The following table presents some data of the fatal accidents reported by the anthracite mine inspectors since that date:

FATAL ACCIDENTS PER 1,000 EMPLOYEES IN ANTHRACITE MINES, AND TONS MINED FOR EACH DEATH FROM 1870 TO 1895, INCLUSIVE.

Year.	Employees.	Fatal accidents.	Fatal accidents per 1,000 employees.	Tons mined.	Tons mined for each fatal accident.
1870 (a)		211		12,653,575	59,970
1871 (a)	37,488	210	5.601	13,868,087	66,038
1872 (a)	44,745	166	3.709	13,899,976	83,734
1873 (a)	48,199	224	4.647	18,751,358	83,711
1874	53,402	231	4.325	17,794,857	77,034
1875	69,966	238	3.401	20,895,220	87,795
1876	70,474	228	3.235	19,611,071	86,013
1877	66,842	194	2.902	22,077,869	113,803
1878	63,964	187	2.923	18,661,577	99,794
1879	68,847	262	3.805	27,711,250	105,768
1880	73,373	202	2.753	24,843,476	122,987
1881	76,031	273	3.591	30,210,018	110,659
1882	83,242	293	3.520	30,867,301	105,349
1883	91,411	323	3.533	33,200,608	104,336
1884	101,078	332	3.284	32,561,390	98,076
1885	100,534	356	3.541	33,520,941	94,160
1886	103,034	279	2.707	34,064,543	122,095
1887	106,574	316	2.965	37,137,251	117,522
1888	117,290	364	3.103	41,638,426	114,391
1889	119,007	384	3.226	39,015,835	101,604
1890	109,166	378	3.463	40,080,355	106,033
1891	123,345	427	3.463	44,320,967	103,796
1892	129,797	396	3.051	45,738,373	115,500
1893	138,002	445	3.224	47,179,563	106,021
1894	139,655	439	3.144	45,506,179	103,659
1895	143,610	422	2.939	51,207,000	121,344

a Returns incomplete.

The period covered by this table is coincident with mine legislation in the State. Prior to 1870 the loss of life, it is believed, was for

a It may be interesting in passing to compare the death rate in the mines with that of railway employees. The railways of the United States employed, in 1895, 785,034 men, among whom there were 1,811 fatal and 25,696 nonfatal accidents. This was at the rate of 2.3 fatal and 32.7 nonfatal accidents per 1,000 employees, which is only slightly less in the matter of fatal accidents, but considerably greater in injuries, than in the most dangerous part of anthracite production. But certain classes of railway employees have very little risk to meet. In fact only about one-quarter of them are in any special danger. This one-quarter, composed of 157,731 trainmen and 43,158 switchmen, flagmen, and watchmen, suffered nearly 70 per cent of the accidents recorded for the year. This gave the extremely high death rate of 6.3 per 1,000 employees, nearly twice as great as the rate for inside workmen in the anthracite mines.

several years even greater than that shown in the table. Many of the accidents were clearly traceable to the want of proper means of escape and ventilation. The operators were occasionally condemned for their indifference to the safety of their employees, and some faint efforts were made to secure by law the action which public opinion was not strong enough to induce. No law was passed, however, till 1869, and then, owing to the opposition from other counties, only to apply to Schuylkill county.

In September of the same year a frightful disaster at the Avondale colliery in Luzerne County, whence the opposition to the law had chiefly come, brought prominently into view some defects of mining practices which the legislature more hastily than wisely attempted to remedy. Chief among these was the method of ventilation employed. A common method had been by means of an updraft, produced by a furnace at the bottom of the shaft. This method was in use at the Avondale colliery, the ventilation shaft being separated from the main one used for raising coal, and the only exit for the miners, by a board partition. Some hay, on its way down the shaft to the mule stables, was set on fire; the flames caught in the partition, and from that spread to the breaker directly over the shaft. This cut off the only means of escape from the workings, the intense heat over the shaft soon exhausted the air in the mine, and 108 men perished.

The next legislature hastened to pass the first general law providing for the inspection of mines and laying down specific rules as to the positions of buildings, ventilation, number of openings, and other means of safety. The law was frequently amended and twice, in 1885 and in 1891, has been thoroughly revised. As it now stands, each mine must have two openings suitably arranged for ingress and egress. Inflammable structures may not be built over these openings and no breaker may be built within 200 feet of them. Minute provision is made for ventilation, both as to the method of supplying the air and the quantity to be supplied, for the daily examination of dangerous places, for safety appliances in entering and leaving the mines, and for the inspection and care of machinery, besides some fifty-eight specific rules for the guidance of miners and employers, the value of which one unskilled in mining operations can not judge.

To see that the provisions of the law are complied with eight inspectors are provided for. They are appointed by the governor on the recommendation of boards of examiners, of which there are three for the anthracite region. These boards are composed of three reputable miners in active practice and two reputable mining engineers, all appointed by the judges of certain county courts. The inspectors are charged with the further duty of keeping informed of the condition of the mines of their respective districts as to ventilation, machinery, drainage, method of lighting, use of lights, and so on, to investigate all accidents and report thereon, and to make all needed suggestions for providing for the health and safety of the employees.

No occasional inspection or regulations on paper can, however, take the place of intelligent supervision of the mines. It might be supposed that the operators could be trusted to provide such supervision, but the State has undertaken to improve it by requiring mine foremen and assistant foremen, usually called "bosses," to hold certificates of qualification for their work. These certificates are issued by the secretary of internal affairs upon the recommendation of a board of examiners, of which there is one in each inspection district, composed of the inspector, two practical miners, and an operator or mine superintendent. Applicants for these certificates must pass a satisfactory examination and must give "evidence of at least five years' practical experience as a miner, and of good conduct, capability, and sobriety."

This provision, by requiring some reading and study on the part of foremen, may be supposed to have had some beneficial influence. But the zeal of the State for the safety of the miners has rather overreached itself. Article 17, sec. 8, of the law enacts—

That for any injury to person or property occasioned by any violation of this act or any failure to comply with its provisions by any owner, operator, superintendent, mine foreman, or fire boss of any coal mine or colliery, a right of action shall accrue to the party injured against said owner or operator for any direct damages he may have sustained thereby; and in case of loss of life by reason of such neglect or failure aforesaid, a right of action shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of the damages for the injury they shall have sustained.

Mine foremen have uniformly been held by the Pennsylvania courts to be fellow-servants with the miners, and in the absence of a liability act employers have been relieved of responsibility for their neglect or incompetence. (a) The provision just quoted specifically made the operators responsible for the negligence of their foremen. But the courts hold that as the law now stands the foremen are representatives of the State, and that employers can not be made responsible for the acts of employees whose duties are defined by statute and whose character and competency are certified by the State itself. What the statute practically declares to the mine owner, says the court, is that "you can not be trusted to manage your own business. Left to yourself, you will not properly care for your own employees. We will determine what you shall do. In order to make it certain that our directions are obeyed, we will set a mine foreman over your mines, with authority to direct the manner in which your operations shall be conducted and what precautions shall be taken for the safety of your employees. You shall take for this position a man whom we certify to as competent. You shall pay him his salary. What he orders done in your mines you shall pay for. If, notwithstanding our certificate, he turns out to be incompetent or untrustworthy, you shall be responsible for his ignorance or

a Lehigh Valley Coal Co. v. Jones, 5 Norris, 432; Delaware and Hudson Canal Co. v. Carroll, 8 Norris, 374; Waddell v. Simpson, 112 Pennsylvania, 367.

negligence." "Incredible as it may seem," continues the court, "obedience on the part of the mine owner does not protect him; but if the mine foreman fails to do properly what the statute directs him to do, the mine owner is declared to be responsible for all the consequences of the incompetency of the representative of the State. This is a strong case of binding the consequences of the fault or folly of one man upon the shoulders of another. This is worse than taxation without representation. It is civil responsibility without blame and for the fault of another."^(a)

The effect of this decision seems to be not only to declare that employers can not be held liable for the negligence of certified foremen, but to relieve them from the traditional requirement of exercising ordinary care in the selection of foremen. If the employers were, in any way hampered by the law in the choice of bosses, as is implied by the court, the ground for the decision would seem clearer. But no such complaint is made. With hundreds of miners holding the State certificate to be selected from, employers are as free in their choice as ever they were, and stand in no danger of being tyrannized by a "representative of the State with power to compel compliance with his directions." Truly, the questionable advantage to the miner which comes from the examination of foremen has been dearly bought, and the immunity of employers has come to them without price.^(b)

With all the requirements of the law, as to inspection and method of working, and taking into account the danger peculiar to the mining of anthracite, the large number of accidents still seems unexplained. The high death rate, as compared with that at the bituminous mines, is in part accounted for, as before said, by the greater thickness of the veins and their frequently heavy pitch, the depth of the mines and their gaseous condition, and the great amount of explosives used on firing down the coal. But the English mines do not differ greatly from the anthracite mines in several of these respects, and there the death rate is lower even than at the Pennsylvania bituminous mines. The difference in the requirements of the law will not explain the difference, though the closeness with which the law is complied with doubtless does in a great degree.

By many it is believed that the chief explanation rests upon the relative intelligence and care exercised by the men themselves. It must have been a belief of this kind which impelled the legislature, in 1889, to pass an act the purpose of which was "to prevent the

^a *Durkin v. The Kingston Coal Co.*, 33 Atl. Rep., 237, supreme court of Pennsylvania, October 7, 1895.

^b What is said here of the foreman is also true of the "fire boss," the man whose business it is to examine the chambers each morning before the men go to work in order that dangerous gases may be removed. It is said the introduction of his name into the act of 1891 was a blunder. A fire boss has simply to make oath that he has had five years of practical experience as a miner, three of which were spent in mines having explosive gases. (See Report of Inspectors of Coal Mines, 1895, p. 96.)

employment of incompetent persons as miners in the anthracite coal mines." The act provides for the establishment of a miners' examination board in each inspection district, consisting of nine skillful miners. These are appointed by the courts. Persons wishing to become miners must come before one of these boards and be examined. If evidence of competency is given the board issues a certificate to that effect. Without such certificate no person not a miner at the time of the passage of the act may be employed as such.

It may well be questioned whether valuable light as to the competency of candidates could be gained by such examinations as are held, even if they were conducted in good faith by all concerned. But it is well known that they are not so conducted. In many cases they are mere farces. Especially is this true in the examination of non-English speaking candidates. In such cases an interpreter is usually employed, and it often happens that it is by his aid that the questions are properly answered. Moreover, it is complained that the certificates are made an article of merchandise, many being held by persons who were never before the examining board. Instances are not wanting where they have been bought in Europe and brought to the region by immigrants. This is done chiefly by the Poles and Huns, who are aided in such practices by the strangeness of their names. The fact that little or no good is accomplished by the law, that it is an unnecessary expense to the miner, and that the operators seem disposed not to go back of the certificate to inquire into the fitness of miners employed, sufficiently explain the prevailing discontent with the law. One hears complaints of it on every hand. Nowhere are they more strongly stated than in the report of Inspector Williams for 1895, which says:

The law requiring a miner to have his certificate has been the cause of keeping intelligent and experienced men from coming to the region, and has enabled operators to employ every kind of men to mine coal without their being responsible. Before the enactment of this law incompetent men were not employed, but now they are employed by hundreds. All that is asked of them is to have certificates and they get them.

But it is not so much to lack of intelligence as to lack of care on the part of miners that the high death rate is now chiefly attributed. (a) With the means of safety at the miner's disposal the number of accidents could be easily reduced. Many of the falls of roof, for example, the most prolific cause of accident, might be avoided with proper care in sounding the roof and in the use of timbers. The writer has heard of cases where miners who were not allowed to carry matches into dangerous places or to have keys to their Davy lamps have deliberately drawn the flame through the gauze to light a pipe in the midst of explosive gas. Inspector Stein asserts that of the 59 lives lost in the sixth district in 1895, 21 were lost through "the most manifest reckless-

^aSee, e. g., the *Colliery Engineer*, July, 1897; also the Report of Inspectors of Coal Mines for 1895.

ness of the victims themselves." Such statements are frequently heard, though it is by no means clear why anthracite miners should show a greater contempt for danger than is shown by miners elsewhere.

That the law has proved beneficial is admitted on every hand. But it is as generally believed that in a more stringent administration of it there is still room for great improvement, while all agree that the provisions for certificates for bosses and miners should be repealed.

However great care may be taken in mining operations, it has always been and will continue to be an extremely hazardous occupation. Some consideration of the means adopted for giving relief to the injured will, therefore, be a subject of interest.

As early as 1833 there was evidence of distress among the laborers. At that time all coal was carried to market by canals, and during the closed season work at the mines was practically suspended. The miners usually spent their wages as fast as earned, and were, therefore, left destitute for the greater part of the winter. At this time the operators discussed the advisability of keeping the men at work during the closed season of navigation in order to relieve their distress. (a) The opening of railroads to market brought relief from this evil without the expense of piling up the product during the winter months. Accidents at this time do not seem to have been specially numerous; but as the operations were enlarged and lower measures were reached the work became more and more dangerous. During the sixties, as we have seen, the death rate greatly increased, and led, through the efforts of the Workmen's Benevolent Association, to the enactment of the first inspection law in 1869. This association had been acting for some time in another direction for the relief of its members. There is every reason for thinking that one of the chief purposes of the organization was benevolence. Care of the sick and aid to widows and orphans of the members were prominent features of the organization.

But this side of the work was overshadowed by the struggles in which the society found itself involved from the beginning, and no record remains of the expenditures for beneficial purposes. With the destruction of the society, in 1875, all organization by the miners for beneficial purposes was abandoned. The Knights of Labor, which, during the eighties, gained so much strength in the region, did not attempt any work of this kind. The Amalgamated Association did, but it accomplished little. The United Mine Workers, now attempting to organize the region, is not a benefit order, though it is expected that the members will act together in establishing a benefit to be paid, as deaths by accident occur, by a pro rata assessment upon the members

^a Hazard's Register, May, 1834, p. 311. The coal-mining association of Schuylkill County in its report for this year expresses the belief "that a saving fund instituted on a plan similar to those in our cities will have a beneficial effect and be the means of preventing much distress," and citizens are asked to cooperate with the association in securing an act of the legislature for the formation of such an institution in the county.

of the "fund." Some of the miners of the better class belong to beneficial orders, such as the Odd Fellows. Among some of the nationalities there are also maintained orders of a benevolent character, especially among the Poles. But there is no organization of the miners as such for the relief of distress. Such provision as is made for relief has been made through the initiative of the operators.

The first action resulting in the establishment of a permanent fund was taken by the Wilkesbarre Coal and Iron Company in 1869. At the time of a severe accident in that year it was proposed that the employees give one day's work for the relief of the sufferers and the company would give the product of that day. This simple arrangement was continued for many years, benefits being paid at the rate of \$50 for funeral expenses and \$3 per week to the widow for one year, with \$1 per week additional for each child under 12 years. For injuries \$6 per week during disability was allowed. The receipts were deposited with the company and disbursements made upon warrant from officers elected by the men themselves.

The Philadelphia and Reading Coal and Iron Company, when it became a miner of coal in 1873, tried to make similar arrangements with the employees. The proposition was looked upon with suspicion by the men as an attempt to weaken their union and was rejected. (a)

In 1875, to be rid of frequent appeals for aid when accidents occurred, the company announced a schedule of payments it would make in case of death or disability. This plan was continued for two years; but as the lines continued to tighten upon the finances of the company it seems to have grown weary of well-doing alone, and in 1877 took steps to secure stated payments from the men for purposes of relief. In that year bonds worth \$20,000 were deposited as an endowment fund for the benefit of such of its employees as should comply with the conditions proposed by the company. The conditions were that the following payments, to be deducted from the pay roll, should be made by the employees: First class (miners and inside laborers), 30 cents per month; second class (outside laborers), 20 cents per month; third class (old men and boys), 5 or 10 cents per month.

The benefits paid in case of disability by accident while at work were \$5 per week, not to exceed six months, for the first and second classes, and \$2 per week for those in the third class paying 10 cents, and \$1 for those paying 5 cents. In case of death \$30 were paid in cash for funeral expenses, and \$7 per week for one year to the families of those in the first and second classes, while for those in the third class the same funeral expense was paid and a weekly stipend given to the family of \$2.80 or \$1.40 according as the victim had paid 10 or 5 cents.

The company took full charge of administering the fund and agreed to make good any deficiency that might arise. From the beginning the

^a The Miners' Journal, March 3, 1873. Argument of F. B. Gowen before the legislative investigating committee of 1875, p. 53.

income was insufficient to meet the demands upon it. For the twelve years from 1877 to 1888 the account stood as follows:

Paid to contributors	\$336, 660	
Paid to families of contributors killed.....	156, 126	
		\$492, 786
Total payments.....		\$492, 786
Received from contributors	344, 016	
Received from interest on investment.....	17, 495	
		361, 511
Total receipts.....		361, 511
Deficiency.....		131, 275

In 1889 the company undertook to make the fund self-sustaining. The monthly contributions were considerably increased, as is shown by the following new schedule: First class (miners and skilled laborers), 50 cents per month; second class (mechanics) 40 cents per month; third class (ordinary laborers), 30 cents per month; fourth class (old men and boys), 15 cents per month.

Greater efforts were also made to induce the employees to subscribe to the fund. Hitherto this had been left optional with the men. Now, though still theoretically optional, it is practically compulsory. All employees are put upon the list, and the monthly dues deducted from wages without asking the consent of the "contributors." No doubt the full wages could be collected if it were attempted, but those who wish to stay in the company's employ did not think it advisable to make any protest. The arrangement is generally acquiesced in and is indeed generally regarded as an advantageous arrangement by the men. Occasional complaint is, however, heard that the rates are too high for the kind of insurance given; that both sick and accident benefits could be had in beneficial orders at a lower rate. The experience of the company, however, is that if this arrangement were not practically forced upon the men, no provision would be made for insurance.

The new scale of contributions went into effect May 1, 1889. As will be seen, a slight change was made in the classification of employees, and accordingly one was made in the benefits paid. For injuries resulting in disability, \$5 per week, not to exceed six months, is paid to those in the first, second, and third classes, and \$2 to those in the fourth class. Thirty dollars in cash and \$7 per week for one year is paid to the families of those in the first three classes in case of death by accident while at work, and the same funeral expenses and \$2.80 per week for those in the fourth class.

Under this new arrangement there was a slight deficit for the year 1889—\$488.13. But since that time the fund has been self-sustaining, and the total deficit which, up to the end of 1889, had reached \$131,763.50, has gradually been reduced to \$57,129.51 in 1896.

The following table shows the operations of the fund for the last ten years:

RECEIPTS AND DISBURSEMENTS OF THE BENEFICIAL FUND OF THE PHILADELPHIA AND READING COAL AND IRON COMPANY, 1887 TO 1896.

Year ending November 30—	Receipts.			Disbursements.				Balance.		
	From contributors.		From endowment.	Total.	To contributors injured.		To families of contributors killed.		Total.	
	Number.	Amount.			Number.	Amount.	Number.			Amount.
1887.....	16,376	\$45,519.13	\$1,470	\$46,989.13	2,980	\$45,848.76	95	\$19,251.16	\$65,099.92	\$18,110.79
1888.....	19,559	46,632.75	1,470	48,102.75	2,901	43,752.15	109	22,197.72	65,949.87	17,847.12
1889.....	19,789	72,535.53	1,470	74,005.53	3,089	51,942.42	111	25,551.24	74,493.66	6458.13
1890.....	21,693	91,621.83	1,470	93,091.83	3,520	56,622.01	126	25,522.67	82,144.68	10,947.15
1891.....	22,700	101,834.81	1,470	103,304.81	4,274	68,323.67	153	30,077.14	98,400.81	4,904.00
1892.....	24,449	110,213.92	1,460	111,673.92	3,838	66,737.57	152	28,079.02	99,816.59	16,789.88
1893.....	24,260	109,949.73	1,460	111,409.73	3,696	70,379.57	139	29,033.64	99,505.56	11,904.17
1894.....	25,940	117,244.90	1,460	118,704.90	3,904	76,192.51	165	31,549.14	110,751.80	10,829.10
1895.....	26,422	120,251.04	1,460	121,711.04	4,189	82,205.93	164	34,134.15	116,540.77	5,176.27
1896.....	27,626	125,921.64	1,460	127,381.64	3,925	80,035.05	169	33,116.17	113,298.22	14,083.42

a Deficit.

b Including dues refunded, \$67.45.

c Including dues refunded, \$92.35.

d Including dues refunded, \$134.15.

e Including dues refunded, \$194.69.

f Including dues refunded, \$147.

A more liberal policy has been adopted by several of the other companies. The Lehigh Coal and Navigation Company and their 5,000 employees have, since 1883, maintained a fund to which the company contributes the interest on an investment of \$20,000, and a fixed amount for each ton of coal mined, while the men contribute a percentage of their earnings. At present their contributions amount to one-half of 1 per cent for inside workmen, and one-fourth of 1 per cent for outside workmen. In 1895 the fund received \$14,143, of which \$8,335 came from the company, and \$5,808 from the employees. From it was paid during the year in benefits \$16,396. There is usually carried a balance of some \$35,000 or \$40,000. The death benefits are \$30 for funeral expenses and half pay for eighteen months to the family. Those disabled by accidents receive half pay for a period not exceeding six months. This company, like the Reading, appoints the trustees of the fund, and the payments are made on the certificate of a regularly appointed physician.

The Lehigh Valley Coal Company has helped to maintain a relief fund at some of its collieries for about twenty years. Those employed who wish to become beneficiaries of the fund are invited to contribute a day's wages, the company agreeing to pay a sum equal to the contribution of the men. When the fund is exhausted another call is made, and those wishing to continue members again contribute a day's wages, the amount being covered by the company. Inasmuch as this plan obviates the necessity of carrying a heavy cash balance it is thought to be fairer for the men, especially for those who are only temporarily employed, than that of the Reading or the Lehigh Coal and Navigation Company. The death benefits are identical with those given for the Lehigh and Wilkesbarre Coal and Iron Company. An injured

member receives \$1 for each working day he is disabled for a period not exceeding three months. In the northern region the fund is only fairly maintained at the company's collieries, while at all its collieries in the Schuylkill region, and at many in the Lehigh region, it has been entirely abandoned.

The Delaware and Hudson Canal Company, and part of the companies controlled by the Pennsylvania Railroad Company, have funds maintained on the same plan. In the case of the latter company, like that of the Lehigh Valley, success has been indifferent. The plan of the Delaware and Hudson, adopted in 1887, is almost identical with that of the Lehigh Valley company. The fund is kept by the company in both cases and is disbursed upon orders from a committee composed at each colliery of the mine foreman and two employees chosen by the contributors.

Besides the regularly organized relief funds, provision is made by various operators for the relief of injured employees. Coxe Bros. & Co. have always been liberal in this regard. Their practice is, and has been for some years, to give \$50 for funeral expenses in case of death from accident and to contribute to the support of the widow, when there was one, at the rate of \$3 per week for a year and \$1 per week additional for each child under the age of 12. Regular payments were also made to workmen disabled by accident. All this is gratuitous on the part of the company. The Lehigh and Wilkesbarre Coal Company, controlled by the Central Railroad Company of New Jersey, has neither a fund nor an established rate of contributions for their injured employees. In case of death, however, the company pays funeral expenses, and makes a monthly allowance for all accidents according to the condition of the injured person's family.

In addition to the means provided by the relief funds spoken of, and many other less regular contributions made by operators and workmen in case of accident, there are maintained in the anthracite region two hospitals at the expense of the State. Attempts to secure such a hospital were made as early as 1870 for the southern district and some legislation was enacted. (*a*) But the plan of that legislation involved a tax upon the tonnage of producers for the support of the hospital and was never acted upon. In 1879 the legislature provided for the incorporation of the "Trustees of the State Hospital for Injured Persons of the Anthracite Coal Region of Pennsylvania," and appropriated funds for the purchase of site and erection of buildings. The location chosen was Ashland, in Schuylkill County. The hospital was opened to patients in 1883 and came under the control of the State board of charities. That some such institution was needed is shown by the fact that about 2,000 patients per year are treated there. Of these 90 per cent are workers about the mines. In 1891 a similar hospital was opened in the middle district at Hazleton. Besides these two institutions, supported wholly by the State, there are others in the

a Laws of Pennsylvania, 1870, p. 919.

region which receive regular appropriations from the State. Such are the Wilkesbarre Hospital at Wilkesbarre, the Lackawanna Hospital at Scranton, and the Hospital Association of Carbondale.

It is generally thought that the means for the relief of workmen in this highly dangerous employment are at present inadequate. It is an employment in which the death and disability rate is not only invariably high, but one in which the proportion of accidents due to others than those receiving the injury is large. In view of these facts, attempts have often been made to establish a fund by a tax on all coal produced from which injured workmen could be paid, without reliance upon the generosity of the operators or the foresight of the workmen. One of the inspectors in his report a few years ago varied this proposition by recommending a tax on tonnage, to be paid, not by the operators, but by the owners of the coal lands. This would create no burden either for the operators or for the consumers, but would fall upon those who were amply able to bear it.

It will be seen from what has been said that the lot of the anthracite laborers has never been an easy one, and that never has it been so hard in most respects as at present. Wages are deplorably low for all but the best paid workmen, though not so low as at many bituminous mines. It is not, however, the low rate of wages so much as the irregularity of employment that accounts for the small incomes of the laborers. Consumers also have a grievance in the irregularity with which the mines are run, not so much because of the restriction of production as because of the wasteful way in which the restriction is produced. For the laborers who are kept idle half the time the method is a sore evil. The anthracite miners of a quarter of a century ago looked with favor upon such a centralization of power as would make restriction possible, just as the bituminous miners are doing to-day. But centralization so far as it has now gone, while it has helped to maintain prices and perhaps wages, has solved no real problem for either producers or workmen, and certainly none for consumers. There are too many workmen in the anthracite region trying to make a living by mining coal, and too much capital seeking to earn profits. One may assert this with assurance without being able to tell where either men or capital may be better employed.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

MARYLAND.

Fifth Annual Report of the Bureau of Industrial Statistics of Maryland.
1896. Charles H. Myers, Chief of Bureau. 284 pp.

The following subjects are treated in this report: General industries, 10 pages; the iron industry, 8 pages; Maryland street railways, 12 pages; trade reports, 10 pages; female labor, 7 pages; sweat shops, 9 pages; employment agencies, 15 pages; chattel-mortgage associations, 11 pages; convict labor, 54 pages; strikes and the legal aspect of the strike question, 40 pages; compulsory arbitration, 19 pages; counties of Maryland, 51 pages; labor laws of Maryland, 25 pages; extracts from proceedings of the National Association of Officials of Bureaus of Labor Statistics, 5 pages; financial statement, 1 page.

GENERAL INDUSTRIES.—Short accounts are given for each of 19 industries, showing the wages, weeks in operation, number of employees, labor disturbances, etc. On account of a lack of voluntary cooperation on the part of industrial establishments the information is somewhat meager.

THE IRON INDUSTRY.—This chapter contains a review of the iron industry in the State and detailed statements for each of eleven iron-manufacturing establishments.

MARYLAND STREET RAILWAYS.—A history and description is given of the different street railways in the State, their locality, and operations, and the amount of taxes paid. The street railways of Baltimore are taxed 9 per cent on their gross receipts as a park tax, each car is licensed at \$5 per annum, and the companies have to pay in addition the regular city tax on the assessed value of their property. During the year 1896, the city of Baltimore received from street-railway companies \$243,202.22 park taxes, about \$5,000 licenses on cars, and \$63,459 regular city taxes, or a total of \$311,661.22. The companies received \$2,702,247 from car fares. The gross earnings for 1896 were \$3,494,979.71 and the assessed value of the plant in the city proper and annex was \$3,756,998. The companies possessed 891 cars, had 271 miles of single track, and employed 630 motormen, 650 conductors, and 332 substitutes. Motormen, conductors, and substitutes received \$1.75 and \$2 per day of 12 hours' work. Other street railways are operated in Baltimore County, Hagerstown, Frederick and Middletown, and Cumberland.

TRADE REPORTS.—Accounts are given of the condition of thirteen trades, as reported by those engaged in them.

FEMALE LABOR.—Attention is called to violations of the law requiring seats to be provided for female employees in mercantile and manufacturing establishments. Piece wages of female employees in factories are quoted, and other facts are shown exposing the hardships endured by female wage earners.

SWEAT SHOPS.—In this chapter is quoted the act passed in 1894 in relation to sweat shops, and attention is called to its violation on account of the lack of proper facilities for its enforcement. The employment of a sufficient corps of factory inspectors is recommended. Extracts are given from the article of Mr. Henry White, which appeared in the May, 1896, issue of this Bulletin.

EMPLOYMENT AGENCIES AND CHATTEL MORTGAGE ASSOCIATIONS.—Descriptions of the methods of operation of these institutions are given, and their consideration by the State legislature is suggested.

CONVICT LABOR.—This chapter discusses the question of convict labor in general, and explains the advantages and disadvantages of the various systems adopted in the different States. Especial attention is given to the present status of convict labor in Maryland, and comparative prison statistics for the years 1893 to 1896 are presented. Portions of the tables contained in the article on convict labor published in the July, 1896, Bulletin are reproduced.

STRIKES.—Eight strikes were reported for the year. Only one of these, the strike of the garment workers, assumed any considerable degree of magnitude. This strike involved 2,897 men and 968 women, or a total of 3,865 persons. The reports as to the cause are conflicting. The strike was a failure.

Of the 7 other strikes, 2 involving can makers and laborers were successful, 3 involving newsboys, coal miners, and coal trimmers failed, 1 of longshoremen succeeded partly, and 1 of hod carriers remained unsettled.

The greater part of the chapter is devoted to an elaborate article on the strike question as viewed from the legal standpoint.

COMPULSORY ARBITRATION.—This comprises a discussion of the question of compulsory arbitration together with the views of various writers on the subject.

COUNTIES OF MARYLAND.—This is a revision of an article on the same subject contained in the report for 1893, and contains information for each county regarding location, population, tax rate, assessed values, size of farms, nature of soil, value of farm land, farm products, timber, water, roads, industries, wages, labor, transportation, advantages, improvements needed, etc.

NEW JERSEY.

Nineteenth Annual Report of the Bureau of Statistics of Labor and Industries of New Jersey. For the year ending October 31, 1896. Charles H. Simmerman, Chief. xii, 610 pp.

This report treats of the following subjects: The oyster industry, 45 pages; statistics of manufactures, 63 pages; laws and decisions of New Jersey courts affecting the interests of wage earners, 32 pages; cooperative building and loan associations, 468 pages.

THE OYSTER INDUSTRY.—This inquiry relates solely to the commercial feature of the oyster industry in the State. The statistics presented do not represent the whole value of the industry, but only that part which is involved in direct production. The following is a summary of the more important figures presented:

Number of establishments reporting.....	664
Value of boats and outfit.....	\$460,977
Acres of planting grounds.....	12,287
Number of hands, planting and marketing.....	3,592
Wages paid, planting and marketing.....	\$328,197
Total receipts.....	\$1,384,516

STATISTICS OF MANUFACTURES.—This investigation was conducted upon a plan similar to that which has been pursued by the Massachusetts bureau for the past nine years. To manufacturers in the State, 700 schedules of inquiry were mailed and distributed by agents of the bureau. Of these, 405 were returned by the manufacturers, but only 309 were sufficiently complete to be used for tabulation. Forty-eight general industries are represented in the tables.

The following tables present a summary of the information returned for each of the 13 industries which produced goods to the value of \$1,000,000 and over, and for the others collectively:

CAPITAL INVESTED, MATERIAL USED, AND GOODS MADE IN VARIOUS MANUFACTURING INDUSTRIES, 1895.

Industries.	Estab-lish-ments.	Capital invested.	Estab-lish-ments.	Stock or material used.	Estab-lish-ments.	Goods made or work done.
Bar steel and iron	4	\$3,492,378	4	\$1,535,206	4	\$2,707,035
Brick and terra cotta	12	2,058,540	9	487,559	12	1,392,222
Cotton goods	2	575,000	2	2,456,591	2	2,760,910
Electric dynamos and lamps.....	2	982,516	2	551,446	2	1,191,919
Foundry, iron	10	1,090,853	8	1,048,122	9	1,627,592
Hats, men's	16	694,470	14	802,752	15	1,698,524
Knit goods.....	4	1,226,000	3	411,990	3	1,805,984
Leather.....	7	950,000	7	904,716	7	1,617,135
Machinery.....	18	1,892,630	19	383,702	16	1,268,011
Rubber goods.....	4	1,900,651	3	431,294	3	1,362,983
Shoes.....	12	393,546	12	522,944	12	1,609,865
Silk goods.....	56	9,330,444	50	7,781,515	50	14,752,857
Woolen and worsted goods	13	4,246,375	14	3,988,486	13	6,166,845
Other	113	8,836,800	115	5,021,104	113	9,177,443
Total	273	37,664,201	262	26,327,427	261	49,139,325

PERSONS EMPLOYED, WAGES PAID, AND DAYS IN OPERATION IN VARIOUS
MANUFACTURING INDUSTRIES, 1895.

[Officers, clerks, and salaried persons are not included in the returns shown in this table.]

Industries.	Estab-lish-ments.	Aggre-gate average persons em-ployed.	Estab-lish-ments.	Amount paid in wages during the year.	Estab-lish-ments.	Average days in operation.	Average proportion of business done (per cent).
Bar steel and iron.....	4	1,516	4	\$781,828	4	228.50	57.61
Brick and terra cotta.....	12	1,517	9	588,397	12	246.25	78.28
Cotton goods.....	2	579	2	222,258	2	275.77	99.87
Electric dynamos and lamps.....	2	1,081	2	454,495	2	299.00	81.01
Foundry, iron.....	10	821	10	459,662	10	243.50	64.05
Hats, men's.....	17	1,320	15	547,575	15	229.70	79.45
Knit goods.....	4	1,625	3	428,950	4	270.08	90.34
Leather.....	8	592	8	327,314	8	302.12	88.32
Machinery.....	19	938	18	481,487	17	297.69	67.24
Rubber goods.....	5	1,049	4	370,985	5	237.62	54.75
Shoes.....	17	1,350	15	585,889	13	229.83	79.56
Silk goods.....	61	12,105	60	4,672,355	61	.....	.....
Woolen and worsted goods.....	15	4,461	14	1,319,775	15	.....	.....
Other.....	128	8,637	116	3,065,062	125	.....	.....
Total.....	304	37,591	280	14,305,972	293	257.07	71.06

As the answers to the questions in the returned schedules were not all complete, the number of establishments in the different columns varies, and, therefore, makes a fair comparison of the items with one another impossible. Of the establishments reporting on this point, 192 were owned by private firms and 106 by corporations. There were 430 partners and 1,643 shareholders. The total capital invested by 273 establishments was \$37,664,201, of which \$24,770,372, or 65.77 per cent, was owned by corporations and \$12,893,829, or 34.23 per cent, by private firms. The value of stock or material used in 262 establishments was \$26,327,427, and the value of goods made or work done in 261 establishments was \$49,139,325. In 280 establishments reporting as to employees' earnings, \$14,305,972 were paid in wages during the year. There were 37,591 persons employed in 304 establishments. In 293 establishments the average number of days in operation was 257.07 and the average percentage of business done 71.06.

COOPERATIVE BUILDING AND LOAN ASSOCIATIONS.—At the close of the year, October 31, 1896, there were 322 cooperative building and loan associations in the State, throwing out the lapsed associations and adding the incorporations not a year in operation. Of these 304 were local associations, 10 were State, and 8 were national. The tabulations give data for 316 associations, viz, 302 local, 9 State, and 5 national.

REPORTS OF STATE BUREAUS OF LABOR—NEW JERSEY. 779

The following statement contains a summary of the more important data presented for each class of associations:

BUILDING AND LOAN ASSOCIATIONS, 1896.

Items.	Associations.			
	Local.	State.	National.	Total.
Associations.....	302	9	5	316
Free shares.....	392,579½	136,189	7,912	536,680½
Pledged shares.....	194,458½	18,517½	831	213,806½
Shares issued during year.....	131,933½	90,110	5,062	227,106½
Shares canceled during year.....	103,806½	26,448½	1,911	132,166
Shareholders.....	87,994	22,601	980	111,575
Shareholders who are borrowers.....	25,336	1,053	103	26,492
Houses acquired by borrowers during year.....	1,922	321	8	2,251
Assets:				
Loans.....	\$38,171,895.27	\$1,620,999.86	\$600,779.04	\$40,393,674.17
Cash on hand.....	1,137,679.33	41,000.29	39,628.17	1,209,307.79
All other.....	1,658,049.50	85,712.40	32,451.38	1,776,213.28
Total.....	40,967,624.10	1,747,712.55	663,853.59	43,379,195.24
Liabilities:				
Bills payable.....	646,273.78	160,678.88	21,302.57	828,255.23
Undelivered loans.....	257,602.10	37,730.30	7,716.50	303,048.90
Shareholders' overpayments (dues, interest, premiums).....	322,545.80	68,368.17	6,042.67	396,956.64
Net assets.....	39,128,063.34	1,298,732.07	628,420.27	41,055,215.68
All other.....	613,139.08	182,203.13	376.58	795,718.79
Total.....	40,967,624.10	1,747,712.55	663,853.59	43,379,195.24
Total receipts for year.....	16,384,189.52	1,066,950.89	462,651.22	17,913,791.63
Total disbursements for year.....	16,265,886.63	1,060,553.32	449,091.62	17,775,531.57

The report shows that in all the associations in the State there were 750,487½ shares in force. These were held by 111,575 shareholders, of whom 26,492 were borrowers. Of the total number of shares, 1,835½ are full paid, or other than installment shares. The total gross resources of all the associations amounted to \$43,379,195.24.

The following statement is a comparative summary of the principal data tabulated in detail for the years 1890 to 1896, inclusive, and shows the aggregate condition of the associations for their respective fiscal years. The data include outside business of the national associations.

SUMMARY OF BUILDING AND LOAN ASSOCIATIONS, 1890 TO 1896.

Year.	Associations.		Shares in force.	Shareholders.	Borrowers.	Net assets.
	Total number.	Number reporting.				
1890.....	257	254	437,773	71,726	18,864	\$22,043,892
1891.....	275	271	518,777	78,725	19,255	25,606,373
1892.....	290	290	571,665	87,762	21,752	29,988,767
1893.....	297	297	634,163	93,889	22,910	33,836,437
1894.....	306	306	689,398	98,167	24,670	37,339,602
1895.....	317	301	693,810	101,619	25,593	38,882,110
1896.....	322	316	750,487	111,575	26,492	41,055,216

This comparison shows a steady increase in the number of associations and of their business operations in the aggregate. In no case was there a falling off from one year to another, either in the number of

associations or in any of the items shown in the preceding table. While the number of associations increased from 257 to 322 during the period, the net assets of those reporting nearly doubled during the same time.

NORTH CAROLINA.

Tenth Annual Report of the Bureau of Labor Statistics of the State of North Carolina. For the year 1896. B. R. Lacy, Commissioner. vii, 254 pp.

The following subjects are treated in this report: Agricultural statistics, 50 pages; cotton and woolen mills, 56 pages; miscellaneous and tobacco factories, 41 pages; trades, 62 pages; organized labor, 13 pages; railroad statistics, 8 pages; newspapers, 13 pages; bureaus of labor, 10 pages.

AGRICULTURAL STATISTICS.—The information presented in this chapter was obtained by means of schedules of inquiry sent to farmers throughout the State. Answers were obtained from 355 representative farmers of the 96 counties in the State. These replies showed a decline in the value of farm land in 60 counties, and in 84 counties there was a tendency to have smaller farms. An improved mode of living was reported in 71 counties. Cost of living increased in 8 counties, decreased in 65 counties, and in the remaining 23 counties no change was reported. In only 29 of the 96 counties was a decrease in wages reported. In 68 counties labor was reported abundant, in 28 counties scarce, and in 67 counties laborers could find employment all the year round. In 18 counties an improved financial condition was reported. The average price paid per month for farm labor was \$8.50 for men, \$5 for women, and \$3 for children, and laborers received in addition rations and homes valued at \$6.70 per month.

COTTON AND WOOLEN MILLS.—Reports were obtained from 189 mills, situated in 42 counties. Of these, 158 were cotton mills, 11 were woolen mills, and 20 were for the manufacture of hosiery, knit goods, rope, nets, and twine. They had a total of 888,792 spindles and 20,742 looms, operated by 36,690 horse power. The estimated number of employees was 23,435, of whom 6,822 were men, 10,567 were women, and 6,046 were children. Of the latter, 3,379 were under 14 years of age. Eighty-one per cent of the adults and 66.5 per cent of the children were able to read and write. The length of a day's work was from 10 to 12 hours. The average daily wages were as follows: Machinists, \$1.68½; engineers, \$1.46; firemen, \$0.86; skilled men (not including superintendents and overseers), \$0.99; unskilled men, \$0.67; skilled women, \$0.66; unskilled women, \$0.47½; children, \$0.31.

MISCELLANEOUS AND TOBACCO FACTORIES.—Under the head of miscellaneous factories, reports are presented from 64 establishments representing 38 industries. Of these, nearly 60 per cent worked full time during the year. In 80 per cent of the factories 10 hours consti-

tuted a day's work. A decreased cost of living was reported by 78 per cent of the manufacturers. One employer reported an increase, and the others no change. Sixty-four per cent reported no change in wages, 24 per cent a decrease, and 12 per cent an increase.

Reports regarding the tobacco manufacturing industry were received from 45 establishments. Only 8 factories made full time during the year. Of the others, 11 worked less than 150 days, 13 worked from 150 to 200 days, and 8 worked more than 200 days, but not full time. Five did not answer this inquiry. The length of the working day varied from 8 to 13 hours. Eighteen factories reported an improvement in the financial condition of the employees.

TRADES.—Schedules of inquiry were sent to persons engaged in skilled trades throughout the State. Responses were received from 261 persons, representing 53 occupations. Over one-half the number were carpenters, bricklayers, blacksmiths, machinists, cabinetmakers, tanners, and painters. Of the total number responding, 77.5 per cent received their wages in cash and 22.5 per cent in trade and cash; 7.2 per cent reported an increase in wages, 45 per cent a decrease, and 47.8 per cent reported no change; 48.1 per cent worked full time during the year; 72.3 per cent worked 10 hours per day, 3.7 per cent less than 10 hours, and 24 per cent worked over 10 hours per day; as to cost of living, 7.7 per cent reported an increase, 64.1 per cent a decrease, and 28.2 per cent reported no change; 24.5 per cent reported an improvement in their financial condition.

ORGANIZED LABOR.—Organization among the working people in North Carolina has not made much progress. Only 12 local branches, representing 7 trade unions, are reported by the bureau. The following statement shows the membership of these organizations and the average wages and hours of labor of the members:

MEMBERSHIP OF LABOR ORGANIZATIONS AND WAGES AND HOURS OF LABOR OF MEMBERS.

Organization.	Local branches.	Members.	Wages.		Daily hours of labor.
			Per month.	Per week.	
Brotherhood of Locomotive Engineers.....	5	213	\$90 to \$115	\$22.50 to \$27.50	a 8 to 14
Typographical Union.....	2	89	(b)	12.00 to 15.00	9
Order of Railway Conductors.....	1	36	75	(b)	10
International Association of Machinists.....	1	32	(b)	15.00	10
Brotherhood of Carpenters.....	1	32	(b)	7.50	10
Bookbinders' Union.....	1	9	54	12.00	9
Brotherhood of Railway Trackmen.....	1	8	35	(b)	(b)
Total.....	12	419			

a Two branches report no limit.

b Not reported.

Two of the organizations made provision for sick benefits, and all but two for death benefits. No strikes were reported in any of the unions. One local branch reported a wage increase during the year, but all others reported no change. In the case of nine local branches the organizations were regarded favorably by the corporations, in one

unfavorably, and in the case of the two others this inquiry was not answered.

RAILROAD STATISTICS.—The number, occupation, and average wages of employees are shown for each railroad in the State. The number of railroad employees in the State was estimated at 9,417. The total mileage was 3,701, or an increase of 85 miles over the preceding year.

BUREAUS OF LABOR.—This chapter contains a list of the names of all the bureaus of labor in the United States and of many of the foreign bureaus of statistics and labor, together with the names and titles of their chief officers.

TENNESSEE.

Sixth Annual Report of the Bureau of Labor, Statistics, and Mines to the Governor and Fiftieth General Assembly of the State of Tennessee. 1896.
A. H. Wood, Commissioner. 318 pp.

The contents of this report may be grouped as follows: Statistics of mines and mine inspection, 231 pages; the phosphate industry, 16 pages; the marble industry, 26 pages; the petroleum field of Tennessee, 6 pages; mine wages and regulations, 15 pages; labor conditions, 15 pages; chronology of labor bureaus, 8 pages.

STATISTICS OF MINES AND MINE INSPECTION.—The report treats mainly of the mineral resources of the State, it being impossible for the bureau to collect statistics of manufactures. The amount and value of mine products are shown, and in some instances comparative figures are presented for Tennessee and other States, and for present and past periods. The statistics relate to the production of coal, coke, iron ore, pig iron, zinc, lead, and copper, and to casualties in coal mines. A description of the location and general condition of the coal mines in the State is also given.

During the year 1896, 58 coal mines were reported in operation. A total of 2,663,714 tons of coal were mined, showing an increase of 343,994 tons over 1895. The coal mines gave employment to an average of 5,858 persons during an average of 202 days in the year. The coke production amounted to 332,746 tons. The other mine products reported for the year were 577,403 tons of iron ore and 109,987 tons of copper ore. Lead and zinc were also mined, but the quantity was not reported. The pig-iron production in 1896 was 246,998 tons, a decline of 1,131 tons over the preceding year. Twenty-seven fatal accidents, or one to every 244 employees, were reported.

THE PHOSPHATE INDUSTRY.—The development of this industry in the State began but a little over three years ago. A description is given of the location of the phosphate deposits, their chemical composition, and a history of their development. During the year 49,047 tons of phosphate were produced.

THE MARBLE INDUSTRY.—Tennessee ranks third among the States

of the Union in the value of marble produced, Georgia being second and Vermont first. The report contains a history of the growth and development of the marble industry, a description of the different varieties found, and an account of the production by counties. During 1896, 210,635 cubic feet of marble were produced in the State.

THE PETROLEUM FIELD OF TENNESSEE.—The drilling of oil wells in the State has thus far been largely experimental. Oil was discovered in considerable quantities in 1894. Of 47 wells that have been started, 32 have been completed, and of these only 6 can be considered producers. Experiments continue to be made, and it is expected that the product will become, at no distant date, an important factor in the commerce of the State.

MINE WAGES AND REGULATIONS.—Under this head are given figures showing the prices paid for mining at each of the coal mines in the State, the thickness of the seam worked, and the nature of the top, together with the prices of mine supplies. Specimens of rules governing work and wage payments adopted by some of the leading mining companies are also given.

LABOR CONDITIONS.—The principal features of this chapter are statistics of wages paid to men employed in the trades in Nashville and Memphis, a review of the general industrial conditions in the State, a description of some of the leading labor organizations, and labor disputes during the year. During the past two years only three strikes were recorded, namely, the journeymen plumbers in December, 1895, building laborers in July, 1896, and saddle and harness makers in the fall of 1896.

TENTH REPORT ON THE ANNUAL STATISTICS OF MANUFACTURES IN MASSACHUSETTS.

The Annual Statistics of Manufactures, 1895. Tenth Report. xxxiii, 293 pp. (Issued by the Bureau of Statistics of Labor, Horace G. Wadlin, Chief.)

The statistics presented in this report are grouped as follows: Introduction, 21 pages; statistics of manufactures, 121 pages; selected industry presentations, 43 pages; analysis, 83 pages; industrial chronology, 1895, 43 pages.

The information contained in this work does not represent all the industrial establishments in the State. It is computed from returns made by 3,629 identical establishments, comprising 76 industries, for the two years 1894 and 1895. The purpose of the presentation is to indicate the trend of business from year to year, and not to give a census of manufacturing industries.

The 3,629 establishments considered were conducted by 2,758 private firms and 835 corporations in 1894. In 1895 the same establishments were conducted by 2,738 firms and 855 corporations. This shows a decrease of 0.73 per cent in the number of private firms and an increase of 2.40 per cent in the number of corporations. As some of the firms and corporations conducted more than one establishment, the number of establishments is greater than the total number of firms and corporations.

The returns showing the number of partners of firms and stockholders of corporations still further illustrate the tendency toward the change from private to corporation ownership. The number of partners in private firms decreased from 4,420 in 1894 to 4,358 in 1895, while the number of stockholders of corporations increased from 38,712 in 1894 to 40,096 in 1895. The average number of partners to a firm was 1.60 in 1894 and 1.59 in 1895. The average number of stockholders to a corporation was 46.36 in 1894 and 46.90 in 1895. Of the partners, 95.53 per cent were males, 2.43 per cent were females, and 2.04 per cent were estates, etc., in 1895, and of the stockholders, 54.70 per cent were males, 33.79 per cent were females, and 11.51 per cent were banks, trustees, etc.

In the following table the items of invested capital, wages, and value of stock used and goods made are compared for the years 1894 and 1895. The 9 leading industries are given in detail, the 67 others being grouped under other industries.

STATISTICS OF MANUFACTURES IN 76 INDUSTRIES, 1894 AND 1895.

Industries.	Estab-lish-ments.	Capital invested.			Wages paid.		
		1894.	1895	Per cent of in-crease.	1894.	1895.	Per cent of in-crease.
Boots and shoes.....	544	\$23,759,720	\$22,260,312	a 6.31	\$17,477,665	\$17,436,667	a 0.23
Carpetings.....	11	7,268,249	5,993,958	a17.46	1,329,350	1,696,331	27.61
Cotton goods.....	157	121,257,425	115,236,307	a 4.97	22,728,892	25,505,781	12.22
Leather.....	119	7,618,495	8,254,401	8.35	2,518,537	2,874,938	14.15
Machines and machinery.	292	28,298,638	24,700,083	a12.72	6,787,905	8,165,228	20.29
Metals and metallic goods.	278	16,716,854	16,173,763	a 3.25	5,057,851	5,843,475	15.53
Paper and paper goods....	97	25,404,250	23,734,206	a 6.57	4,036,013	4,275,733	5.94
Woolen goods.....	110	22,435,954	22,593,849	.70	4,641,991	5,662,309	21.98
Worsted goods.....	21	14,411,761	14,957,015	3.78	2,779,095	4,122,161	48.33
Other industries.....	2,000	134,348,623	121,966,280	a 9.22	37,200,561	40,901,120	9.95
Total.....	3,629	401,519,949	375,875,174	a 6.39	104,557,860	116,483,743	11.41

Industries.	Estab-lish-ments.	Stock used.			Goods made and work done.		
		1894.	1895.	Per cent of in-crease.	1894.	1895.	Per cent of in-crease.
Boots and shoes.....	544	\$42,755,762	\$47,888,675	12.01	\$72,755,237	\$76,882,713	5.67
Carpetings.....	11	3,621,574	4,314,005	19.12	5,760,705	7,169,018	24.45
Cotton goods.....	157	43,806,152	44,575,179	1.76	78,233,289	86,689,082	10.81
Leather.....	119	10,237,253	13,966,349	36.43	14,491,501	19,699,272	35.94
Machines and machinery.	292	7,325,980	9,019,819	23.12	19,858,806	23,785,409	19.77
Metals and metallic goods.	278	8,005,071	8,923,650	11.47	16,799,742	19,247,522	14.57
Paper and paper goods....	97	14,133,042	13,807,787	a 2.30	22,854,947	22,791,452	a .28
Woolen goods.....	110	12,306,231	13,659,663	11.00	21,219,705	23,630,934	11.36
Worsted goods.....	21	8,233,757	11,843,688	43.84	12,760,163	18,759,463	47.02
Other industries.....	2,000	122,190,097	122,012,094	a .15	204,015,083	213,142,334	4.47
Total.....	3,629	272,614,919	290,011,509	6.38	468,749,178	511,797,199	9.18

a Decrease.

The total amount of capital reported by the 3,629 establishments was \$401,519,949 in 1894 and \$375,875,174 in 1895, a decrease of 6.39 per cent in the latter year. Of the 9 leading industries shown in the above table, 3 had an increase and 6 a decrease in the amount of capital invested. The greatest relative increase was 8.35 per cent, in the leather industry, and the greatest relative decrease, 17.46 per cent, in the carpet industry. Of the 76 industries, 24 showed an increase and 52 a decrease in the amount of capital invested.

The total amount of wages paid in all the establishments considered was \$104,557,860 in 1894 and \$116,483,743 in 1895, an increase of 11.41 per cent. Only 1 of the 9 leading industries shows a decrease in the relative amount of wages paid, namely, the boot and shoe industry, 0.23 per cent. The greatest relative increase in the amount of wages paid was 48.33 per cent, in the worsted-goods industry. The results for all industries show that in 62 there was an increase, and in 14 a decrease, in the amount of wages paid.

The term "stock used" means all materials used or consumed in the manufacture of goods, whether entering into the composition of the fabric or consumed in the process of manufacture. The total cost of stock used in all the establishments was \$272,614,919 in 1894 and \$290,011,509 in 1895, an increase of 6.38 per cent. The cost of stock

used in 1895 shows an increase in all but one of the 9 leading industries, the paper and paper-goods industry showing a decrease of 2.30 per cent. The greatest relative increase, 43.84 per cent, was found in the worsted-goods industry. Fifty-eight of the 76 industries showed an increase, and 18 a decrease, in the cost of stock used.

The aggregate value of goods made and work done in the 3,629 establishments was \$468,749,178 in 1894 and \$511,797,199 in 1895, an increase of 9.18 per cent. There was an increase in all but one of the 9 leading industries in 1895, a relative decrease of 0.28 per cent of the value of goods made being reported in the paper and paper-goods industry. The greatest relative increase was 47.02 per cent in the worsted-goods industry. Fifty-eight of the 76 industries showed an increase in the value of goods made in 1895 over the preceding year.

Comparative statistics of the number of employees and their average yearly earnings are presented in the three tables which follow. Officers, clerks, and other salaried persons are not included in the tabulations.

AVERAGE NUMBER OF EMPLOYEES AND AVERAGE WAGES IN 76 INDUSTRIES, 1894 AND 1895.

Industries.	Estab- lish- ments.	Average number of em- ployees.			Average yearly earn- ings.		
		1894.	1895.	Percent of in- crease.	1894.	1895.	Percent of in- crease.
Boots and shoes.....	544	34,749	35,741	2.85	\$502.97	\$487.86	a 3.00
Carpetings.....	11	3,744	4,583	22.41	355.06	370.14	4.25
Cotton goods.....	157	72,093	77,341	7.28	315.27	329.78	4.60
Leather.....	119	5,317	6,003	12.90	473.68	478.92	1.11
Machines and machinery.....	292	12,916	15,277	18.28	525.54	534.48	1.70
Metals and metallic goods.....	278	10,124	11,343	12.04	499.59	515.16	3.12
Paper and paper goods.....	97	9,916	10,470	5.59	407.02	408.38	0.33
Woolen goods.....	110	13,659	15,176	11.11	339.85	373.11	9.79
Worsted goods.....	21	8,889	11,548	29.91	312.64	356.96	14.18
Other industries.....	2,000	82,029	88,815	8.27	453.50	460.52	1.55
Total.....	3,629	253,436	276,297	9.02	412.56	421.59	2.19

a Decrease.

The 3,629 establishments considered gave employment, in the aggregate, to an average of 253,436 persons in 1894 and 276,297 persons in 1895, an increase of 9.02 per cent. All of the leading industries show an increase in the number of persons employed. The greatest relative increase was 29.91 per cent in the worsted goods, and the least, 2.85 per cent, in the boot and shoe industry. Of the 76 industries, 46 show an increase, 12 a decrease, and 18 no change in the average number of employees.

The returns also show an increase in the average yearly earnings of employees of all establishments, taken in the aggregate. In 1894 the average per employee was \$412.56 and in 1895 it was \$421.59, or an increase of 2.19 per cent. The boot and shoe industry showed a decrease of 3 per cent in the average earnings. The other eight leading industries reported an increase. The greatest relative increase was 14.18 per cent in the worsted-goods industry. Of the 76 industries considered,

54 report an increase and 22 a decrease in the average yearly earnings of employees.

The following statement shows for the 76 industries the percentage of males and females of the whole number employed at each specified weekly rate of wages:

PER CENT OF MALES AND FEMALES OF THE WHOLE NUMBER EMPLOYED AT SPECIFIED WEEKLY WAGES IN 76 INDUSTRIES, 1894 AND 1895.

Weekly wages.	1894.		1895.	
	Males.	Females.	Males.	Females.
Under \$5.....	37.03	62.97	39.25	60.75
\$5 or under \$6.....	35.46	64.54	36.86	63.14
\$6 or under \$7.....	48.24	51.76	47.45	52.55
\$7 or under \$8.....	58.36	41.64	58.14	41.86
\$8 or under \$9.....	66.07	33.93	66.14	33.86
\$9 or under \$10.....	81.69	18.31	80.33	19.67
\$10 or under \$12.....	87.53	12.47	86.77	13.23
\$12 or under \$15.....	93.70	6.30	93.41	6.59
\$15 or under \$20.....	96.89	3.11	97.13	2.87
\$20 or over.....	98.88	1.12	99.01	.99
Total.....	65.05	34.95	65.88	34.12

The statement shows that in both years females were paid lower wages than males. Comparing the figures for the two years, it is found that the proportion of females increased in the following five wage groups, namely, "\$6 or under \$7," "\$7 or under \$8," "\$9 or under \$10," "\$10 or under \$12," and "\$12 or under \$15."

The following statement shows for the 76 industries the proportion of the males, females, and employees of both sexes, respectively, in each wage group, the total number of males, females, and employees of both sexes being each represented as 100 per cent:

PER CENT OF THE TOTAL MALES AND FEMALES AT SPECIFIED WEEKLY WAGES IN 76 INDUSTRIES, 1894 AND 1895.

Weekly wages.	1894.			1895.		
	Males.	Females.	Total.	Males.	Females.	Total.
Under \$5.....	8.98	28.43	15.78	8.70	25.99	14.60
\$5 or under \$6.....	5.98	20.24	10.96	5.85	19.35	10.46
\$6 or under \$7.....	9.16	18.30	12.35	8.85	18.94	12.29
\$7 or under \$8.....	9.87	13.10	11.00	9.75	13.55	11.05
\$8 or under \$9.....	8.80	8.41	8.67	9.38	9.28	9.35
\$9 or under \$10.....	12.18	5.08	9.70	12.40	5.86	10.17
\$10 or under \$12.....	14.04	3.72	10.43	14.16	4.17	10.75
\$12 or under \$15.....	15.61	1.95	10.84	15.68	2.14	11.06
\$15 or under \$20.....	11.37	.68	7.63	11.30	.64	7.66
\$20 or over.....	4.01	.09	2.64	3.93	.08	2.61
Total.....	100.00	100.00	100.00	100.00	100.00	100.00

The following table represents the average proportion of business done by the establishments represented in the 76 industries. The greatest capacity or maximum production is considered as 100 per cent, and the figures given indicate the average proportion of business done on this basis.

PER CENT OF BUSINESS DONE AND AVERAGE DAYS IN OPERATION IN 76 INDUSTRIES, 1894 AND 1895.

Industries.	Estab-lish-ments.	Per cent of business done of maximum capacity of establishments.		Average days in operation.	
		1894.	1895.	1894.	1895.
		Boots and shoes.....	544	60.48	60.26	282.98	282.13
Carpetings.....	11	61.55	71.36	259.15	299.33
Cotton goods.....	157	80.12	88.33	272.74	296.93
Leather.....	119	64.47	65.38	292.92	294.20
Machines and machinery.....	292	53.49	58.91	280.02	297.95
Metals and metallic goods.....	278	56.94	61.16	266.11	280.98
Paper and paper goods.....	97	74.18	77.22	276.31	290.61
Woolen goods.....	110	66.45	83.32	265.19	291.14
Worsted goods.....	21	73.33	88.57	270.22	506.34
Other industries.....	2,000	57.60	59.85	278.59	288.19
Total.....	3,629	59.67	62.73	276.01	291.42

The average proportion of business done by the 3,629 establishments was 59.67 in 1894 and 62.73 in 1895, an increase of 3.06, or 5.13 per cent. No industry produced to its full capacity, the nearest approach being 88.57, in the worsted-goods industry.

The average number of days in operation was 276.01 during 1894 and 291.42 during 1895, an increase of 15.41 days, or 5.58 per cent. Of the nine leading industries, only one, that of boots and shoes, exhibited a decrease in the average number of days in operation. Of the 76 industries, 56 show an increase in the average number of days in operation, 19 show a decrease, and in one case the number of days was the same for both years.

The next table presents the actual industry product per \$1,000 of capital invested in each of the nine leading industries, the average product per employee, the percentage of industry product paid in wages and the percentage devoted to other expenses. By industry product is meant the actual result of the productive force in the industry; that is, the added value created above the value of stock and materials consumed.

INDUSTRY PRODUCT, WAGES, ETC., IN 9 SPECIFIED INDUSTRIES, 1895.

[By industry product is meant the actual result of the productive forces in the industry; that is, the added value created above the value of stock and materials consumed. The values presented in this table under the designation "Industry product" are obtained by deducting from the total value of goods made and work done in each industry the value of stock used, the difference being added value or actual product due to the industry. In the division of the proceeds of each industry, one part of this industry product is paid to the labor force in the form of wages, this being labor's share of the product. The balance constitutes a fund from which are paid freights, insurance, interest on loans (credit capital), interest on stock (fixed or invested capital), rents, commissions, salaries, etc.; in fact, all expenses other than those for stock and wages. The remainder, if any, is the profit of the employer. The entire balance of the industry product remaining after the deduction of the amount paid in wages becomes a "Profit and minor expense fund," and is thus designated in the table. Of course, it will be understood that the term minor expense is relative. The expenses, paid out of this balance, are in themselves considerable in amount, and are only to be classed as minor in comparison with the generally larger amounts expended for materials (stock) and wages.]

Industries.	Industry product.	Wages.	Profit and minor ex- pense fund.	Industry product.		Percentage of in- dustry product.	
				Per \$1,000 of capital.	Average per em- ployee.	Paid in wages.	Devoted to profit and mi- nor ex- penses.
Boots and shoes	\$28,994,038	\$17,436,667	\$11,557,371	\$1,302.50	\$811.23	60.14	39.86
Carpetings	2,855,013	1,696,331	1,158,682	475.92	622.96	59.42	40.58
Cotton goods	42,113,903	25,505,781	16,608,122	365.46	544.52	60.56	39.44
Leather	5,732,323	2,874,938	2,857,385	694.46	954.91	50.15	49.85
Machines and machin- ery	14,765,590	8,165,228	6,600,362	597.80	966.52	55.30	44.70
Metals and metallic goods	10,323,872	5,843,475	4,480,397	638.31	910.15	56.60	43.40
Paper and paper goods.	8,983,665	4,275,733	4,707,932	378.51	858.04	47.59	52.41
Woolen goods	9,971,271	5,662,309	4,308,962	441.33	657.04	56.79	43.21
Worsted goods	6,915,775	4,122,161	2,793,614	462.38	598.87	59.61	40.39

The percentage of the industry product devoted to wages is greatest (60.56) in the cotton-goods industry, and least in that of paper and paper goods (47.59).

A comparison of the value of goods made and work done in identical establishments is shown in the following statements:

VALUE OF GOODS MADE AND WORK DONE IN 789 IDENTICAL ESTABLISHMENTS, 1886 TO 1895.

Year.	Value of goods made and work done.	Increase.	
		Amount.	Per cent.
1886	\$226,135,840	.....	.....
1887	240,053,323	\$13,917,483	6.15
1888	246,448,882	6,395,559	2.66
1889	256,203,005	9,754,123	3.96
1890	266,471,202	10,268,197	4.01
1891	271,349,483	4,878,281	1.83
1892	283,862,237	12,512,754	4.61
1893	260,285,327	a 23,576,910	a 8.31
1894	230,913,149	a 29,372,178	a 11.28
1895	254,222,996	23,309,847	10.09

VALUE OF GOODS MADE AND WORK DONE IN 3,109 IDENTICAL ESTABLISHMENTS, 1891 TO 1895.

Year.	Value of goods made and work done.	Increase.	
		Amount.	Per cent.
1891	\$492,467,718	.....	.....
1892	525,744,008	\$33,276,290	6.76
1893	484,590,768	a 41,153,240	a 7.83
1894	435,937,044	a 48,653,724	a 10.04
1895	474,540,739	38,603,695	8.86

a Decrease.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

Travail du Dimanche: Établissements Industriels (non compris les mines, minières et carrières). Volume II, Belgique. Office du Travail, Ministère de l'Industrie et du Travail. 1897. xlii, 481 pp.

In Bulletin No. 7 of the Department a notice was given of the comprehensive investigation undertaken by the Belgian bureau of labor concerning Sunday work, the first volume of the report of which was analyzed. The present volume is a continuation of this report, and, like the first, relates to industrial establishments in Belgium exclusive of mines and quarries. The information presented relates to the same establishments comprehended in the first volume, but is given either in a different form or embraces additional points.

The bulk of the report (481 pages) is devoted to a series of brief monographs, each relating to an individual establishment and showing the character of the industry carried on, the number of employees according to the main classes of occupations, the extent and cause of Sunday work, and whether such work is regular or irregular. A résumé of these facts is given for the principal industries, and generally for all the industries. The following four points are subjected to a specific analysis: Work during the first hours of Sunday in order to complete Saturday night's shift; the causes for Sunday work; the employment of women and children on Sunday, and the number of days during the year and the number of Mondays that workingmen are unemployed.

Work on Sunday morning in order to finish the shift of Saturday night occurs in those establishments which run day and night, the most important of which are engaged in the manufacture of iron and steel. This work scarcely belongs to Sunday work as usually considered, since, for the most part, work ceases at 5 or 6 o'clock in the morning and no work is performed for the remainder of the day. The general conclusion reached by the Belgian bureau is that this labor is not an absolute necessity, since in each industry there are establishments which, though running night and day, do not extend the work on Saturday night into Sunday morning.

The causes for Sunday work are different according to whether the work relates to production, maintenance and repair, or guarding and transportation. It has been shown in Volume I of this report that about nine-tenths, or 89.17 per cent, of the 41,679 workingmen employed on Sunday are engaged in productive operations, nearly one-tenth, 9.75 per cent, in maintenance and repair, and but the small proportion of

1.08 per cent in guarding, transportation, and shipment. The problem of Sunday work is, therefore, chiefly concerned with operations of production. The most important cause of Sunday work in this branch is the technical difficulty of interrupting certain operations of production. This cause is responsible for Sunday work in 40 per cent of all the establishments. In most of the establishments, however, the work is so organized that the same workmen are employed only on alternate Sundays. A great many establishments employ only a sufficient number of workmen on Sundays to prevent the deterioration of material being used or manufactured. Another most important cause of Sunday work in production is the necessity for completing orders within a limited space of time. This cause is responsible for Sunday work in two-thirds of the establishments and embraces nine-tenths of the employees in establishments working only occasional Sundays.

The reasons for Sunday work for maintenance and repairs and for guarding and transportation need little explanation. For the first kind of work the reason usually assigned is that the work can not be done during the regular operations of production.

Of the 1,459 establishments investigated, but 427 employed women, and of these 80 per cent never employed women on Sunday. In the establishments employing women on Sunday, such work was for the most part irregular and was for commercial reasons. Twenty-seven establishments employed women every Sunday, and 20 others, principally metallurgical and textile works, employed women every other Sunday until 5 or 6 o'clock in the morning.

Of the 1,459 establishments, 786 employed labor protected by the factory laws, that is, boys and girls under 21 years of age; and of these establishments 80 per cent never employed this class of labor on Sunday. In the establishments prosecuting Sunday work by this class of labor, work was chiefly irregular; there were but 22 establishments prosecuting work every Sunday.

In all but 29, or in 1,430 establishments, information was obtained concerning the number of days that the establishments were not in operation. It was found that 123 establishments, or 8.60 per cent, did not shut down a single working day; 232, or 16.22 per cent, were closed less than 6 days; 630, or 44.06 per cent, were closed from 6 to 9 days; 434, or 30.35 per cent, from 10 to 19 days; and 11, or 0.77 per cent, 20 or more days. It will be seen, therefore, that in the case of more than half the establishments work was stopped on less than 10 days during the year, not including Sundays, and that in about a tenth of these not a day's work was lost.

As regards the number of absences on the part of workmen on Mondays, it was found that of the 1,423 establishments reporting on this question, 981, or 68.94 per cent, reported no absences; 211, or 14.83 per cent, that such absences rarely occurred, and the other establishments that but a small proportion of the workmen were absent on that day. In three-fourths of the establishments absences on Monday

occurred to but an insignificant extent. The bureau failed to discover any relationship between the proportion of absences on Monday and the intensity of Sunday work.

Statistique des Grèves et des Recours à la Conciliation et à l'Arbitrage Survenus Pendant l'Année 1896. Office du Travail, Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes. xiii, 358 pp.

The official record of strikes and lockouts in France, as reported by the labor bureau, dates from the year 1890. Bulletins Nos. 1 and 5 gave a résumé of the reports for the years 1890 to 1895. The present volume continues this record and relates to labor disturbances during the year 1896. The following summary, as far as possible, follows the plan of former notices. A comparison of the results of 1896 with those of former years, therefore, can easily be made.

In 1896 there were reported a total of 476 strikes, 4 of which, however, were of the nature of lockouts, being collective dismissals of workmen. These 476 labor disputes affected 2,178 establishments; 49,851 workmen participated as strikers; and 644,168 days of labor were lost, in which last figure, however, are included 170,262 days lost by 12,952 persons who were not strikers but were thrown out of employment as the result of strikes.

In 1895 there were but 405 strikes, involving 1,298 establishments and 45,801 workmen, and causing a loss of 617,469 days of labor. While the year 1895 showed a slight decrease in industrial disturbances as compared with 1894, it will be seen that in 1896 there was not only an increase in the number of strikes over 1895, but of the number of establishments and employees affected as well. This increase is stated to be wholly due to strikes occurring in the textile industries in the department of the Nord. This department alone was responsible for 165 strikes, of which 140 were in the textile industries. Of these the two cities of Roubaix and Tourcoing were responsible for 100.

The number of days lost per striker was 13 in 1896 as against 13½ for the preceding year. In 234 of the 476 strikes, or in nearly one-half of the cases, the strikers were organized into trade unions.

As regards the results of the strikes, success was achieved by the strikers in 117 strikes, involving 11,579 persons; partial success in 122 strikes, involving 17,057 persons; and a failure resulted in 237 cases, involving 21,215 persons. The following statement shows the per cent of strikes of total strikes and the per cent of strikers of total strikers which succeeded, succeeded partly, and failed, as compared with similar figures for 1895. From it will be seen that the proportion of strikes resulting in a compromise and the proportion of strikers involved were distinctly smaller in 1896 than in 1895. A greater proportion of strikes were failures in 1896 than in 1895, and a greater proportion of persons were engaged in strikes resulting in this way. A slightly smaller proportion of strikes were successful in 1896, but a larger

proportion of strikers participated in successful strikes. On the whole, less success was achieved by strikers in 1896 than in 1895.

RESULTS OF STRIKES, 1895 AND 1896.

Results of strikes.	Strikes.		Strikers.	
	1895.	1896.	1895.	1896.
Succeeded	24.69	24.58	18.72	23.23
Succeeded partly	29.14	25.63	45.18	34.21
Failed	46.17	49.79	36.10	42.56
Total	100.00	100.00	100.00	100.00

As in 1895, the great majority of strikes involved but one or two establishments. Of the 476 strikes, 384 involved but 1 establishment, 28 from 2 to 5 establishments, 27 from 6 to 10, 21 from 11 to 25, and but 16 over 25 establishments.

The two tables that follow show the number of strikes, strikers, and establishments involved, according to the results of the strikes, as well as the number of days' work lost, and the proportion that the number of strikers is to the total number of working people, according to 18 groups of industries:

STRIKES IN 1896, BY INDUSTRIES.

Industries.	Succeeded.		Succeeded partly.		Failed.		Total.	
	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.
Agriculture, forestry, and fish-eries	3	3	6	17	3	46	12	66
Mining	4	4	6	6	9	9	19	19
Quarrying	1	1	1	2	2	7	4	10
Food products	2	20	3	711	.....	.....	5	731
Chemical industries	2	2	1	1	2	2	5	5
Printing	2	2	.....	.....	11	11	13	13
Hides and leather	11	11	5	5	12	31	28	47
Textiles proper	43	47	43	57	111	112	197	216
Clothing and cleaning	4	5	2	2	7	7	13	14
Woodworking	7	26	5	9	15	38	27	73
Building trades (woodwork)	2	27	8	130	.....	.....	10	157
Metal refining	1	1	1	1	5	7	7	9
Metallic goods	18	66	15	102	20	118	62	286
Precious-metal work	1	1	.....	.....	.....	.....	1	1
Stone cutting and polishing, glass and pottery work	4	10	6	6	10	46	20	62
Building trades (stone, earth-ware, glass, etc.)	11	81	14	176	12	103	37	360
Transportation and handling	1	1	3	3	9	28	13	32
Other .....	.....	.....	3	77	.....	.....	3	77
Total	117	308	122	1,305	237	565	476	2,178

STRIKERS AND DAYS OF WORK LOST IN 1896, BY INDUSTRIES.

Industries.	Strikers in—			Total strikers.	Strikers per 1,000 work people. (a)	Days of work lost.
	Successful strikes.	Partly successful strikes.	Strikes which failed.			
Agriculture, forestry, and fisheries.....	958	3,698	915	5,571	1.23	32,735
Mining.....	1,822	3,519	3,027	8,378	b 42.12	109,963
Quarrying.....	75	30	247	352	(c)	5,234
Food products.....	102	397	.....	499	3.80	2,460
Chemical industries.....	374	484	83	941	15.53	2,544
Printing.....	52	.....	156	188	1.94	3,937
Hides and leather.....	735	284	500	1,519	12.19	12,013
Textiles proper.....	3,535	4,125	9,080	16,760	23.20	127,625
Clothing and cleaning.....	256	110	207	573	.81	7,529
Woodworking.....	212	256	493	961	6.71	10,118
Building trades (woodwork).....	145	844	.....	989	(d)	12,373
Metal refining.....	400	120	141	661	6.93	3,944
Metallic goods.....	1,629	1,105	2,314	5,048	16.64	149,597
Precious-metal work.....	19	.....	.....	19	.26	380
Stone cutting and polishing, glass and pottery work.....	196	466	2,313	2,975	28.60	109,882
Building trades (stone, earthenware, glass, etc.).....	999	1,341	1,257	3,597	e 10.65	49,497
Transportation and handling.....	60	122	482	664	2.80	1,681
Other.....	.....	156	.....	156	.....	2,656
Total.....	11,579	17,057	21,215	49,851	f 12.42	644,168

a Census of 1891.

b Includes quarrying.

c Included in mining.

d Included in building trades (stone, earthenware, glass, etc.).

e Includes building trades (woodwork).

f Relates to all industrial workmen of France.

It will be seen from these tables how largely the textile trades were responsible for the industrial disturbances of the year. One hundred and ninety-seven, or 41.4 per cent, of all strikes must be credited to this one industry. Next in importance was the group of metallic goods, followed by the two groups of building trades. As regards the number of persons striking, the textile trade with 16,760 strikers was followed by mining with 8,378 strikers, agriculture, forestry, and fisheries with 5,571, metallic goods with 5,048, and the two building trades with 4,586.

Probably the best test of the relative prevalence of strikes in the different branches of industry is that of the proportion of the total number of employees in each branch that took part in strikes. According to this showing the mining and quarrying industry appears to be the one in which the employees engaged to the largest extent in strikes, 42.12 out of every 1,000 employees having taken part in strikes during the year. Stonecutting, etc., comes next with 28.60 strikers per 1,000 employees, then textiles with 23.20, metallic goods with 16.64, and chemical products with 15.53.

The information given in the two preceding tables is shown in the tables which follow according to the causes or objects for which strikes were undertaken, instead of by industries:

STRIKES IN 1896, BY CAUSES.

[A considerable number of strikes were due to two or three causes, and the facts in such cases have been tabulated under each cause. Hence the totals for this table necessarily would not agree with those for the preceding tables.]

Cause or object.	Succeeded.		Succeeded partly.		Failed.		Total.	
	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.	Strikes.	Estab-lish-ments.
For increase of wages	53	216	68	1,076	126	413	247	1,705
Against reduction of wages....	23	39	14	57	20	25	57	121
For reduction of hours of labor with present or increased wages	17	195	6	132	21	878	44	1,205
Relating to time and method of payment of wages, etc	15	54	6	38	13	123	34	215
For or against modification of conditions of work	10	10	3	3	13	19	26	32
Against piecework	4	4	1	1	16	67	21	72
For or against modification of shop rules	11	23	1	1	12	21	24	45
For abolition or reduction of fines	9	9	7	7	10	21	26	37
Against discharge of workmen, foremen, or directors, or for their reinstatement.....	3	3	2	2	32	43	37	48
For discharge of workmen, foremen, or directors	15	15	2	2	37	38	54	55
Against employment of women.	5	45	.....	.....	5	5	10	50
For discharge of apprentices or limitation in number	4	48	.....	.....	6	10	10	53
Relating to deduction from wages for the support of insurance and aid funds	5	29	3	30	5	123	13	182
Other.....	8	7	3	726	13	37	24	770

STRIKERS AND DAYS OF WORK LOST IN 1896, BY CAUSES.

[A considerable number of strikes were due to two or three causes, and the facts in such cases have been tabulated under each cause. Hence the totals for this table necessarily would not agree with those for the preceding tables.]

Cause or object.	Strikers in—			Total strikers.	Days of work lost.
	Success-ful strikes.	Partly success-ful strikes.	Strikes which failed.		
For increase of wages	4,081	11,835	12,425	28,341	453,415
Against reduction of wages	3,029	1,749	1,124	5,902	45,802
For reduction of hours of labor with present or increased wages	1,290	379	2,812	4,481	99,004
Relating to time and method of payment of wages, etc.....	2,907	755	3,381	7,043	163,453
For or against modification of conditions of work	1,316	2,164	2,490	5,970	51,268
Against piecework	124	49	1,862	2,035	71,542
For or against modification of shop rules	573	160	1,213	1,946	28,286
For abolition or reduction of fines	740	901	2,129	3,770	35,591
Against discharge of workmen, foremen, or directors, or for their reinstatement.....	111	125	4,602	4,838	72,863
For discharge of workmen, foremen, or directors	2,149	252	5,128	7,529	52,225
Against employment of women	1,541	.....	86	1,627	43,632
For discharge of apprentices or limitation in number	842	.....	175	1,017	24,192
Relating to deduction from wages for the support of insurance and aid funds	439	864	2,344	3,647	114,769
Other	1,044	1,064	908	3,016	49,103

As in former years, the demand for higher wages or the refusal to accept a reduction of wages alone or in connection with some other cause was the provocation of the greatest number of strikes. This question was responsible for 304 strikes, involving 34,243 strikers. The question of the employment or nonemployment of certain workingmen or superintendents came next. There seems to be a slight tendency for this cause to increase in importance, since 91 strikes were entered upon on this account in 1896, as against 85 in 1895 and 78 in 1894. There were 44 strikes for reduction of hours of labor. For the most part they occurred in the building trades, where the twelve-hour day is tending to disappear.

The two tables that follow are similar to ones given in the notice of strikes in 1895, and show the results of strikes according to their importance; that is, according to the number of strikers involved and the duration of the strikes:

STRIKES AND STRIKERS IN 1896, BY DURATION OF STRIKES.

Days of duration.	Strikes.				Strikers.			
	Succeed- ed.	Succeed- ed partly.	Failed.	Total.	Succeed- ed.	Succeed- ed partly.	Failed.	Total.
7 or under	82	75	149	306	7,292	9,535	8,344	25,171
8 to 15	23	30	45	98	2,976	5,035	3,976	11,987
16 to 30	8	10	21	39	1,204	1,799	4,364	7,367
31 to 100	4	7	21	32	107	688	4,438	5,233
101 or over			1	1			93	93
Total	117	122	237	476	11,579	17,057	21,215	49,851

DURATION OF STRIKES IN 1896, BY NUMBER OF STRIKERS INVOLVED.

Strikers involved.	Strikes.				Days of duration.				
	Suc- ceeded.	Suc- ceeded partly.	Failed.	Total.	1 to 7.	8 to 15	16 to 30.	31 to 100.	101 or over.
25 or under.....	38	29	103	170	121	28	14	7	.....
26 to 50.....	25	26	61	112	76	20	7	9	.....
51 to 100.....	24	27	26	77	48	19	7	2	1
101 to 200.....	20	24	27	71	40	20	4	7	.....
201 to 500.....	6	13	12	31	18	7	1	5	.....
501 to 1,000.....	3	1	5	9	1	2	5	1	.....
1,001 or over.....	1	2	3	6	2	2	1	1	.....
Total.....	117	122	237	476	306	98	39	32	1

It will be seen from these two tables that but relatively few strikes were of great importance, whether measured by their duration or by the number of strikers involved. But 33 of the 476 strikes lasted a month or over, and but 72 over 15 days. There were 6 strikes, however, in which over 1,000 persons were involved. One of these lasted over a month, 1 from 16 to 30 days, 2 from 8 to 15 days, and 2 less than 8 days. There were also 9 other strikes in which from 501 to 1,000 persons took part. It is impossible to trace any tendency for strikes to either succeed or fail according to whether they last for a longer or shorter time or involve few or a good many persons.

During the year the conciliation or arbitration of labor disputes, as provided for by the law of December 27, 1892—the provisions of which were given in Bulletin No. 5—was attempted in 104 cases, or 21.85 per cent of all labor disputes. This percentage in 1895 was 20.74. The initiative in demanding the application of the arbitration law was taken 57 times by the workingmen, 4 times by the employer, 4 times by the employer and employees jointly, and 39 times the justice of the peace intervened in virtue of his office. In 7 cases work was resumed without waiting for the outcome of the demand for arbitration. Of the other 97 cases, the demand of one party for conciliation was refused in 44 cases, of which 41 were by the employers and 3 by the workingmen. As the result of these refusals the workingmen abandoned their demands in 8 cases. A strike was declared or continued in the remaining 36 cases. The results of these strikes were 5 successes, 9 compromises, and 22 failures.

In 53 cases the demand for conciliation or arbitration was acceded to, and 53 committees of conciliation were constituted. In 21 cases the difficulty was immediately adjusted, and one other case was finally settled by arbitration. In the remaining 31 cases attempts at arbitration were abortive. These strikes resulted in success for the workingmen in 5 cases, partial success in 11 cases, and failure in 15 cases.

Onderzoek naar de geschiedenis en werkzaamheid der Vakverenigingen. Bijdragen tot de Statistiek van Nederland. IV. Uitgegeven door de Centrale Commissie voor de Statistiek. 1896. lxvi, 234 pp.

This report on the history and operations of trade unions is one of a series of publications of the central committee on statistics, known as Contributions to the Statistics of the Netherlands. It includes only such labor organizations as are strictly trade unions or federations. The report consists mainly of a detailed account of each of the national and other federated trade unions, giving its history, object, operations, funds, contributions, etc., and a less comprehensive description in tabular form of each of the independent trade unions.

There were in 1895 a total of 668 trade societies reported, of which 28 consisted of national and other larger unions and federations having local branches, and 640 were independent trade unions. Of the 668 trade societies, 13 were founded from 1811 to 1855, 7 from 1855 to 1865, 37 from 1865 to 1875, 23 from 1875 to 1885, 245 from 1885 to 1896. In the case of 343 societies this information could not be ascertained. The following table gives the names of the national unions and federations, the year of establishment, the number of local branches, the total membership, and the annual dues paid by members. Unions and federations from which the information could not be obtained are not included. A second table gives the number of independent trade unions.

NATIONAL AND OTHER FEDERATED TRADE UNIONS.

Names of trade unions.	Year established.	Local branches.	Members.	Annual dues per member.
Netherland Typographical Union	1866	30	1, 600	\$1.05
Netherland International Cigar Makers and Tobacco Workers' Union	1887	27		
Furniture Makers' Union	1871	12	600	.21
Netherland Carpenters' Union	1892	25	2, 500	(a)
Netherland Metal Workers' Union	1886	14		
Netherland Lime and Stone Workers' Union	1886	6		.14
Netherland Railway and Tramway Employees' Union	1889	32		.14
Antisocial Democratic Union of Netherland Railway Employees.	1894	18	1, 260	(b)
Netherland Diamond Workers' Union	1895	10	7, 500	\$12.54 to 22.99
Netherland Confectioners Employees' Union	1891	3	180	c1.21
Netherland Journeymen Bakers' Union	1894	14		.10
Netherland Journeymen Bakers' Sick Fund	1895	19	931	1.25 to 2.09
Netherland Stevedores' Union	1893	1	200	.42
Netherland Paper Hangers and Furnishers' Union	1895	2		.42
Weavers and Spinners' Union	1895	6		
Trade Unions of the Roman Catholic National Federation:				
Bakers and Confectioners' Union	1895	6	380	.10
Woodworkers' Union	1894	9	500	.04
Lime and Stone Workers' Union	1895	5	170	
Leather Workers' Union	1894	3	63	.10
Metal Workers' Union	1894	8	296	.14
Painters' Union	1894			.21
Cigar Makers and Tobacco Workers' Union	1896	5	150	.21
Typographical Union	1894			.21
Trade Unions of the Roman Catholic Federation of the Archbishopric of Utrecht:				
Factory Workers' Union	1891	6		.10
Tobacco Workers' Union	1895	5	164	.10

a Two hours' regular wages, besides \$0.21 for the official organ and 1 cent per number of same, which appears every fortnight.

b Twenty-five per cent of the contributions of donors.

c For those in rural districts contributions are \$0.96.

INDEPENDENT TRADE UNIONS.

Trade.	Organizations.	Trade.	Organizations.
Diamond workers	14	Emery-wheel makers	1
Glass grinders	1	Blacksmiths and coppersmiths	1
Porcelain and earthenware workers	2	Pasteboard workers	1
Stonecutters	3	Carriage and wagon makers	1
Bookbinders	1	Shipbuilders	4
Photographers	1	Tool, instrument, etc., makers	1
Lithographers	1	Cotton-goods workers	19
Printers	56	Gas-works employees	1
Paper hangers	6	Candle makers	2
Combined building trades	15	Oil-mill hands	1
Fireproofers	5	Bread bakers	31
Excavators	2	Bakers (sick fund)	19
Pile drivers	1	Bread and cake bakers and confectioners	4
Lime and stone workers	32	Cake bakers and confectioners	6
Painters	18	Brewers	1
Painters and paper hangers	3	Distillers	2
City laborers	5	Butchers	8
Stucco workers	7	Tobacco workers and cigar makers	54
Carpenters	56	Tree planters	1
Carpenters and wagon makers	1	Agriculturists and gardeners	9
Chemical works' employees	1	Fishermen	3
Brush makers	1	Grain handlers	1
Woodworkers	20	Dairymen	2
Coopers	6	Wine and distillery hands	1
Cork makers	1	Stevedores	4
Cabinetmakers	19	Ore handlers	1
Mirror and frame makers	2	Office and shop employees	2
Tailors	21	Omnibus drivers and conductors	1
Painters and sculptors	1	Seamen	6
Leather workers	7	Railway employees	48
Boot and shoe makers	10	Turf haulers	4
Gold and silver smiths	2	Carriers and messengers	5
Copper and tin smiths	1	Office clerks	9
Lead and zinc workers	1	Various trades combined	7
Machinists and metal workers	6		
Metal workers	50	Total	640

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.

CONSTITUTIONALITY OF PROPOSED STATUTE REGULATING PAYMENT OF WAGES—POLICE POWER OF THE STATE—*In re House Bill No. 147, 48 Pacific Reporter, page 512.*—Interrogatories were submitted by the senate of the State of Colorado to the supreme court of said State as to the constitutionality of House bill No. 147, regulating the payment of wages.

Said court delivered its opinion March 30, 1897, and the following, quoted therefrom, sufficiently shows the nature of the bill and the opinion of the court, so far as it was expressed, upon its constitutionality:

The bill submitted is entitled "A bill for an act to abolish and prohibit the use of scrip, and to regulate what is known as the 'truck system' in the State of Colorado, and to provide penalties and forfeitures for the violation of this act." The first section makes it unlawful for any person, firm, company, or corporation to sell, give, or deliver, or in any manner issue, directly or indirectly, to any person employed by him or it, in payment of wages due for labor, or as advances on the wages of labor not due, any scrip, token, draft, etc., payable or redeemable otherwise than in money, and provides that any violation of these provisions shall be punished by fine of not less than \$25 nor more than \$100, or by imprisonment, or by both such fine and imprisonment. By section 3 it is provided, inter alia, that "Whoever shall sell goods or supplies of any kind, directly or indirectly, to his employees, or pay the wages of labor of his employees in goods or supplies of any kind, directly or through the intervention of scrip, order or other evidence of indebtedness, at higher prices than the reasonable or current market value in cash of such goods or supplies," shall be liable to certain punishments and penalties designated in the act. The interrogatories propounded call for an examination and construction of eleven sections of the State and one section of the Federal Constitution, and present very important questions, upon which the decisions of the courts of last resort in this country are in irreconcilable conflict.

Here the court states that it can not undertake to answer questions of such serious character, touching the constitutionality of pending legislation, before such legislation has at least passed the committee of the whole and assumed the shape in which it may be finally acted upon, and then continues its opinion as follows:

We may, however, with propriety say that, as at present advised, a majority of the court are of the opinion that the legislature may, in the

exercise of the police power, enact laws of this character when necessary to prevent oppression and fraud, and for the protection of classes of individuals against unconscionable dealings. As we said in *White v. Reservoir Co.*, 22 Colo., 191, 43 Pac., 1028, while it is difficult to define the boundaries of the police power, it admittedly extends to the protection of the lives, health, and property of the citizens, and to the preservation of good order and the public morals. We may properly take cognizance of the fact that the most serious disturbances which have occurred in this country for the last twenty-five years have grown out of controversies between employer and employee. No one doubts the authority, or questions the duty of the State to interfere with such force as may be necessary to repress such disturbances and maintain the public peace and tranquillity; and as well may the State provide in advance against certain kinds of fraud and oppression which lead to these outbreaks.

But we all concur in holding the present bill, in some respects, obnoxious to some of the constitutional provisions specified in the interrogatories submitted. For example, in so far as section 3 undertakes to regulate the price at which goods and merchandise shall be sold to employees for cash, it is unwarranted and not germane to the title. Since this and other objectionable features may be eliminated, as above indicated, we respectfully return herewith the interrogatories submitted.

CONSTITUTIONALITY OF STATUTE—ANTITRUST ACT OF TEXAS—*In re Grice*, 79 *Federal Reporter*, page 627.—William Grice having been indicted for a violation of an act of the legislature of the State of Texas passed March 30, 1889 (chapter 117, acts of 1889), known as the anti-trust act, and having been restrained of his liberty by the sheriff of McLennan County, Tex., by virtue of a *capias* issued out of the district court of the fifty-fourth judicial district of the State of Texas for over two years without trial, petitioned the United States circuit court for the northern district of Texas for a writ of habeas corpus. In said petition it was claimed, among other things, that the act above named was unconstitutional. The United States circuit court rendered its decision February 22, 1897, in which it sustained the claim of the petitioner as to the unconstitutionality of the statute and discharged him from the custody of the sheriff.

The opinion was delivered by District Judge Swayne, and the following, quoted from the syllabus of the same, shows the principal points of the decision:

The provision in the Texas antitrust law of 1889 that persons outside the State may commit offenses under the statute, and be liable to indictment therefor, is null and void.

It is not every restriction of competition or trade that is illegal or against public policy, or that will justify police regulation, but only such as are unreasonable or oppressive, and a State statute which prohibits combinations formed for the purpose of reasonably restricting competition violates the rights of contract guaranteed by the Federal Constitution.

A State statute, such as the Texas antitrust law of 1889, which makes it criminal for two persons to combine as partners, corporators, or otherwise, in the ordinary business of life, to increase or reduce the price of commodities, or fix the standard thereof, or for two persons to agree to limit or reduce the production of commodities, or for two persons to combine for the purpose of limiting competition, or to make any agreement in relation to the price of an article, so as to preclude free and unrestricted competition between them, or themselves and others, or for two persons to create or carry out restrictions in trade, violates the fourteenth amendment to the Constitution of the United States, because it denies to citizens of the United States the right to make valid contracts with respect to their business and property.

By "equal protection of the laws," as used in the fourteenth amendment to the Constitution of the United States, is meant equal security under them to everyone under similar terms—in his life, liberty, property, and in the pursuit of happiness.

A State statute, prohibiting all combinations in restriction of competition or trade, which exempts from its provisions "agricultural products or live stock while in the hands of the producer or raiser" (the Texas antitrust law of 1889) is class legislation, and violates that part of the fourteenth amendment to the Constitution of the United States which declares that no State shall deny to any person within its jurisdiction the equal protection of the laws. And the fact that the persons thus exempted are not in a position to combine does not remove the objection to the discrimination in their favor.

CONSTITUTIONALITY OF STATUTE—SALE OF FOREIGN CONVICT-MADE GOODS—*Arnold v. Yanders*, 47 *Northeastern Reporter*, page 50.—Frank P. Yanders was arrested upon a warrant issued by a justice of the peace of Cuyahoga County, Ohio, based upon an affidavit charging him with unlawfully exposing for sale in said county certain convict-made goods, made and manufactured by convicts confined in the penitentiary of the State of New York, without having first obtained from the Ohio secretary of state a license to sell such goods. Thereupon Yanders applied by petition to the court of common pleas for a writ of habeas corpus, on the ground that the statute of Ohio under which he had been arrested was in conflict with the Constitution of the United States. The writ of habeas corpus was issued, and upon a hearing of the case the statute was held unconstitutional and he was discharged. Upon appeal to the circuit court the judgment of the court of common pleas was sustained, and thereupon a petition in error was filed in the supreme court of Ohio, which rendered its decision May 11, 1897, and affirmed the decisions of the lower courts.

The opinion of the supreme court was delivered by Chief Justice Burket, and reads as follows:

The arrest was based upon the act of May 19, 1894 (91 Ohio Laws, 346), the first section of which is as follows:

"SECTION 1. Be it enacted by the general assembly of the State of Ohio, that it shall be unlawful for any person, persons, or corporation to expose for sale within the State of Ohio, without first obtaining from

the secretary of state a license to sell, any convict-made goods, merchandise or wares, as hereinafter provided."

By the subsequent sections of the act, a party desiring to deal in convict-made goods is required to obtain a license from the secretary of state, at a cost of \$500 per annum, which must be posted up in his place of business, to give bond with two good sureties in the sum of \$5,000 to make an annual report of his purchases and sales, stating prices of purchase, and giving names, residences, and street numbers of all purchasers. But the act provides that it shall not affect products of the prisons of this State. The penalty for a violation of the act is a fine not exceeding \$1,000 nor less than \$5, or imprisonment not exceeding 1 year nor less than 10 days, or both fine and imprisonment, at the discretion of the court; one-half of the fine to go to the commissioner of labor statistics to aid in such prosecutions.

It is urged by counsel for defendant in error that the act is in conflict with that part of section 8 of article 1 of the Constitution of the United States which provides as follows: "The Congress shall have power * * * to regulate commerce * * * among the several States. * * *" Counsel for plaintiff in error claims that convict-made goods do not come within the meaning of "commerce," as that word is used in the above section, and that the State has the right to protect its own citizens, laborers, and markets against an invasion of convict-made goods. This leads to an inquiry as to the meaning of the word "commerce," as used in the Constitution of the United States. The proper construction to be placed upon the word as applied to different transactions has often been before the Supreme Court of the United States, which court alone has power to declare, finally, its legal meaning. In the case of *Kidd v. Pearson*, 128 U. S., 1, 9 Sup. Ct., 6, it is said that the buying and selling, and the transportation incidental thereto, constitutes commerce. And in *Mobile Co. v. Kimball*, 102 U. S., 691, 702, commerce is defined as follows: "Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation, and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities."

It is not competent for a State legislature to declare that convict-made goods are not articles of traffic and commerce, and then to act upon such declaration, and discriminate against such goods, or exclude them from the State by unfriendly legislation. Whatever Congress, either by silence or by statute, recognizes as articles of traffic and commerce, must be so received and treated by the several States. There is no act of Congress declaring that convict-made goods are not fit for traffic and commerce, and it therefore follows that such goods are the subject of commerce, and, when transported from one State to another for sale or exchange, become articles of interstate commerce and entitled to be protected as such; and any discrimination against such goods in the State where offered for sale is unconstitutional. That convict-made goods are articles of traffic and commerce, is not only shown by the failure of Congress to legislate on the subject, but is conceded by the act in question; because, after taking out and paying for his license, no restraint is laid upon the dealer, but he is left free to buy and sell as he pleases, only so that he reports his purchases and sales annually, to the end that the public may know who purchase and use such goods and, if need be, boycott them for so doing.

The act, therefore, by its terms, concedes that such goods are articles of traffic and commerce. It is well settled that in legal effect the money paid for a license to sell goods is a tax upon such goods. As the act in

question provides that it shall not affect products of the prisons of this State, the license fee of \$500 is a tax or duty imposed by this act upon such goods when imported from another State, and is clearly a regulation of commerce among the States, and an attempt to exercise a power which belongs to Congress alone. The act is therefore clearly unconstitutional. The mere silence of Congress is not sufficient to authorize a State legislature to legislate upon a subject vested by the Constitution in Congress, but such silence is to be regarded as evincing the intention of Congress that the power shall remain where the Constitution has placed it. To give a State legislature power to legislate in such cases requires an act of Congress to that effect.

The police power is reserved to the States; and they have the right to regulate internal trade so as to protect the health and public welfare of the people, but this power can not be so extended as to encroach upon interstate commerce; and whether any particular act does so encroach or not is a question for the courts, and in the determination of that question the Supreme Court of the United States refuses to be bound by the opinion of the State legislatures or the State courts. If the act is, in its effect, an encroachment upon interstate commerce, though expressed to be a regulation under the State police power, the Federal courts hold it unconstitutional.

The act in question is not a police regulation, but an attempt to prevent, or at least discourage, the importation of convict made goods from other States, and thereby protect our citizens, laborers, and markets against such goods. But, if we are in a condition to require such protection, the appeal for relief must be made to Congress, which body alone has the power to grant such relief. In holding the act in question to be in conflict with the Constitution, we obey that instrument, and follow a long line of decisions of the Supreme Court of the United States. Judgment affirmed.

CONSTITUTIONALITY OF STATUTE—SERVICE OF PROCESS IN SUITS FOR SERVICES AND LABOR—*O'Connell v. Menominee Bay Shore Lumber Co.*, 71 *Northwestern Reporter*, page 449.—The action was commenced in justice's court and taken on appeal to the circuit court of Dickinson County, Mich., by Patrick O'Connell, as plaintiff, against the Menominee Bay Shore Lumber Company, as defendant. There was a judgment for the plaintiff and the defendant brought the case on writ of error before the supreme court of the State, which rendered its decision May 28, 1897, and reversed the decision of the circuit court. In this case the constitutionality of section 7317 of Howell's Annotated Statutes was questioned, and the supreme court decided adversely thereto. Said section reads in part as follows:

SECTION 7317. * * * In all actions wherein the demand shall be principally for labor or services performed by any individual or company, or commenced in any court of competent jurisdiction in the county * * * wherein the labor or services were rendered or performed, or in which the plaintiff or plaintiffs reside, the process or declaration by which such action shall be commenced may be served in any county within this State adjoining the county wherein such action shall be commenced, against any individual, company, or the proper officer of any corporation in this State. * * * *Provided*, That the provisions of

this act shall not be construed to apply to actions commenced before justices of the peace by any company or corporation.

From the opinion of the supreme court, delivered by Judge Hooker, the following is quoted:

Next it is said that this is class legislation. The obvious purpose of this statute is to afford special privileges to suitors upon specified classes of claims, by permitting a different and more effective use of the courts and their process than is permitted in other cases. It is true that it permits everyone (except as hereinafter shown) who may possess a claim that falls within the classes mentioned to avail himself of the privilege, but the design and practical effect is plainly to give to one class in the community special facilities for the collection of money which others do not enjoy. Under this act, one who has a claim for services rendered by an individual or company (but not corporation) may have the jurisdiction of a justice extended to half a dozen or more counties, while merchants, manufacturers, and others can not. A farmer or other person who sells a load of wood in an adjoining county can not have the benefit of this act, though the man to whom he sells it may compel him to answer a claim for services away from home.

It has always been the rule that an alleged debtor could not be compelled to go away from his own county to defend a personal action under ordinary circumstances, and it is one of the unfortunate signs of the times that special advantages, especially to the extent of discrimination between the suitors of one and the same court, should be deemed necessary. It is true that anyone can have the benefit of this act (except as indicated) who chooses to perform service, or, perhaps, to purchase such a claim; and so, in a technical sense, it may be said to apply to everyone, and therefore not to be class legislation. But whatever may be thought of this, the act itself excepts from its benefits to a certain extent all companies, thus denying to firms or other associations, as well as to corporations, the privilege which is given to single suitors. It discriminates against the persons who unite in their labor or in purchasing such claims. It first gives the privileges to companies as well as individuals, and afterwards, by a proviso, limits its application to companies, by excluding the right in actions before justices, another indication that the design was to give to certain classes special privileges.

Mr. Justice Morse indicated a doubt of the constitutionality of this act in the case of *Antcliff v. June*, 81 Mich., 492, 45 N. W., 1019. We think it unconstitutional. The judgment is reversed.

CONSTRUCTION OF STATUTE—ALIEN CONTRACT LABOR—*United States v. Gay*, 80 *Federal Reporter*, page 254.—This was an action brought in the United States circuit court for the district of Indiana to recover the penalty of \$1,000, prescribed for the importation of aliens under contract to perform labor and services in this country, in violation of the acts of February 26, 1885 (chapter 164, acts of 1884–85), and March 3, 1891 (chapter 551, acts of 1890–91). The defendant demurred to the declaration on the ground that it did not state facts sufficient to constitute a cause of action. The United States circuit court rendered its decision April 30, 1897, and sustained the demurrer.

In the course of the opinion of said court, which was delivered by District Judge Baker, it was said:

The statute in question is highly penal, and must be so construed as to bring within its condemnation only those who are shown by the direct and positive averments of the declaration to be embraced within the terms of the law. It will not be so construed as to include cases which although within the letter are not within the spirit of the law. It must be construed in the light of the evil which it was intended to remedy, which, as is well known, was the importation of manual laborers, under contract previously entered into, at rates of wages with which our own laboring classes could not compete without compelling them to submit to conditions of life to which they were unaccustomed. (U. S. v. Laws, 163 U. S., 258, 16 Sup. Ct., 998; Church of Holy Trinity v. U. S., 143 U. S., 457, 12 Sup. Ct., 511; U. S. v. Craig, 28 Fed., 795.) It is settled by these and other cases that the statute must be construed as limited to cases where the assisted immigrant was brought into this country under a contract to perform "manual labor or service."

The declaration does not state the character of the labor or service which the immigrant was under contract to perform, and hence fails to bring the case within the terms of the statute, as construed by the Supreme Court. The court can not indulge the presumption that the labor or service which the immigrant was under contract to perform was manual in the absence of such averment. The declaration does not set out the advertisements or otherwise state the terms of the contract or agreement alleged to have been entered into. The pleader has contented himself with a mere statement of conclusions, without stating either the advertisements or contract in *hæc verba*, or even attempting to set forth the substance of either. At least, the substance of the advertisements and contracts should be set out to enable the court to determine whether they bring the defendant within the condemnation of the statute. There is no direct allegation that the immigrant named in the declaration actually came to this country, pursuant to the alleged contract, for the purpose of performing manual labor or service. Such an averment is essential.

There is no statement of the acts done by the defendant to assist or procure the immigration into this country of the person named in the declaration. It is not averred that the defendant prepaid the expenses of his passage. It is averred that the defendant agreed to refund the passage money and cost of transportation from Scotland to the United States, but it fails to allege that the agreement to refund was made before the person alleged to have been assisted came to this country. The court is not at liberty to infer that the agreement to refund was made before the immigrant came here. Indeed, it can only be gathered by inference that the alleged immigrant ever came to this country. The declaration is clearly insufficient, and the demurrer is sustained.

CONSTRUCTION OF STATUTE—FELLOW-SERVANT ACT OF TEXAS—*Culpepper v. International and Great Northern R. R. Co.*, 40 *Southwestern Reporter*, page 386.—This case was brought before the supreme court of Texas on writ of error from the court of civil appeals of the State.

The supreme court rendered its decision April 26, 1897, and the following, quoted from the opinion of said court, which was delivered by Chief Justice Gaines, shows the facts in the case and the reasons for the decision:

This suit was brought by the plaintiff in error [Alice Culpepper] for the benefit of herself and her minor children against defendant in error [The International and Great Northern Railroad Company] to recover damages for injuries resulting in the death of J. J. Culpepper, her husband and the father of her children. She recovered a judgment in the trial court, but upon appeal that judgment was reversed, and the cause remanded by the court of civil appeals. The latter court held that the trial judge should have instructed a verdict for the defendant. It was alleged in the petition for the writ of error that the decision of the court of civil appeals practically settled the case, and, such appearing to be the fact, the writ was granted, and the cause is now before us for disposition.

When the accident occurred which resulted in the death of Culpepper he was the engineer running a freight train of the defendant company, which was immediately followed by another train, known as the "second section." For the purpose of working on a hot box on the engine, he stopped it over a cattle guard in a deep cut, near a curve in the track, and, while so working under the engine, the train was struck by the rear section, and injuries thereby inflicted which resulted in his death. The ground upon which a recovery was sought was that the conductor of the front train was negligent in not putting out a brakeman to signal the rear section. The collision occurred on the 5th day of November, 1892, while the act of March 10, 1891, in relation to fellow-servants of railroad companies, was in force. That act was repealed by that of May 4, 1893 (Laws 1893, p. 121), but the court of civil appeals correctly held, as we think, that the repeal did not affect the question of liability in this case. They, however, held also that the evidence indisputably showed that under the rule established by the former statute the conductor and engineer were fellow-servants; and it was upon this ground that they determined that a verdict for the defendant should have been directed. In the latter ruling we think they were in error.

So much of the act of 1891 as applies to the question under consideration reads as follows:

"SECTION 1. That all persons engaged in the service of any railway corporation, foreign or domestic, doing business in this State, who are intrusted by such corporation with the authority of superintendence, control, or command of other persons in the employ or service of such corporation, or with the authority to direct any other employee in the performance of any duty of such employee, are vice principals of such corporation, and not fellow-servants with such employee.

"SEC. 2. That all persons who are engaged in the common service of such railway corporations and who, while so engaged, are working together at the same time and place to a common purpose, of same grade, neither of such persons being intrusted by such corporations with any superintendence or control over their fellow-servants, are fellow-servants with each other; *Provided*, That nothing herein contained shall be so construed as to make employees of such corporation, in the service of such corporation, fellow-servants with such other of such corporation engaged in any other department or service of such

corporation. Employees who do not come within the provisions of this section shall not be considered fellow servants."

The question shows that under the rules of the defendant company the conductor had general superintendence of the movements of the train and command of all the employees engaged in its operation; but it also tended to show that when the safety of the train became involved the engineer was no longer subject to the absolute control of the conductor, but was empowered to act upon his own judgment. The contention seems to be that whenever a risk became involved, and the engineer saw proper to stop his train in order to avoid it, for the reason that he was not then subject to the control of the conductor, they became fellow-servants, and so remained as long as that state of affairs continued to exist. But, as we have previously intimated, we are of the opinion that this position can not be maintained. Merely because, by reason of the engineer's superior technical knowledge and skill in operating the machinery, it was not deemed advisable to empower the conductor to direct the action of the engineer in certain contingencies, it does not follow that the latter was not under the general superintendence and control of the former. The exception emphasizes the rule. The first section of the act quoted, in defining who are to be deemed vice principals, uses the language, "intrusted * * * with the superintendence, control, or command over other persons," etc. The second, in declaring who are to be considered fellow-servants, excepts those who are "intrusted * * * with any superintendence, control, and command," etc.; and, in our opinion, makes it manifest that the extent of the control is not to govern in determining the question.

The mere fact that upon the happening of some contingency the engineer may act independently of the conductor does not, for the occasion, change the general relation of subordination existing between them. The conductor still has the general control, subject, for the time, to the engineer's power to act upon his own judgment during the emergency. As soon as the danger is obviated, the power of the conductor again comes into play. To hold that, because the conductor may temporarily be deprived of the power to control his subordinate, the rule of the statute is not to apply, would be, in our opinion, to confine its operation within limits which the legislature did not intend to prescribe. We conclude that the court of civil appeals was in error in holding that the trial court erred in its charge to the jury upon the question whether or not the conductor and engineer were fellow-servants.

CONSTRUCTION OF STATUTE—FELLOW-SERVANT ACT OF TEXAS—*Patterson v. Houston and Texas Central R. R. Co.*, 40 *Southwestern Reporter*, page 442.—Action was brought in the district court of Travis County, Tex., by John Patterson against the above-named railroad company to recover damages for personal injuries received by him while in the employ of said company. The evidence showed that Patterson, a brakeman, stepped out from between two cars which he had uncoupled and walked along a track, looking, in accordance with his duty, to see that the rear end of the train with which he was connected was following the cars that he had uncoupled; that a switch engine came along and struck him on the back and hip, knocked him over, and ran over his foot, which had to be amputated, and that said

accident was caused by the negligence of the employees running the switch engine in not notifying Patterson of its approach. A judgment was rendered by the district court in favor of the railroad company, and the plaintiff appealed the case to the court of civil appeals of the State, which rendered its decision February 17, 1897, and reversed the judgment of the district court.

The opinion of the court of civil appeals was delivered by Judge Key, and the following is quoted therefrom:

Appellant brought this suit to recover damages for personal injuries caused by the alleged negligence of appellee's employees in handling a switch engine in its yards in the city of Austin. Among other defenses, the railroad company interposed that of fellow-servant, and the court, trying the case without a jury, held that the plaintiff was not entitled to recover, because, if there was any negligence shown, it was that of a fellow-servant. This ruling is the only question presented for decision.

Articles 4560*f* and 4560*g* of the Revised Statutes of 1895 (sections 1 and 2 of chapter 91, acts of 1893) prescribe who are and who are not fellow-servants as among railway employees. Said articles were construed by the supreme court in *Railway Company v. Warner*, 35 S. W., 364, where, among other things, it is said: "The distinctive characteristics prescribed by the statute as essential to be found concurring and common to two or more employees in order to constitute them fellow-servants are: First. They must be 'engaged in the common service.' As here used 'service' means the thing or work being performed for the employer at the time of the accident, and out of which it grew, and 'common' means that which pertains equally to the employees sought to be held fellow-servants; and therefore, 'common service' means the particular thing or work being performed for the employer, at the time of the accident, and out of which it grew, jointly, by the employees sought to be held fellow-servants. The members of a crew running a train, though each be in the performance of different acts in reference thereto, are all 'engaged in the common service,' for they are jointly performing the thing or work of managing the train for the employer; but they would not be 'engaged in the common service' with the members of a crew running another train for the employer over the same road, for one crew would be jointly performing the thing or work of managing one train, while the other would be jointly performing the thing or work of managing the other train."

The burden of proof [in this case] was on the defendant to show that the plaintiff was a fellow-servant with the employees operating the switch engine, and not on the plaintiff to show that he was not such fellow-servant; and we think the facts of this case fail to bring it within the first test prescribed in the *Warner* case. The evidence indicates that the train on which the plaintiff was a brakeman had been made up, and was about ready to leave the yard and start on its regular trip, and fails entirely to show that the switch engine by which the plaintiff was injured was at the time engaged in any service or performing any act in reference to the plaintiff's train. Therefore the members of the two crews were not shown to be engaged in a common service, and hence were not fellow-servants. The judgment is reversed, and the cause remanded.

EMPLOYERS' LIABILITY—CONSTRUCTION OF STATUTE—*McKay v. Hand*, 47 *Northeastern Reporter*, page 104.—Action was brought in the superior court of Norfolk County, Mass., by John H. McKay against James B. Hand to recover damages for personal injuries received while he was in Hand's employ. McKay, with others, was engaged in painting the outside of a house owned by Hand. Three men, including McKay, were employed by Hand, who furnished a load of ladders for the job. One of the men selected two ladders, and the three spliced the ladders together and then raised them against the house. McKay went up the ladders with a pot of paint in one hand and a paint brush in the other, when one of the ladders broke and he fell to the ground and was injured. A judgment was rendered for the defendant, Hand, and the plaintiff, McKay, brought the case on exceptions before the supreme judicial court of the State, which rendered a decision affirming the judgment of the lower court. One point decided was that the ladders above referred to were not part of the defendant's "ways, works, or machinery" within the meaning of chapter 270 of the acts of 1887, the first section of which reads in part as follows:

When, after the passage of this act, personal injury is caused to an employee, who is himself in the exercise of due care and diligence at the time, (1) by reason of any defect in the condition of the ways, works, or machinery connected with or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and intrusted by him with the duty of seeing that the ways, works, or machinery were in proper condition, * * * the employee * * * shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer, nor engaged in its work.

The opinion of the supreme judicial court was delivered by Chief Justice Field, and the following is quoted therefrom:

It is unnecessary to determine whether a ladder sometimes may not be a part of the ways, works, or machinery within the meaning of St. 1887, c. 270, and its amendments. The splicing of the ladders and the placing of them in position were done by the plaintiff and his fellow-workmen, and the connection was a temporary structure, put up by the workmen out of materials selected by them from the ladders furnished by the defendant. We think that the ladders so fastened together did not constitute a part of the ways, works, and machinery of the defendant. As the selection of the particular ladders, the method of fastening them together, and of placing them against the house, was the work of the plaintiff and his fellow-workmen, if they or any of them were negligent in any of these things the defendant is not liable for that at common law. The case resembles the common one where, so far as appears, the defendant furnished a supply of suitable materials, and the workmen put them together and used them, and one of the parts broke. From the description of the ladder which broke, it is difficult to see from the evidence that the defendant was negligent in keeping it among his lot of ladders and in permitting it to be used; and, if the sole negligence was that the ladders were fastened together and improperly placed against the house, that was the fault of the

plaintiff and his fellow-workmen, and it was known to and appreciated by the plaintiff at the time. A ladder may be a sound, light ladder, of sufficient strength to be used by itself, but not suitable to be made the butt of two ladders fastened together. Exceptions overruled.

EMPLOYERS' LIABILITY—NEGLIGENCE OF MINOR EMPLOYEES—APPLICATION OF THE NEW YORK FACTORY ACT—*E. S. Higgins Carpet Co. v. O'Keefe*, 79 *Federal Reporter*, p. 900.—This was an action at law brought by O'Keefe, by guardian, in the United States circuit court for the southern district of New York, against the E. S. Higgins Carpet Company, to recover damages for personal injuries. The evidence showed that the plaintiff, a boy of 15, entered the service of the defendant, and, after working for several months in the room where a machine run by steam, known as a "wool picker," was in constant use, was assigned to the duty of feeding the machine; that said machine had cogwheels at the side, in plain view, not protected by any guards or covering, and that on the second or third day after he had been assigned to the machine his right hand was caught in the cogwheels and so severely crushed that amputation became necessary. The plaintiff testified that he was feeding the machine when he was injured, while the evidence for the defendant tended to show that he was cleaning the machine at that time, although he was aware that the rules of the defendant prohibited him from cleaning it while it was in motion. Judgment was rendered for the plaintiff and the defendant brought the case on writ of error before the United States circuit court of appeals for the second circuit, which court rendered its decision April 8, 1897, and reversed the judgment of the lower court.

Among the several points decided the following, quoted from the opinion of the circuit court of appeals, which was delivered by Circuit Judge Wallace, appear to be the most important:

Error is assigned of the refusal of the trial judge to instruct the jury to find a verdict for the defendant. We are of opinion that upon the facts the defendant was entitled to this instruction, and that there was no evidence to justify the leaving of the case to the jury.

The plaintiff, although a minor, was of sufficient age and experience to be fully aware that his hand would probably be crushed if it were caught between the cogwheels while the machine was in motion. He knew that the cogwheels were not guarded in any way, and testified that when he was assigned to feed the machine he was told by the foreman that he must look out for himself, and be careful. He entered upon and continued in his employment with full knowledge of the risks incident to feeding or working about the machine consequent upon the location and condition of the cogwheels and the absence of guards. If he had been an adult, it is plain that he would have had no cause of action. We think the circumstance that he was a minor is of no importance. The rules which govern actions for negligence in the case of children of tender years do not apply to minors who have attained years of discretion.

If the plaintiff was injured while cleaning the machine, he had no cause of action, because he was willfully violating the express instructions of his employer. If he was injured while feeding the machine, and in the due course of his ordinary duties, he had no better cause of action, because the risk was obvious and he had accepted the hazard. If he was injured by reason of his own inadvertence or inattention, he had no better cause of action than he would have had if injured while he had been properly and carefully attending to his duties.

The provisions of the statute known as the "Factory act" (chapter 398, Laws N. Y., 1890), requiring cogs to be properly guarded, have no application to the case, except as regards the question of the negligence of the defendant. As construed by the highest courts of the State, the statute does not impose any liability upon an employer for injuries received by a minor in his service in consequence of the fault of the employee, or arising from the obvious risks of the service he has undertaken to perform.

In *Graves v. Brewer* (recently decided), 4 App. Div., 327, 38 N. Y. Supp., 566, the court held that the liability of the employer was not changed by reason of the factory act requiring cogwheels to be covered, because such protection could be waived and was waived by a person accepting employment upon the machine with the cogs in an unguarded condition, as the danger was apparent, and one of the obvious risks of the employment. For these reasons the judgment is reversed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—CONSTRUCTION OF STATUTE—*Andrews v. Chicago, Milwaukee and St. Paul Ry. Co.*, 71 *Northwestern Reporter*, page 372.—This action was brought in the circuit court of Iowa County, Wis., under chapter 220, laws of 1893, by James Andrews, an employee of the above named railroad company, to recover damages for an injury sustained by him, while in the line of his duty, in consequence of the alleged negligence of the foreman of the day switching crew, one Roach, by reason of which the plaintiff's left hand was crushed, and it became necessary to amputate his arm above the wrist. The complaint charged, as the cause of the injury, negligence on the part of the plaintiff's fellow-servants, and in particular of Roach, for failing to follow the rules and custom governing switching in the yard, and that such negligence was the proximate cause of the plaintiff's injury, and asserted that the plaintiff was free from contributory negligence. Judgment was rendered for the plaintiff, and the railroad company appealed the case to the supreme court of the State, which rendered its decision May 21, 1897, and reversed the judgment of the lower court.

Chapter 220, Laws of 1893, above referred to, in so far as it relates to this decision, reads as follows:

SECTION 1. Every railroad or railway company operating any railroad or railway, the line of which shall be in whole or in part within this State, shall be liable for all damages sustained within this State by any employee of such company, without contributory negligence on his part; * * * and which injury shall have been caused by the

carelessness or negligence of any other employee, officer, or agent of such company in the discharge of, or for failure to discharge, his duties as such.

The defendant had asked that the following questions be severally submitted to the jury as a part of the special verdict, but they were rejected, namely: (5) "Ought a man of ordinary intelligence and prudence, engaged in the business then followed by said Roach, to have reasonably expected, under the attending circumstances, that such violations of said custom at the time and place in question would result in a bodily injury of some kind to the plaintiff?" (7) "At the time the plaintiff was injured had it, for a great many years, been the uniform custom of all helpers in switching crews in defendant's yard at Madison, who have gone between cars to couple them, to come out again immediately, if they failed to make the coupling the first time, and look for coming cars?"

The opinion of the supreme court was delivered by Judge Pinney, and the following is quoted therefrom:

The question presented by the special verdict is whether it is fairly and substantially found by it that the negligence of Roach, the foreman of the switching crew, imputable to the defendant, was the proximate cause of the plaintiff's injury. Unless this appears from the verdict no judgment could be given on it, and a new trial would become necessary. It is found "that the plaintiff's hand was crushed * * * by reason of, and as the direct consequence of, the negligence of Roach;" that is to say, that the plaintiff's injury was the natural consequence of the negligence of Roach, the foreman, and without the intervention of any independent agency or cause for which the defendant was not responsible. Was it necessary that it should also appear from the verdict not only that the plaintiff's injury was the direct, but the probable, result, as well, of the defendant's negligence? The real test of the defendant's liability for the plaintiff's injury is whether the negligence of its foreman was the proximate cause of the accident. "The negligence is not the proximate cause of the accident unless, under all the circumstances, the accident might have been reasonably foreseen by a man of ordinary intelligence and prudence. It is not enough to prove that the accident was the natural consequence of the negligence. It must also have been the probable consequence." (*Block v. Railway Co.*, 89 Wis., 378, 61 N. W., 1101.) This subject underwent a careful consideration in *Atkinson v. Transportation Co.*, 60 Wis., 141, 150-155, 18 N. W., 764. It was there held "that generally, in order to warrant a finding that negligence, or an act not amounting to wanton wrong, is the proximate cause of the injury, it must appear that the injury was the natural and probable consequence of the negligence or wrongful act, and that it ought to have been foreseen in the light of the attending circumstances."

Here the court quotes to practically the same effect as the above from other cases, and then continues as follows:

These remarks are strictly applicable to the present case, and show that the fifth question the defendant asked to have submitted to the jury was improperly refused.

The evidence of six of the defendant's witnesses was such as to properly require the defendant's seventh question to be submitted to the jury. It related entirely to the custom and duty of helpers, and had a material bearing upon the question whether the plaintiff, in the course he pursued in remaining between the cars, endeavoring a second time to couple them on turning the link when they were coming together again, was guilty of negligence which materially contributed to his injury. We think the defendant was entitled to an answer to this question, and that it was error to refuse to submit it.

There is nothing in chapter 220, Laws 1893, which to our minds indicates that it was intended to exclude from a case within its provisions all question as to the assumption of the risks or perils naturally and usually incident to the plaintiff's employment as a railway operative. It was not the design of the act to make the railroad company an insurer against injuries thus received by the plaintiff. There is no question in the case as to the assumption by the plaintiff of any unusual or extraordinary risk.

The contention that under chapter 220, Laws of 1893, contributory negligence on the part of the plaintiff was required to be pleaded as a defense, is not maintainable. The defense of contributory negligence arises out of the facts and circumstances of the alleged injury. Before the statute, it was not necessary that it should be pleaded. It was not within the plan or purpose of the statute to make any change in the law of pleading. The statute relates only to questions of liability. The defense of contributory negligence would be sustained to an action under this statute, had it been silent on the subject. The mere fact that the words "without contributory negligence on his part" are in the act, when the courts would have supplied them if omitted, can not operate either to change the rule of pleading or evidence. The judgment of the circuit court is reversed, and the cause is remanded for further proceedings according to law.

DECISIONS UNDER COMMON LAW.

CONTRACT OF EMPLOYMENT—CONSIDERATION—*Stearns v. Lake Shore and Michigan Southern Ry. Co.*, 71 *Northwestern Reporter*, page 148.—Action was brought in the circuit court of Lenawee County, Mich., by George C. Stearns against the above-named railway to recover damages for breach of contract of employment. A judgment was rendered for the plaintiff, and the defendant company brought the case on writ of error before the supreme court of the State, which rendered its decision May 11, 1897, and affirmed the judgment of the lower court.

The opinion of the supreme court was delivered by Judge Montgomery, and the following, quoted therefrom, shows the facts in the case and the principal points of the decision:

The plaintiff brought this action to recover damages for the breach of a contract of employment. The declaration averred that, in the year 1872, plaintiff, while in the employ of the defendant, received serious personal injuries; that a claim was made against the defendant company; that in settlement of this claim the plaintiff [defendant?] paid him the sum of \$175, and at the same time entered into an agreement to employ him in the capacity of train baggage master on the

train running between Jackson and Adrian, at a salary of \$47.50 per month, during his natural life or his ability to do the work; that the defendant had, on the 1st of April, 1895, discharged plaintiff from employment, and has ever since refused to employ him or to pay him. The case was tried before a jury, and a verdict rendered sustaining the plaintiff's claim. Defendant moved for a new trial, which was refused, and has now brought the case here for review on error.

It is insisted that the contract is not enforceable, because not mutual. The plaintiff was not bound to work for any stated time for the defendant. In a case where no consideration passed for the employment there might be force in this contention; but in this case, under the proofs, a valuable consideration was paid to the defendant for the conditional agreement which the defendant saw fit to enter into, leaving it optional with the plaintiff to continue in defendant's employ, the engagement of the defendant resting, not upon the consideration of any promise by the plaintiff, but upon a consideration actually paid in hand at the time of the engagement, namely, the compromise of the disputed claim.

In 1889 the plaintiff entered the Railway Mail Service, and at that time tendered his resignation to the defendant, which was accepted. At the expiration of four months he applied for reemployment, and was again employed, and continued in the employment until his final discharge, 1895. The defendant insists that this had the effect to terminate the contract relied upon by plaintiff. This would undoubtedly be true were it not for the fact that the plaintiff testifies that, prior to entering the mail service, he had a talk with the division superintendent upon the understanding and agreement that, if he did not like the service, he should return right back to the same job he had, upon the same conditions that he quit, and that he would not have gone into the mail service had it not been for this reservation of rights accorded him by the company. It is contended by the defendant that the division superintendent had no power to make such a contract, but the answer to this is that he is the person with whom the plaintiff was required to deal, and that the engagement did not amount to the making of a new contract, but was, in effect, granting an indefinite leave of absence to the plaintiff, the plaintiff reserving his rights under the former contract. The judgment will be affirmed.

EMPLOYERS' LIABILITY—AMOUNT RECEIVED ON ACCIDENT POLICY NOT TO BE CONSIDERED IN MITIGATION OF DAMAGES—*Missouri, Kansas and Texas Ry. Co. v. Rains*, 40 *Southwestern Reporter*, page 635.—Action was brought in the district court of Grayson County, Tex., by J. R. Rains against the above-named railway company to recover damages for injuries received while in its employ. A judgment was rendered for the plaintiff, and the defendant company appealed the case to the court of civil appeals of the State, which rendered its decision May 12, 1897, and affirmed the decision of the lower court.

But one point decided is of special interest, and the following, quoted from the opinion of the court of civil appeals, delivered by Chief Justice Fisher, shows the same:

It appears from the facts that, as a result of his injuries, the plaintiff will receive on an accident policy the sum of \$430. It is contended by appellant that the court erred in refusing to instruct the

jury to the effect that they could consider this sum in mitigation of the damages which the plaintiff may be entitled to. There was no error in this ruling. The rule upon this subject, which is sustained by the weight of authority in this country and in England, is to the effect that a payment upon a policy of insurance can neither be considered as a defense or in mitigation of an action for damages against a wrongdoer. We find no error in the record. Judgment affirmed.

EMPLOYERS' LIABILITY—CUSTOM—CONCURRING NEGLIGENCE—
Sincere v. Union Compress and Warehouse Co., 40. Southwestern Reporter, page 326.—Suit was brought in the district court of Harris County, Tex., by Nelson Sincere against the above-named company to recover damages for personal injuries sustained by him while engaged, as the servant of the company, in assisting in unloading cotton bales from a car. Sincere alleged that, through the negligence of said company, a bale of cotton was thrown against him, whereby his foot was broken and he was severely and permanently injured. Judgment was rendered for the defendant company and the plaintiff, Sincere, brought the case on writ of error before the court of civil appeals of the State, which rendered its decision April 14, 1897, and reversed the judgment of the lower court.

From the opinion of the court of civil appeals, delivered by Judge Neill, the following, showing the points decided, is quoted:

There was no error in the court's sustaining the special exception to that part of the plaintiff in error's [Sincere's] petition wherein he alleged "that it was, and had been for a long time, the custom among the various compresses of Houston to have stationed at the side of the car being unloaded two men to catch the cotton as it rolled from the car, and thereby prevent any danger of the bales of cotton rolling on workmen who were employed in removing the cotton from the side of the car." Negligence must be established by the facts in each particular case, and can not be shown by the failure of the party charged with its commission to observe a custom, unless the facts show that ordinary care and prudence required that to be performed which was alleged to be the custom. If such care and prudence required the performance of work in a certain manner, it is immaterial whether its mode of performance had become a custom or not; for in either event a party who has injured another by failing to exercise ordinary care and prudence to secure his safety would be responsible. It is the duty of an employer to use ordinary precaution to reasonably secure the safety of his employees in the performance of his service, and if ordinary prudence would have required the defendant in error, in order to reasonably secure the safety of its hands engaged in unloading the cotton, to have two men stationed at the side of the car to prevent the bales of cotton from rolling on them, such duty should have been performed, whether it was customary or not. If it was the custom, such custom might have been shown, in connection with other evidence as to what transpired when plaintiff in error was injured, as a circumstance for the purpose of enabling the jury to determine whether defendant in error was at that time exercising such ordinary care as was reasonably necessary to secure the safety of its employees.

It was error for the court to so instruct the jury as to make the plaintiff's right to recover depend on the absence of contributory negligence of his fellow-servants, and to charge them that if any of his fellow-servants contributed wholly or partly to his injury, by negligence on their part, to find for defendant. The principle is universal that, where negligence of the principal and that of a fellow-servant together produce injury, the principal is liable therefor. The fact of the concurrence of the negligence of a fellow-servant with that of the master can not relieve the latter of the consequence of his wrongful act causing the injury. The servant assumes the risk of the negligence of his fellow-servant, but not that of the master. For the errors in the charge indicated, the judgment is reversed and the cause remanded.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—ASSUMPTION OF RISK BY EMPLOYEES—*Swanson v. Great Northern Ry. Co., 70 Northwestern Reporter, page 978.*—Action was brought in the district court of Hennepin County, Minn., by Jacob Swanson against the above-named railroad company to recover damages for injuries received while in its employ. The evidence showed that plaintiff, a section hand, was put to work on a large hill from which defendant was removing gravel; that he was ordered up the slope of this hill to assist other workingmen in loosening the material, that it might fall down to the bottom of the pit, there to be loaded upon cars by a steam shovel, and that in some way from the sliding of the earth he was injured. The defendant company filed a demurrer to the complaint on the ground that the complaint failed to state a cause of action, and the district court issued an order overruling the demurrer. From said order the railroad company appealed to the supreme court of the State, which rendered its decision May 10, 1897, and reversed the order of the lower court.

The opinion of the supreme court was delivered by Judge Collins, and contains the following language:

It is the universal rule that, in performing the duties of his place, a servant is bound to take notice of the ordinary operation of familiar natural laws, and to govern himself accordingly. Failing to do so, he takes the consequences. He can not charge such consequences upon the master, when he can see that which is open and apparent to a person of ordinary intelligence.

The progress of the work necessarily changed the character of the place and enhanced the danger, and under such conditions it has never been held that it is the absolute duty of the master to furnish the servant a safe place in which to work.

Any man of ordinary capacity would know that, as a place to work in, the slope of a gravel pit is more or less dangerous, especially when the work is to loosen the material; that the laws of gravitation may operate, and precipitate such material to the bottom of the pit. The work of plaintiff and his associates was to release the gravel and earth, to cause it to break away and to slide or fall down; and they should, and undoubtedly did, realize that the sliding or falling was attended with danger to any person in the way. The only difference in the danger to be apprehended and guarded against between the falling of

gravel or earth from overhead because of an excavation, and its falling or sliding because released or loosened upon the face of a slope, is merely one of degree. The complaint failed to state a cause of action, and the demurrer should have been sustained. Order reversed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—ASSUMPTION OF RISK BY EMPLOYEES—RELIEF ASSOCIATIONS—*Chicago, Burlington and Quincy R. R. Co. v. Curtis, 71 Northwestern Reporter, page 42.*—Action was brought in the district court of Jefferson County, Nebr., by William H. Curtis against the above-named railroad company to recover damages for injuries received while in its employ. Judgment was rendered for the railroad company, and the plaintiff, Curtis, brought the case on writ of error before the supreme court of the State, which rendered its decision May 5, 1897, and affirmed the judgment of the lower court. The evidence showed that the plaintiff, while attempting to couple two freight cars belonging to another railroad company, had his right hand crushed between the deadwoods and so bruised that amputation was necessary and was performed; that he was a member of the Burlington Voluntary Relief Department; that in joining said department he had signed a contract which contained the following language: "I also agree that, in consideration of the amounts paid and to be paid by said company for the maintenance of the relief department, the acceptance of benefits from the said relief fund for injury or death shall operate as a release and satisfaction of all claims for damages against said company arising from such injury or death which would be made by me or my legal representatives;" that after his injury the plaintiff applied for and received benefits, and that at various times the railroad company had contributed to the relief fund when it fell short of the amount necessary to satisfy claims. The plaintiff claimed negligence on the part of the company in the equipment of its cars, and that the contract he had signed in joining the relief department was of no effect and could not bind him.

The opinion of the supreme court was delivered by Judge Harrison, and from the syllabus of the same, which was prepared by the court, the following is quoted:

1. It is one of the duties of a railroad company as a common carrier to receive, and transport over its line of road, cars of other companies, if the gauge of the road is suitable, and the cars are not defective or out of repair, or of such unusual and peculiar construction as to be unreasonably hazardous or dangerous to work with or handle.

2. That a car belonging to a road other than the one on which a brakeman is employed is equipped with double deadwoods or buffers is a fact which is open, apparent, and obvious to any person attempting to couple the car; hence, any risk attendant on such coupling is of the hazards incident to the duty, and assumed by the employee; and this is true notwithstanding the cars in general use on the road

on which the brakeman is employed are equipped differently, or with single deadwoods.

4. The contract signed by an employee of the railroad company on becoming a member of what was known as the "Burlington Voluntary Relief Department." to the effect that if he should be injured, and receive moneys from the relief fund of said relief department on account thereof, the acceptance of such moneys should operate as a release of such employee's claim against said railroad company for damages because of such injury, construed, and *held* (1) that such contract of an employee did not lack consideration to support it; (2) that the promise made by the employee to the relief department for the benefit of the railroad company was available to the latter as a cause of action or defense; (3) that such contract was not contrary to public policy; (4) that the effect of such contract was not to enable the railroad company to exonerate itself by contract from liability for the negligence of itself or servants; (5) that the employee did not waive his right of action against the railroad company, in case he should be injured by its negligence by the execution of the contract; (6) that it is not the execution of the contract that estops the injured employee, but his acceptance of moneys from the relief department on account of his injury after his cause of action against the railroad on account thereof arises.

EMPLOYEES' LIABILITY—RAILROAD COMPANIES—DUTY OF MASTER—*Texas and Pacific Ry. Co. v. Barrett*, 17 *Supreme Court Reporter*, page 707.—Action was brought in the district court of Tarrant County, Tex., by one Barrett against the above-named railway company, to recover damages for personal injuries sustained while he was in the employ of said company. Said case was removed, on the application of the railway company, to the United States circuit court for the northern district of Texas. Judgment was rendered for the plaintiff, Barrett, and the defendant company carried the case on writ of error to the United States circuit court of appeals for the fifth circuit, by which court said judgment was affirmed. The defendant company then brought the case on writ of error before the United States Supreme Court, which rendered its decision April 19, 1897, and also affirmed the judgment of the circuit court.

The opinion of the Supreme Court was delivered by Chief Justice Fuller, and the following, quoted therefrom, sufficiently shows the facts in the case and the reasons for the decision:

On the trial there was evidence tending to show that Barrett, while in the employment of the company as foreman in charge of a switch engine, and at work in the company's yard, was injured by the explosion of another engine, with which he had nothing, and was not required to have anything, to do, and which had been placed by the foreman of the roundhouse on a track in the yard, with steam up, to take out a train; that the boiler of the locomotive, at the time it exploded, and for a considerable time before that, was and had been in a weak and unsafe state, by reason of the condition of the stay bolts, many of which had been broken before the explosion, and some of them for a long time before; that there were well-known methods of testing the condition of stay

bolts in a boiler engine; and that, if any of these tests had been properly applied to this boiler within a reasonable time before the explosion, the true condition of the stay bolts would have been discovered.

The circuit court instructed the jury, at defendant's request, "that the master is not the insurer of the safety of its engines, but is required to exercise only ordinary care to keep such engines in good repair, and, if he has used such ordinary care, he is not liable for any injury resulting to the servant from a defect therein not discoverable by such ordinary care; that the mere fact that an injury is received by a servant in consequence of an explosion will not entitle him to a recovery, but he must, besides the fact of the explosion, show that it resulted from the failure of the master to exercise ordinary care, either in selecting such engine, or in keeping it in reasonably safe repair; and that a railway company is not required to adopt extraordinary tests for discovering defects in machinery, which are not approved, practicable, and customary, but that it fulfills its duty in this regard if it adopts such tests as are ordinarily in use by prudently conducted roads engaged in like business, and surrounded by like circumstances."

And thereupon further charged that a railway company is bound to use ordinary care to furnish safe machinery and appliances for the use of its employees, and the neglect of its agents in that regard is its neglect; that it is not bound to insure the absolute safety thereof, nor to supply the best and safest and newest of such mechanical appliances, but is bound to use all reasonable care and prudence in providing machinery reasonably safe and suitable for use, and in keeping the same in repair; that "by ordinary care is meant such as a prudent man would use under the same circumstances; it must be measured by the character and risks of such business; and where such persons, whose duty it is to repair the appliances of the business, know, or ought to know by the exercise of reasonable care, of the defects in the machinery, the company is responsible for their neglect;" that "if the jury believe from the evidence, under the foregoing instructions, that the boiler which exploded and injured the plaintiff was defective, and unfit for use, and that defendant's servants, whose duty it was to repair such machinery, knew, or by reasonable care might have known, of such defects in said machinery, then such neglect upon the part of its servants is imputable to the defendant, and if said boiler exploded by reason of said defects, and injured the plaintiff, the defendant would be responsible for the injuries inflicted upon plaintiff, if plaintiff in no way, by his own neglect, contributed to his injuries;" but that "the burden of the proof is on the plaintiff throughout this case to show that the boiler and engine that exploded were improper appliances to be used on its railroad by defendant; that, by reason of the particular defects pointed out and insisted on by plaintiff, the boiler exploded and injured plaintiff. The burden is also on plaintiff throughout to show you the extent and character of his sufferings, and the damages he has suffered by reason thereof. You must also be satisfied that plaintiff was ignorant of the defects in the boiler that caused its explosion, if the evidence convinces you that such was the case; and that he did not by his negligence contribute to his own injury."

We think that these instructions laid down the applicable rules with sufficient accuracy and in substantial conformity with the views of this court as expressed in *Hough v. Railway Co.*, 100 U. S., 218, etc. Judgment affirmed.

GARNISHMENT—LIABILITY OF EMPLOYER FOR WAGES PAID INTO COURT WITH CONSENT OF EMPLOYEE—*Baltimore and Ohio Southwestern R. R. Co. v. Manning*, 45 *Northeastern Reporter*, page 526.—Suit was brought in the circuit court of Knox County, Ind., by Arthur Manning against the above-named railroad company to recover an amount alleged to be due him for services rendered, and for a penalty for its nonpayment as provided by sections 7056 and 7057 of Burns's Revised Statutes of 1894, making provisions for the payment of wages. A judgment was rendered for plaintiff, and the defendant company appealed the case to the appellate court of the State, which rendered its decision December 2, 1896, and reversed the judgment of the circuit court.

The opinion of the appellate court was delivered by Judge Ross, and the following, quoted therefrom, sufficiently shows the facts in the case and the reasons for the decision:

Under the specifications of error assigned, several questions are urged for our consideration, which we deem it unnecessary to examine or decide, in the view we take of the case as presented by the record. Whether or not the judgment rendered in the Kentucky court against the appellant [the railroad company], as garnishee defendant, was regular, we need not determine, for it is apparent that the appellee [Manning] has no standing in court. It appears from the uncontradicted evidence that the appellee consented that the appellant should pay into the Kentucky court the amount of the claim and costs for which his wages in the appellant's hands had been garnisheed, and he agreed that, upon such payment, he would accept from appellant the balance due him. The balance was tendered him, and he refused, and brought this action. We think, under these circumstances, he is estopped to question either the regularity of the proceedings of the Kentucky court, or whether appellant was legally bound to pay the money into court. The money was paid into court with his knowledge and consent, and upon an agreement that, when so paid in, he would accept the balance due him from the appellant. The appellant has apparently acted in good faith, and it would be inequitable to permit the appellee to recover anything except the balance in appellant's hands after the payment into the Kentucky court of the claim and costs. The judgment of the court below is reversed, with instructions to sustain the appellant's motion for a new trial.

GOVERNMENT EMPLOYEES—RIGHT OF PER-DIEM EMPLOYEE TO COMPENSATION FOR TIME WHILE UNDER SUSPENSION—*Murphy v. United States*, 79 *Federal Reporter*, page 255.—This case was brought before the United States circuit court of appeals for the ninth circuit on a writ of error from the United States circuit court for the northern district of California.

The decision of the court of appeals was rendered February 8, 1897, and its opinion, which was delivered by Circuit Judge Ross, shows the

facts in the case, the decision made, and the reasons therefor, and reads as follows:

This was an action by the plaintiff in error [Murphy] as plaintiff in the court below, under and by virtue of the act of Congress entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887 (24 Stat., 505). To the third amended petition the Government's demurrer was sustained, and, the plaintiff declining to further amend, his petition was dismissed. The writ of error brings up for review the ruling of the court below in the respect stated.

The petition contains two counts:

In the first, the plaintiff alleged, in substance, that on or about July 23, 1885, he was regularly appointed, by the commandant of the United States navy-yard at Mare Island, Cal., foreman mason of the yard and dock department thereof "at the understood and agreed compensation of six dollars per day;" that under and by virtue of that appointment the plaintiff entered upon the performance of his duties as such foreman mason, and continued in the performance thereof to and including September 29, 1885, when he was, by the commandant, suspended from his position by reason of certain charges preferred against him by the civil engineer of the yard; that thereafter, on November 19, 1885, the Acting Secretary of the Navy appointed a board to investigate the charges, and ordered that it meet at the yard at Mare Island, November 30, 1885, for that purpose, and report to the Department at Washington all the facts deemed to be established by the evidence taken; that the board of investigation met in accordance with the order of the Secretary, and, after various sessions, at which witnesses were examined, made its report to the Department, recommending the dismissal of the plaintiff from his position of foreman mason. "But," proceeded the petition, "said recommendation was never carried into effect, and said plaintiff has never been discharged from his said position, but has been, and still is, deprived from fulfilling the duties thereof."

It will be thus seen that the petition itself showed that at no time after September 29, 1885, did the plaintiff render any service to the United States as foreman mason of the Mare Island Navy-Yard. The allegation, also contained in the petition, that he has, ever since his suspension, held himself in readiness to perform the duties of the position, is of no force or effect, so far as concerns the first count of his petition, by which he seeks to recover "compensation as such foreman mason" from October 1, 1885, to the time of the bringing of the suit, September 28, 1891. As he never rendered the defendant any service during that period, it is plain that he is not entitled to any compensation. Compensation for such services only follows services rendered. Such, too, is the declaration of the statute applicable to and controlling such positions as foreman mason of a navy-yard. Section 1545 of the Revised Statutes reads: "Salaries shall not be paid to any of the employees of the navy-yards except those who are designated in the estimates. All other persons shall receive a per-diem compensation for the time during which they may be actually employed." The plaintiff not being an officer or a salaried employee, but, as shown by the petition itself, a person engaged at a per-diem compensation, he was, under the express provision of the second clause of the section of the statute quoted, entitled to such compensation for the time during which he was actually employed, but to that only.

Moreover, his suspension by the commandant of the navy-yard was, as was held by the court below, in effect his discharge from the employment in which he was engaged. It is not pretended that he was employed for any definite time, but, on the contrary, according to the express allegations of the petition, he was engaged at the agreed compensation of \$6 per diem, which was, in legal effect, an employment by the day. The fact that subsequent to his suspension the Secretary of the Navy appointed a board to investigate and report upon the charges against him was no recognition of his status as a then employee of the Government, and certainly could not operate to confer upon him the right to compensation for the time during which he was not actually employed.

The second count of the petition embodied the averments already considered, and therefore also showed that the plaintiff was, in effect, discharged from his employment as foreman mason of the navy-yard in question September 29, 1885. That being so, the further allegation contained in the second count that the plaintiff, "while such foreman mason as aforesaid, and while acting under the orders of the Acting Secretary of the Navy of the United States, was ordered by said Acting Secretary of the Navy to, and did, travel from the city of Washington, D. C., to the said Mare Island Navy-Yard, in California, for the purpose of being in attendance upon said so-called 'board of investigation,' and that he was thereby compelled to, and did, expend in obeying said order the sum of \$240 as traveling expenses," is ineffectual to create a valid demand for such expenses against the Government. As the specific allegations embodied in the second as well as in the first count of the petition showed that the plaintiff was suspended, and, in effect, discharged from his position, the allegation last quoted is far from showing that there was any order of the Secretary to the plaintiff in his capacity of employee of the Government, or that the plaintiff was then under any obligation to obey any order, or that he expended any money in the service of the United States. The judgment is affirmed.

ISSUE OF NONTRANSFERABLE PAY CHECKS—REFUSAL TO CASH SAME WHEN PRESENTED BY PARTIES OTHER THAN EMPLOYEES—DAMAGES—*Robison v. Texas Pine Land Association*, 40 *Southwestern Reporter*, page 843.—Action was brought by James Robison against the above-named association in the district court of Hardin County, Tex. The suit was for damages growing out of the conduct of the defendant in issuing checks at its store in Silsbee, Hardin County. The evidence showed that the Texas Pine Land Association opened its store in 1894, and was engaged in cutting and shipping logs to sawmills at Beaumont, and issued said checks in payment of wages to its employees, who then took the same to the store and purchased such goods as were needed; that the words "Not transferable" were upon each check, yet the employees of said association bought country produce of the people and paid for the same in checks, and that these people, who were not employees of the association, and never had been, bought goods of the association at its store and paid for them in checks; that the association knew of this trade in its checks and did not object thereto until

the plaintiff had a great many of them, and then refused to take the checks from him in payment of goods and refused to take checks from persons who had bought or traded for same with plaintiff; that said association stated to its employees that it would discharge each and every one of them from its service in case they should buy goods, liquors, etc., from, or trade in any manner with, the plaintiff, and that it also stated to its clerks and other employees that it would not take up any checks and receive the same in payment of its goods, wares, and merchandise from any person whomsoever, when and where said checks had passed through the hands of Robison, the plaintiff. Judgment was rendered for the defendant association and the plaintiff appealed the case to the court of civil appeals of Texas, which rendered its decision May 12, 1897, and sustained the judgment of the district court.

The opinion of said court was rendered by Chief Justice James, and from the same the following is quoted:

According to plaintiff's allegations, competition in trade existed between plaintiff and defendant, and it was legitimate for defendant to appropriate to itself all the customers it could command, even to the extent of driving plaintiff out of business, provided the means used for that purpose did not contravene any law, or violate a definite legal right of the plaintiff. The latter had no legal right to protection against competition. He had no superior right to the trade of defendant's employees, or that of other persons. The statute in reference to conspiracies against trade does not apply to the case, where there is no combination, and when the acts complained of as affecting competition are the acts of defendant alone. If the defendant could so control its employees as to prevent their dealing with plaintiff, or so control their wages as to divert them from the channels of plaintiff's business in favor of its own, we know of no rule making it actionable. Had the defendant no proper interest of its own to subserve in so doing, but had acted wantonly in causing loss to plaintiff, the rule would be different.

The fact that defendant's purpose, by its acts, was to break plaintiff up in business would not give the cause of action, for that is the natural result of successful competition. Defendant might at any time have stopped the issuing of checks, and plaintiff could not have complained. It had a right, if the employees were satisfied to work on such terms, to pay the latter directly in goods, and he could not complain, or in checks redeemable in goods only by them and certain other persons. It could not be required to treat the checks as money in the hands of other persons, which is practically a contention of plaintiff. If they could stop the system altogether without giving a right of action in tort, it would follow that they could place restrictions on the use of checks without incurring such liability. This is not a suit to recover the value of checks taken by appellant, but one in which he seeks to recover in tort for the invasion of a right, when he fails to show the existence of any right. A system whereby such checks would be honored in the hands of anyone except plaintiff was calculated to insure trade at defendant's store, and diminish that of its rival; and, as plaintiff has no definite right to the public trade, he has no legal right to complain that defendant absorbed it by the manner of managing its business, and its relation with its employees. The judgment is affirmed.

MASTER AND SERVANT—RISKS OF EMPLOYMENT—*Larsson v. McClure*, 70 *Northwestern Reporter*, page 662.—Action was brought by Lewis Larsson against William C. McClure, surviving partner of the firm of Mitchell & McClure, in the circuit court of Douglas County, Wis., to recover damages for a personal injury sustained by him while working as a common laborer in a gravel pit for said firm. The evidence showed that there was frost in the ground and that they had to blast the bank so as to get the crust off and take the bank down in order to get the sand and gravel; that after a number of blasts had been set off the plaintiff was at work shoveling, about 6 or 8 feet from the edge of the frozen crust, when the bank fell down and struck him on the left leg, so that he fell over and received the injuries complained of. A judgment was rendered for the plaintiff in the circuit court and the defendant appealed the case to the supreme court of the State, which court rendered its decision March 16, 1897, and reversed the judgment of the circuit court.

The opinion of the supreme court was delivered by Judge Pinney, and from the same the following is quoted:

The plaintiff, in entering upon the employment in which he was engaged when injured, assumed all risk or danger of injury ordinarily and fairly incident to such service. When the danger is alike open to the observation of all, both the master and the servant are upon an equality, and the master is not liable for an injury resulting from the dangers incident to the employment.

The plaintiff was familiar with the kind of work he was required to perform, and had had considerable experience in working in gravel pits, and had worked on railroads. He knew that blasting was being resorted to to break down the frozen bank, and to get at the sand and gravel where he worked; and five or six blasts for that purpose had been set off on the day in question, and before he was injured. He had witnessed and understood the effect they produced in shattering the bank in front of which he was working, and which was not more than 100 feet in length, rendering it insecure, and liable to fall down as excavation proceeded at the bottom. The situation itself suggested to him the dangers incident to the service, and the necessity of proper caution for his own protection.

He chose, notwithstanding, to continue work under the circumstances, instead of declining the service, and it is entirely well settled that he must be held to have assumed the risk or danger, so far as it was open for his observation. He testified that after the last blast had been set off where he had been set to work, "I did not see any cracks in the bank; I did not look to see." He was bound to take ordinary care to observe whether any, and what, dangers were incident to his service. "Where the defect or danger is open or obvious, the knowledge of it, on his part, will be presumed or imputed to the servant, as a matter of law; and an adult servant is presumed to possess ordinary intelligence, judgment, and discretion to appreciate such danger, so as to regulate his conduct, and avoid it; and, if he continues in the service, and suffers injury from such danger, he has no right of recovery against the master." (*Luebke v. Machine Works*, 88 Wis., 448, 60 N. W., 711.)

The present case does not seem to fall within the rule that the master must furnish the servant a reasonably safe place in which to work,

inasmuch as the plaintiff and his fellow-servants practically created the place and its attendant perils from hour to hour, in the prosecution of their labors; and the condition was constantly shifting by reason of their own acts, of which, as well as their probable consequences, they must be held to have had notice. The negligence, if any, in this view of the case, would be that of the plaintiff and his fellow-servants, and the risk of it must be regarded as assumed by the plaintiff as incident to his employment; and, in any view that may be taken of the case, it must be regarded as a risk assumed by the plaintiff, as incident to his employment.

We think, from the undisputed evidence, that the plaintiff must be held to have assumed the risk of the injury of which he complains, and that the circuit court erred in refusing the motion for a nonsuit, and afterward in refusing to direct a verdict for the defendant. The judgment of the circuit court is reversed and the cause is remanded for a new trial.

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

KANSAS.

ACTS OF 1897:

CHAPTER 120.—Protection of employees as members of labor unions.

SECTION 1. It shall be unlawful for any person, company, or corporation, or the agent, officer, manager, superintendent, master mechanic, or foreman of any person, company, or corporation, to prevent employees from joining and belonging to any labor organization, and any such person, company, or corporation, or any agent, manager, superintendent, master mechanic, or other officer of any person, company, or corporation that coerces or attempts to coerce employees by discharging or threatening to discharge said employees because of their connection with such labor organization, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than fifty dollars nor more than five hundred dollars.

SEC. 2. Any person, company, or corporation doing any of the acts prohibited by section one of this act, shall be liable to the person injured, in exemplary or punitive damages not to exceed two thousand dollars, to be recovered by civil action, and in addition thereto a reasonable attorney fee to be recovered in said civil action for damages.

SEC. 3. This act shall take effect and be in force from and after its publication in the statute book.

Approved February 18, 1897.

CHAPTER 129.—Protection of employees as voters.

SECTION 24. Any person entitled to vote at a general election in 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, between the time of opening and closing the polls, and such voter shall not, because of so absenting himself, be liable to any penalty, nor shall deduction be made on account of such absence, from his usual salary or wages: *Provided, however,* That application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employee may absent himself as aforesaid. Any person or corporation who shall refuse to an employee the privilege hereby conferred, or shall subject an employee to a penalty or deduction of wages because of the exercise of such privileges, or who shall, in any manner, attempt to influence or control such voter as to how he shall vote, by offering any reward, or by threatening his discharge from employment, or otherwise intimidating him from a full and free exercise of his right to vote, or shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than fifty dollars or more than one hundred dollars.

Approved March 13, 1897.

CHAPTER 144.—Blacklisting.

SECTION 1. Any employer of labor in this State, after having discharged any person from his service, shall not prevent or attempt to prevent by word, sign or writing of any kind whatsoever, any such discharged employee from obtaining employment from any other person, company or corporation except by furnishing, in writing, on request, the cause of such discharge.

SEC. 2. Any employer of labor in this State shall, upon the request of a discharged employee, furnish, in writing, the true cause or reason for such discharge.

SEC. 3. Any employer of labor, his agent or employee who shall violate the provisions of this act shall be guilty of a misdemeanor and shall, upon conviction, be fined for each offense the sum of one hundred dollars and thirty days' imprisonment in the county jail.

SEC. 4. Any person, firm, or corporation, found guilty of the violation of sections one and two of this act, shall be liable to the party injured to an amount equal to three times the sum he may be injured, and such employers of labor shall also be liable for a reasonable attorney fee which shall be taxed as part of the costs in the case.

SEC. 5. This act to be in full force and effect from and after its publication in the statute book.

Approved March 12, 1897.

CHAPTER 145.—*Payment of wages, etc.*

SECTION 1. It shall be unlawful for any person, firm, company, corporation, or trust, or the agent, or the business manager of any such person, firm, company, corporation or trust to sell, give, deliver, or in any way directly or indirectly to any person employed by him or it, in payment of wages due or to become due, any scrip, token, check, draft, order, credit on any book of account or other evidence of indebtedness, payable to bearer or his assignee, otherwise than at the date of issue, but such wages shall be paid only in lawful money of the United States, or by check or draft drawn upon some bank in which any person, firm, company, corporation, or trust, or the agent, or the business manager of any such person, firm, company, corporation, or trust, has money upon deposit to cash the same.

SEC. 2. All contracts to pay or accept wages in any other than lawful money, or by check or draft, as specified in section one, of this act, and any private agreement or secret understanding that wages shall be or may be paid, in other than lawful money, or by such check or draft, shall be void, and the procurement of such private agreement or secret understanding, shall be unlawful and construed as coercion on the part of the employer.

SEC. 3. If any person shall violate any of the provisions of either section one or two of this act, or shall compel, or in any manner attempt to compel, or coerce any employee of any corporation, or trust to purchase goods, or supplies, from any particular person, firm, corporation, company or trust or at any particular store or place, he shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty or more than ninety days, or by both such fine and imprisonment for each violation.

SEC. 4. This act shall apply only to corporations or trusts or their agents, lessees, or business managers, that employ ten or more persons.

SEC. 5. The county attorney of any county upon complaint made to him shall proceed to prosecute the violators of this act as prescribed in other cases of misdemeanor.

SEC. 6. Sections 2441, 2442 and 2443 of the General Statutes of Kansas, of 1889, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

SEC. 7. This act shall take effect and be in force from and after its publication in the official State paper.

Approved March 2, 1897.

Published in official State paper March 12, 1897.

CHAPTER 159.—*Mine regulations and inspection.*

SECTION 1. It shall be unlawful for any mine owner, agent, lessee or operator of any coal mine, or any other underground workings, where any kind of material is mined or excavated, in either shaft mine, slope mine, or drift mine, by system of room and pillar, to mine or cause to be mined by any employee therein, in any of said mines, any minerals mined by bushel, ton, or other rates, to excavate coal or other minerals, in an advance space of forty feet, unless break-throughs are made, ranging in distance as follows: Forty feet shall constitute the distance between break-throughs, which shall be made through the pillar which divides either rooms, air courses or entries, where any of said rooms, air courses, or entries are in operation, and in no case shall the distance exceed the aforesaid distance, namely, forty feet, irrespective of thickness or distance of the pillar or pillars which divides such rooms, air courses or entries.

SEC. 2. Said break-throughs shall be at least six feet wide and the full height of coal strata, or other minerals mined which does not exceed six feet in height, and in no case shall the air courses have less than twenty-one feet of an area, where mines are operated on room-and-pillar system. And the compensation for making such break-throughs shall be regulated by or between the employer and employee and any room, air course or entry, or any other working places where miners or others are employed, shall cease operations at the working faces until said break-throughs are perfected as herein specified, in section one, of this act. And said break-

throughs shall be filled with either slate, rock, or closed by brattice, to make the same air-tight, as soon as the second or succeeding break-throughs are made. And in any case any of such break-throughs are partly opened or torn down, by the concussion of shots, or blasts, or by premature explosion, or otherwise, the foreman, or superintendent, or agent in each of any of the said mines, shall immediately cause any of such break-throughs to be properly closed and made air-tight, as soon as notified by any employee.

SEC. 3. Every mine owner, agent, lessee or operator of coal mines or underground workings of the character mentioned in section one of this act, shall provide and hereafter maintain for every mine, ample means of ventilation, affording not less than one hundred cubic feet of air in every such mine, per man, per minute. Said volume of air shall be directed or circulated where any person or persons may be working in any of said mines.

SEC. 4. The inspector of mines shall cause the volume of air to be increased when necessary to such an extent as will dilute, carry off, and render harmless, the noxious gases generated therein. And mines generating fire-damp shall be kept free of standing gas, and every working place shall be carefully examined every morning with a safety lamp by an examiner, or fire-boss, before miners or other employees enter their respective working places. Said examiner or fire-boss shall register the day of the month at the place of the workings, and also on top in a book which shall be kept in the weighmaster's office for such special purpose, and as proof of inspection, he shall daily record all places examined, in said book, and in case of danger when fire-damp may have accumulated during the absence of any person or persons, employed therein, said examiner or fire-boss, must notify the miners or those employed therein, or those who may have occasion to enter such places. And the hydrogen or fire-damp generated therein must be diluted and rendered harmless before any person or persons enter such working, or abandoned part of the mine with a naked light.

SEC. 5. It shall be the duty of the owner, lessee or operator, of any mine where the natural strata is not safe, in or around all workings, pumping, and escaping shafts, to securely case line, or otherwise make said places secure, and all escapement shafts shall be provided with stairways securely fastened, so as to bear the combined weight of not less than fifteen men, ascending or descending the same. Said stairways shall be so constructed as not to exceed forty-five degrees of elevation, by each section of said stair, and each section shall have substantial guard rails securely fastened, and the stairways shall be separately partitioned from the parts of such shafts used as upcasts or downcasts, and the traveling ways between the bottom of the main shaft, and the escaping shaft, or stairways shall be at least five feet in height. Said traveling ways shall be kept clear of all obstructions, and standing or stagnant water shall not be allowed to accumulate in any traveling way between the upcast and downcast shafts. And in case of mine shafts which are over one hundred and fifty feet in depth, where stairways can not be conveniently constructed, other safe means of hoisting the persons employed in any such mine must be kept ready at all times, so as to be available in case of accident to the regular hoisting shaft, or machinery in use at the same.

SEC. 6. It shall be the duty of the foreman, cager, or whosoever may have charge of the bottom of any shaft, to give the proper signal to the top man and engineer, whenever any six employees who work therein are ready to ascend, by day or night, and for the making of such ascent it shall be the duty of the bottom cager to give them an empty cage by which they can ascend. And every road on which persons travel underground when the coal is drawn by mules, or other power, shall be provided at intervals of not more than thirty feet with sufficient manholes for places of refuge.

SEC. 7. It shall be the duty of the owner, lessee or operator of every mine to provide and maintain airways of sufficient dimensions, and in no case shall the area of the air course be less than twenty-one feet in mines operated on room-and-pillar system.

SEC. 8. Standing or stagnant water shall not be allowed to remain in air courses, entries, traveling ways, or rooms. Obstructions of any kind must not be placed in cross-cuts, rooms or entries used as airways. And in case of a fall of a roof, or where the sides of such airways cave in, it shall be the duty of the mine boss or agent in any such mines to cause such falls or obstruction to be removed immediately and the roof and sides made secure.

SEC. 9. All main airways in any of the underground workings in the State of Kansas, shall be examined at least twice a week by the mine boss or agent, or some other competent person so directed by said mine boss or agent, and a report of such inspection shall be forwarded to the office of the State inspector of mines at least once a month.

SEC. 10. It shall be the duty of the mine boss or agent in charge of any mine where coal dust or any other inflammable ingredients may accumulate, to cause the same to be properly sprinkled or saturated once a day, and oftener if necessary, in either air courses, entries, rooms, or cross-cuts.

SEC. 11. No employee or other person in mines is allowed to leave trap-doors or air-gates open any longer than while passing through said gates or doors. And any person who accidentally or otherwise tears down any brattice cloth must immediately notify the mine boss or the individual having supervision of the air in such mine, and the same must be replaced as soon as notice thereof is given to the mine boss or person in charge of the air.

SEC. 12. In order to facilitate the inspector of mines in his duties, it shall be the duty of all coal operators and coal companies or lessees or other persons engaged in mining or producing coal, to make a quarterly statement to the mine inspector, of the amount of all coal mined, the number of miners employed, number of day men, number of boys, and all other persons employed in or around said mine or mines, not later than ten days after the end of each quarter, and they shall also state the price paid miners per ton or bushel, the price paid to day hands per day, the number of days worked by miners and by day men, the number of accidents, deaths resulting from injuries in and around the said mine or mines. It shall also be the duty of the mine inspector to furnish all coal operators and all coal companies or lessees or other persons engaged in mining or producing coal, with printed blank forms every quarter, for the purpose of making out said report as this act herein provides for.

SEC. 13. No person employed in any mine shall use any kind of oil other than lard oil for lighting purposes, except when repairing downcast or upcast shafts.

SEC. 14. The inspector of mines is duly authorized to enforce the provisions of this and all other acts relating to mines or mining; and he is hereby empowered to institute proceedings in the name of the State of Kansas against any miner, owner, agent, lessee, operator of any mine, or any employee employed therein, who refuses to comply with the provisions of this act, after ten days' notice. The inspector is hereby empowered in all cases where mines are not worked or operated in strict accordance with this act, to order the employees employed in such mine to suspend operations, and if, in his judgment, there is immediate danger, he can order such mine to suspend operations until the matter of which he complains in relation to this act, is complied with.

SEC. 15. The inspector is hereby authorized to furnish every mine owner, agent, lessee or operator of every mine, which he knows to be in operation, with a printed copy of this act, which shall be kept conspicuously posted at or near the top of any of said mines, and it shall be the duty of the mine boss or agent in charge, to call the attention of the miners or others employed, to the provisions of this act.

SEC. 16. In case of non-compliance with sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 of this act, by any owner, operator, agent or lessee of any mine, or any miner or other employee working therein, upon whom any duty is cast by any of said sections, he shall be deemed guilty of a misdemeanor, and shall, upon conviction of the same, for each offense, be punished by a fine of not less than one hundred dollars, and not to exceed three hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days, and not to exceed ninety days, or by both such fine and imprisonment, in any court having competent jurisdiction: *Provided*, That this act shall be construed as to effect [affect] or apply only to coal-mines of this State, or any person or persons operating or owning such coal-mines.

SEC. 17. And chapter 171, session laws of 1895, and all other acts and parts of acts in conflict with this act, are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its publication in the statute book.

Approved March 13, 1897.

CHAPTER 172.—*Protection of street-railway employees.*

SECTION 1. It shall be unlawful for any street-car company, or other person, association, or corporation, who own, control, or operate any street-car system in the State of Kansas, to run or operate its cars in the regular service of carrying passengers, during the months of November, December, January, February, or March of each year, without first providing a vestibule or other sufficient shelter for the motorman or other employee, used by said company to guide or operate the propelling power used on said car: *Provided*, This act shall not apply to any horse or cable car.

SEC. 2. Every corporation, officer, owner, or manager of any such street-car company, who shall fail or refuse to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than five dollars nor more than twenty five dollars for each offense, and the operation of a car at any one time during any one day during said months, without providing the vestibule or other shelter, shall be deemed a single violation of this act.

SEC. 3. This act shall take effect and be in force on and after its publication in the statute book.

Approved March 6, 1897.

1453—No. 13—10

MISSOURI.

ACTS OF 1897.

Fellow-servants.

(Page 96.)

SECTION 1. Every railroad corporation owning or operating a railroad in this State shall be liable for all damages sustained by any agent or servant thereof while engaged in the work of operating such railroad by reason of the negligence of any other agent or servant thereof: *Provided*, That it may be shown in defense that the person injured was guilty of negligence contributing as a proximate cause to produce the injury.

SEC. 2. All persons engaged in the service of any such railroad corporation doing business in this State, who are intrusted by such corporation with the authority of superintendence, control or command of other persons in the employ or service of such corporation, or with the authority to direct any other servant in the performance of any duty of such servant, or with the duty of inspection or other duty owing by the master to the servant, are vice-principals of such corporation, and are not fellow-servants with such employees.

SEC. 3. All persons who are engaged in the common service of such railroad corporation, and who while so engaged, are working together at the same time and place, to a common purpose of same grade, neither of such persons being intrusted by such corporation with any superintendence or control over their fellow employees, are fellow-servants with each other: *Provided*, That nothing herein contained shall be so construed as to make any agent or servant of such corporation in the service of such corporation a fellow-servant with any other agent or servant of such corporation engaged in any other department or service of such corporation.

SEC. 4. No contract made between any railroad corporation and any of its agents or servants, based upon the contingency of the injury or death of any agent or servant, limiting the liability of such railroad corporation for any damages under the provisions of this act, shall be valid or binding, but all such contracts or agreements shall be null and void.

Approved February 9, 1897.

Protection of street-car employees—Screens.

(Page 102.)

SECTION 1. Every electric street car, other than trail cars, which are attached to motor cars, shall be provided during the months of November, December, January, February and March of each year, at the front end, with a screen composed of glass or other material which shall fully and completely protect the driver, motorman, gripman or other person stationed on such front end and guiding or directing said car from wind and storm.

SEC. 2. Any person, agent or officer of any association or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than twenty-five dollars or more than one hundred dollars for each day that any car belonging to or used by such person, association or corporation is permitted to remain unprovided with the screens required by section 1 of this act. And it is hereby made the duty of the prosecuting attorney of each county in the State to enforce the provisions of this act, for which he shall be entitled, in addition to his ordinary fee or salary, one-fourth of the fine recovered.

Approved March 5, 1897.

Protection of employees as voters.

(Page 103.)

SECTION 1. Any person entitled to vote at any election in this State shall, on the day of such election, be entitled to absent himself from any services or employment in which he is then engaged or employed, for a period of four hours between the times of opening and closing the polls; and such voter shall not, because of so absenting himself, be liable to any penalty: *Provided, however*, That his employer may specify the hours during which such employee may absent himself as aforesaid. Any person or corporation who shall refuse to any employee the privilege hereby conferred, or shall discharge or threaten to discharge any employee for absenting himself from his work for the purpose of said election, or shall cause any employee to suffer any penalty or deduction of wages because of the exercise of such privilege,

or who shall directly or indirectly violate the provisions of this section, shall be deemed guilty of a misdemeanor, and on conviction thereof be fined in any sum not exceeding five hundred dollars.

SEC. 2. It shall not be lawful for any corporation organized and doing business under and by virtue of the laws of this State, to directly or indirectly, by or through any of its officers or agents, or by or through any person or persons for them, influence or attempt to influence the result of any election to be held in this State, or procure or endeavor to procure the election of any person to a public office by the use of money belonging to such corporation, or by subscribing any money to any campaign fund of any party or person, or by discharging or threatening to discharge any employee of such corporation for reason of the political opinions of such employee, or to use or offer to use any power, effort, influence, or other means whatsoever, to induce or persuade any employee or other person entitled to register before or vote at any election, to vote or refrain from voting for any candidate, or on any question to be determined or at issue at any election. Any violation of the provisions of this section by a corporation shall be deemed and held as a forfeiture of its charter or franchise, as granted or derived from the State, as for willful misuser thereof, and such corporation shall be enjoined from transacting any business in this State; and such forfeiture or injunction may be adjudged by any circuit court of any county in which such corporation is located, in a suit instituted for that purpose, in the name of the State of Missouri, by the prosecuting attorney of any county, and in the city of St. Louis by the circuit attorney or by the attorney-general.

SEC. 3. Every officer or agent of any railroad or other corporation, company or association, and every individual conducting or carrying on any business in this State and having under his control or supervision, or in his employ any servants, agents or other employees entitled to vote at any election in this State, who shall either directly or indirectly, or by or through any person or persons for him, discharge or offer or attempt to discharge from any employment, service, or position, any such employee for reason of the political opinions or belief of any such employee, or who shall coerce or attempt to coerce, intimidate or bribe any employee, or who shall by or through any unjust, corrupt, or unlawful means, procure or attempt to procure or influence any employee entitled to register before or vote at any election, to vote or refrain from voting for any candidate for any public office at any election, or on any question to be determined or at issue in any election held in this State, shall be deemed guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the penitentiary not less than two nor more than five years.

Approved March 20, 1897.

Factories, workshops, etc.—Employment of children.

(Page 143.)

SECTION 1. No child under the age of fourteen years shall be employed in any manufacturing or mechanical establishment in this State wherein steam, water or any other mechanical power is used in the manufacturing process carried on therein, or, where the work to be done by such child would, in the opinion of two reputable physicians in the locality where such work is to be done, be dangerous to the health of such child.

SEC. 2. Any person, firm or corporation, or its agent, who employs, and any parent or person in charge of such child who permits the employment of such child in violation of this act, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten nor more than one hundred dollars, or imprisonment in the county jail for a period of not less than two days nor more than ten days, or both fined and imprisoned, for each offense: *Provided*, That extreme poverty of the parent, or person in charge of such child, shall be a good defense to such proceeding.

Approved March 23, 1897.

Factories, workshops, etc.—Health of employees.

(Page 143.)

SECTION 1. Section 14 of an act entitled "An act relating to manufacturing, mechanical, mercantile and other establishments and places, and the employment, safety, health and work hours of employees," approved April 20, 1891, [page 159, Acts of 1891] is hereby amended by inserting between the words "act" and "shall," in line three of said section, the following: "Or the labor commissioner or his deputies," and by striking out the words "where practicable," in line five of said section; so that said section, when so amended, shall read as follows:

SECTION 14. In all establishments in this State wherein labor is employed, where any process is carried on by which dust or smoke is generated, any one of the

inspectors provided for in this act, or the labor commissioner or his deputies, shall have the power and the authority to order that a fan or some other contrivance be put in to prevent the inhalation of such dust or smoke by employees.

Approved March 9, 1897.

Mine regulations

(Page 199.)

SECTION 1. Section 7067, chapter 115, article 2 of the Revised Statutes of 1889, is hereby amended by inserting between the words "age" and "and," in the fifth line of said section, the following words: "Nor shall such engineer be permitted to operate the hoisting machinery unless he be located in such close proximity to the engine and drum as will enable him to continuously have supervision and control of both engine and drum;" so that said section, when so amended, shall read as follows:

SECTION 7067. No owner, agent or operator of any mine operated by shaft or slope shall place in charge of any engine whereby men are lowered into or hoisted out of the mines any but an experienced, competent and sober person not under eighteen years of age; nor shall such engineer be permitted to operate the hoisting machinery unless he be located in such close proximity to the engine and drum as will enable him to continuously have supervision and control of both engine and drum; and no person shall be permitted to ride upon a loaded cage or wagon used for hoisting purposes in any shaft or slope, and in no case shall more than twelve persons ride on any cage or car at any one time; nor shall any coal be hoisted out of any mine while persons are descending into such mine, and the number of persons to ascend out of or descend into any mine on one cage shall be determined by the inspector; the maximum number so fixed shall not be less than four nor more than twelve, nor shall be lowered or hoisted more rapidly than five hundred feet to the minute.

Approved March 15, 1897.

Mine regulations.

(Page 199.)

SECTION 1. Section 7063, chapter 115, article 2, Laws of Missouri, 1889, is hereby repealed and the following new section enacted in lieu thereof, to be known as section 7063:

SECTION 7063. It is unlawful for any owner, agent or operator of any coal mine worked by shaft to employ or permit any person to work therein unless there are to every seam of coal worked in each mine at least two separate outlets, separated by natural strata of not less than three hundred feet in breadth, by which shafts or outlets distinct means of ingress and egress are always available to the persons employed in the mine; but it is not necessary for the two outlets to belong to the same mine if the persons employed therein have safe, ready and available means of ingress and egress by not less than two openings; the communication or roadway between the two openings, or the two openings furnished by a connection between two distinct mines, shall at all times be kept clean and of such width and height as to make the same safe and available for a speedy exit in case of accident. The escapement shaft shall be fitted with safe and available appliances by which the persons employed in the mine may readily escape in case an accident occurs deranging the hoisting machinery at the main outlets, and such means or appliances for escape shall always be kept in a safe condition, and in no case shall an air shaft with a ventilating furnace at the bottom be construed to be an escapement shaft within the meaning of this section. The cage or cages and other means of egress shall at all times be available for the persons employed when there is no second outlet. To all other coal mines, whether slopes or drifts, two such openings or outlets must be provided within twelve months after shipments of coal have commenced from such mine, and in case such outlets are not provided as herein stipulated, it shall not be lawful for the owner, agent or operator of such slope or drift to permit more than five persons to work therein at any one time. All mines operated prior to the passage of this new section, having furnaces located in the bottom of the air shaft, shall have one year's time from the passage of this act in which to comply with the requirements therein.

SECTION 7063a. Any owner, agent or operator of a coal mine in this State violating the provisions of the preceding section shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment in the county jail not less than three nor more than twelve months, or by both such fine and imprisonment.

Approved March 24, 1897.

MONTANA.

ACTS OF 1897.

International Typographical Union label to be used on all State printing.

(Page 58.)

SECTION 1. All printing for which the State of Montana is chargeable, including reports of State officers, State boards, pamphlets, blanks, letter heads, envelopes, and printed matter of every kind and description, save and except certificates of appointment and election to office, shall have the label of the branch of the International Typographical Union of the city in which they are printed.

SEC. 2. Any officer of the State who shall accept any printed matter, save and except certificates named in section 1, for which the State is chargeable, which does not bear a label indicating that it was printed in an office under the jurisdiction of the International Typographical Union, shall be subject to a fine of fifty dollars for each and every offense.

SEC. 3. This law shall take effect and be in force from and after its passage.

Approved March 3, 1897.

Mine regulations—Escapement shafts.

(Page 66.)

SECTION 1. It is the duty of any person, company or corporation, who shall have sunk on any mine a vertical or incline to a greater depth than one hundred feet, and who shall have the top of such shaft or hoisting opening covered or enclosed by a shaft or building which is not fire-proof, and who shall have drifted on or along the vein or veins thereof, a distance of two hundred feet or more, after cross cutting to the same, and shall have commenced to stope, to provide and maintain to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft, raise, or opening, or an underground opening or communication between every such mine and some other contiguous mine, *Provided*, That in case such contiguous mine belongs to a different person, company, or corporation, the right to use the outlet through such contiguous mine, in all cases when necessary, or in cases of accident must be secured and kept in force. Where such an escapement shaft or opening shall not be in existence at the time that stoping is commenced, work upon such an escapement shaft or opening must be commenced as soon as stoping begins and be diligently prosecuted until the same is completed, and said escapement shaft, raise or opening shall be continued to and connected with the lowest workings in the mine. The exit, escapement shaft, raise, or opening provided for in the foregoing paragraphs must be of sufficient size as to afford an easy passageway, and if it be a raise, or shaft, must be provided with good and substantial ladders from the deepest workings to the surface. Whenever the exit or outlet herein provided for is not in a direct or continuous course, sign boards plainly marked showing the direction to be taken must be placed at each departure from the continuous course.

SEC. 2. This act shall apply only to quartz mines in which nine or more men are employed underground, and shall not apply to mines not actually extracting ores, by stoping, nor to mines in which the shaft or hoisting opening, or hauling way is not covered by a shaft house, and has no building structure within thirty (30) feet of the shaft or opening, nor to mines in which the hoisting shaft or opening shall be covered by or enclosed in a fireproof shaft or building.

SEC. 3. The penalty for violating any of the provisions of the preceding sections is the same as provided in section 705 of the Penal Code.

SEC. 4. All acts and parts of acts in conflict with this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 1, 1897.

Mine regulations—Hours of labor for hoisting engineers.

(Page 67.)

SECTION 1. It shall hereafter be unlawful for any engineer or other person to run or operate for more than eight hours in twenty-four hours, any first motion or direct acting hoisting engine, in use in any mine, or to run or to operate for more than said length of time any geared or indirect hoisting engine at any mine in which fifteen or more men are employed underground.

This act shall only apply to such plant or plants as are in operation sixteen or more hours in twenty-four hours.

SEC. 2. It shall hereafter be unlawful for any mine owner, lessee, company or corporation, operating or conducting any mine, to hire or employ any engineer or other person to run or operate for more than eight hours in twenty-four hours, any first motion or direct acting hoisting engine in use at any mine. Or to hire or employ any engineer or other person to run or operate any geared or indirect acting hoisting engine, at any mine employing fifteen or more men underground. This act shall only apply to such plants as are specified in section one of this act, *Provided, however*, That the provisions of this act shall not apply to any engineer or person, who temporarily operates any of the engines mentioned, for more than eight hours in one day, when from sickness or other unforeseen cause the person regularly employed is unable to operate the same.

SEC. 3. Any person, company or corporation, violating the provisions of this act, shall upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars; and each and every day that any person, company or corporation violates the same shall constitute a separate and distinct violation and shall be punishable as such.

SEC. 4. Sections 3370, 3371, and 3372, of Article II, of Chapter XX, of Part III, Title VII of the Political Code, and all acts and parts of acts, in conflict with this act, are hereby repealed.

Approved February 19, 1897.

Inspector of mines.

(Page 109.)

SECTION 1. Section 580 of the Political Code of the State of Montana [shall] be amended so as to read as follows, viz:

SECTION 580. The governor, by and with the advice and consent of the senate, must appoint an inspector of mines, who shall be at least thirty years of age, a resident of Montana at least one year, who shall be theoretically and practically acquainted with mines and mining in all its branches, and he shall hold his office for four years unless sooner removed by the governor. No person shall hold the position of inspector of mines while an employee or officer of any mining company or corporation. The inspector of mines must devote his entire time to the duties of his office, and his salary is two thousand, four hundred dollars.

SEC. 2. Section 581 of said code [shall] be amended so as to read as follows, viz:

SECTION 581. The governor by and with the consent of the senate must appoint a deputy inspector of mines who shall possess like qualifications to those required of the inspector of mines, who shall hold his office for four years unless sooner removed by the governor. No person shall hold the office of deputy inspector of mines while an employee or officer of any mining company or corporation.

The deputy inspector of mines must devote his entire time to the duties of his office under the supervision and direction of the inspector of mines, and his annual salary is one thousand, six hundred and fifty dollars.

SEC. 3. Section 582 of said code [shall] be amended so as to read as follows, viz:

SECTION 582. It is the duty of the inspector of mines by himself or his deputy to visit every mine in the State once every six months and inspect its workings, timbering, ventilation, means of ingress and egress and the means adopted and in use for the preservation of the lives and safety of the miners employed therein; for this purpose the mining inspector and his deputy shall at all times have access to any mine and all parts thereof. All mine owners, leasees, operators or superintendents must render such assistance as may be necessary to enable the inspector or his deputy to make the examination.

SEC. 4. This act shall be in effect from and after its passage and approval.

Approved March 4, 1897.

Bureau of agriculture, labor and industry.

(Page 110.)

SECTION 1. Section 760 shall read as follows:

SECTION 760. A bureau of agriculture, labor and industry is hereby established for this State, whose executive officers shall be a commissioner, appointed by the governor, and a chief clerk, who shall be appointed by the commissioner. The term of office of the commissioner shall be four years, and he may be removed by the governor for incompetence, neglect or malfeasance in office. The commissioner shall execute a bond in the penal sum of five thousand dollars, to be approved by the governor, and to be filed with the state auditor for the faithful performance of his duties.

SEC. 2. Section 761 shall read as follows:

SECTION 761. The commissioner shall collect, assort and arrange, systematize and present in an annual report to the governor on or before the first day of December in each year, statistical details relating to all departments of labor and industry in the State of Montana, especially in relation to the agricultural, commercial, mining, manufacturing, educational and social interests and sanitary condition of the laboring classes and to the prosperity of all the productive industries of the State.

SEC. 3. Section 762 shall read as follows:

SECTION 762. The commissioner shall have the power to administer oaths, have and use a seal, with power, to examine witnesses under oath, to take depositions or cause the same to be taken by anyone authorized to take depositions, and said commissioner may depute any male citizen over the age of twenty-one years to serve subpoenas upon witnesses who shall be summoned in the same manner as witnesses before the district court, and any person or owner, operator, or lessee of any mine, factory, workshop, smelter, mill, ware-house, elevator, foundry, machine shop or other establishment, any agent or employee of such owner, operator, manager or lessee, who shall refuse to said commissioner admission therein for the purpose of inspecting, or who shall when requested by him willfully neglect or refuse to furnish to him any statistics or other information relating to his lawful duties, which may be in their possession or under their control, or who shall willfully neglect or refuse for thirty days to answer questions by circular or by personal application, or who shall knowingly answer such questions untruthfully or who shall refuse to obey any such subpoenas and give testimony according to the provisions of this act, shall for every such willful neglect or refusal be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than fifty nor more than one hundred dollars. *Provided*, That no witness shall be compelled to answer questions respecting his private affairs nor to go outside of his own county to give testimony.

SEC. 4. Section 763 shall read as follows:

SECTION 763. The commissioner of said bureau shall receive an annual salary of twenty-five hundred dollars and the chief clerk an annual salary of fifteen hundred dollars.

SEC. 5. Section 764 shall read as follows:

SECTION 764. The office of said commissioner shall be at the capitol of the State where all the books, records and statistics of the bureau shall be kept. The rent, salaries and other expenses of the said office shall be paid by the State in the same manner as is provided by law for the payment of the salaries and expenses of other State officers.

SEC. 6. Section 765 shall read as follows:

SECTION 765. The commissioner may incur such expense as is necessary in the discharge of the official duties of said bureau, provided that such expense, including pay of commissioner and chief clerk, shall not exceed the amount appropriated therefor in each year.

SEC. 7. Section 766 shall read as follows:

SECTION 766. It shall be lawful for the common council (council?) of any incorporated city within this State to provide for the establishment of a free public employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the commissioner of agriculture, labor and industry shall contain a detailed account of the transactions of all free employment offices within the State, showing the number of applicants for help, the number of applicants for employment, male and female, the number securing employment through said officers and the expenses thereof.

SEC. 8. Sections 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, and 777 of the Political Code of Montana are hereby repealed.

Approved March 4, 1897.

Mine regulations—Cages in shafts, etc.

(Page 245.)

SECTION 1. Section 705 of Title X of the Penal Code of the State of Montana, of an act concerning crimes against the public health and safety, approved March 15, 1895, is hereby amended to read as follows:

SECTION 705. It is unlawful for any corporation or person to sink, or work, through any vertical shaft where mining cages are used, to a greater depth than three hundred feet, unless said shaft shall be provided with an iron-bonneted safety cage, to be used in the lowering and hoisting of the employees thereof, said cage to be also provided with sheet iron or steel casing not less than one-eighth inch in thickness, or wire netting of not less than one-eighth inch in diameter; doors to be made of the same material, shall be hung on hinges, or may be made to slide and shall not be less than five feet high from the bottom of the cage, and said doors must be closed when lowering or hoisting men.

The safety apparatus, whether consisting of eccentrics, springs, or other device, must be securely fastened to the cage, and must be of sufficient strength to hold the cage loaded, at any depth to which the shaft may be sunk.

The iron bonnet of the aforesaid cage must be made of boiler sheet iron, of good quality, of at least three-sixteenths of an inch in thickness, and must cover the top of such cage in such manner as to afford the greatest protection to life and limb from anything falling down said shaft.

It shall be the duty of the mining inspector and his assistant to see that all cages are kept in compliance with this section and to also see that the safety dogs are kept in good order.

Every person or corporation failing to comply with any of the provisions of this section is punishable by a fine not less than three hundred dollars, nor more than one thousand dollars.

All acts and parts of acts in conflict with this section are hereby repealed.

This act shall be in effect from and after June 1, 1897.

Approved March 1, 1897.

NEW MEXICO.

ACTS OF 1897.

CHAPTER 16.—*Protection of employees, etc.—Unlawful and malicious interference with engines and cars, etc.*

SECTION 1. Any person or persons who shall unlawfully and without authority remove, take, steal, change, add to, take from, or in any manner interfere with any journal bearings or brasses or any of the parts or attachments of any locomotive, tender or car or any fixture or attachment belonging thereto, connected with and used in operating any locomotive, tender or car, owned, leased or used by any railroad, railway or transportation company in this Territory, shall be deemed guilty of a felony and upon conviction thereof before any court or competent tribunal, shall be subject to imprisonment in the Territorial penitentiary for not less than one year nor more than five years.

Provided, That if the malicious and unlawful removal of any such journal bearings or brasses, fixtures or attachments, or the unlawful and malicious change thereof or interference therewith, shall be the cause of wrecking or derailing any locomotive, car or cars, shall result in the injury or death of any employee, passenger or other person, such person or persons guilty of such removal, change, alteration, or interference with such journal bearing or brasses or other parts or attachments of any such locomotive, tender or car, or any fixture or attachment belonging thereto, connected with or used in operating such locomotive, tender or car, shall be deemed guilty of an assault with intent to commit murder, or guilty of murder as the case may be, and upon conviction thereof shall be punished as in other cases of assault with intent to commit murder and murder.

SEC. 2. Any person or persons who shall unlawfully and knowingly buy, receive, or aid in the concealment of any link, pin-bearing journal or other articles used exclusively for railroad purposes without the consent in writing of the president, general manager, or superintendent of the railroad owning such property within this Territory, such person shall be guilty of receiving stolen property knowing the same to be stolen, and be subject to the penalties prescribed under the laws of this Territory in other cases of knowingly receiving, buying and concealing stolen property. And any such property so purchased, received or concealed by any person or persons within this Territory, upon which is stamped the name or initials of any railroad company operating a railroad within this Territory, shall be *prima facie* evidence on the trial of any such offense of the true ownership of such property and of knowledge on the part of any such person or persons buying, receiving or aiding in the concealment of the same, that the same was or had been the property of the railroad company, the name or initials of which is, or are stamped or marked on such property.

SEC. 3. Any person who shall unlawfully and without authority remove any waste or lubricating packing from the journal boxes of any engine, tender, passenger coach, freight or way car of any railroad operating lines in this Territory, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not less than five dollars nor more than twenty-five dollars, or by imprisonment in the county jail for not less than ten days, nor more than thirty days, or by both such fine and imprisonment.

SEC. 4. Any person or persons who shall unlawfully or maliciously remove, carry away, destroy, break or injure any switch lamp or signal lamp or shall unlawfully change or extinguish the same while in place and being used as a signal along the line or at the switches or side tracks of any railroad company operating a railroad

in this Territory, and within this Territory, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars, nor more than one hundred dollars, or to imprisonment in the county jail for not less than ten days, nor more than one hundred days, or by both such fine and imprisonment.

This act shall take effect and be in force from and after its passage.

Approved February 17, 1897.

CHAPTER 71.—*Exemption from execution, etc.—Wages.*

Subdivision 6 of section 1, of Chapter XXXVII of the Laws of 1887, entitled, "An act to provide for the exemption of property from forced sale under execution" be so amended as to read as follows:

6. The personal earnings of the debtor for sixty days next preceding his application for such exemption, when it is made to appear by the affidavit of the debtor, or otherwise, that such earnings are necessary to the support of such debtor, or his wife or his family, *Provided*, That such exemption shall not apply to debts incurred for manual labor, or for the necessaries of life furnished the debtor or his family.

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:

PHILADELPHIA, PA.—September 3, 1897. Contract with Allen B. Rorke for trench excavation, portion of general excavation, concrete foundations, footing stones of terrace columns, stone and brick work of basement, yard and terrace walls, ironwork, brick arches, and concrete filling of terrace floors, etc., of the United States Mint building, \$138,400. Work to be completed within nine months.

NEW YORK, N. Y.—September 13, 1897. Contract with D. S. Hess & Co. for fitting up library room, etc., in the court-house and post-office, \$11,475. Work to be completed within three months.

NEW LONDON, CONN.—September 21, 1897. Contract with John A. Holland, Norwich, Conn., for heating and ventilating apparatus for the post-office and custom-house, \$1,987. Work to be completed within sixty-four days.

SAVANNAH, GA.—September 21, 1897. Contract with Charles B. Kruse Heating Company, Milwaukee, Wis., for heating and ventilating apparatus for court-house and post-office, \$4,962. Work to be completed within one hundred working days.

NEW YORK, N. Y.—September 22, 1897. Contract with James C. Wilson for rolling iron shutters for all windows above second story of appraisers' warehouse, \$32,690. Work to be completed within four months.

BOSTON, MASS.—September 27, 1897. Contract with Mosler Safe Company, New York, N. Y., for money vault and burglar-proof steel and iron plates for post-office and subtreasury, \$7,596. Work to be completed within one hundred working days.

LYNN, MASS.—September 30, 1897. Contract with Lynch & Woodward, Boston, Mass., for low-pressure, return-circulation steam heating and ventilating apparatus for post-office, \$3,230. Work to be completed within sixty days.

PATERSON, N. J.—October 5, 1897. Contract with McIlvain, Unkefer Co., Pittsburg, Pa., for erection and completion (except heating apparatus, vault doors, and tower clock) of post-office, \$130,755. Work to be completed within eighteen months.

NEW YORK, N. Y.—October 21, 1897. Contract with James Harley, Brooklyn, N. Y., for plumbing and gas piping in appraisers warehouse, \$29,985. Work to be completed within one hundred and twenty-five working days.

I N D E X.

	Page.
Anthracite mine laborers.....	728-774
Arbitration and conciliation in the boot and shoe industry.....	1-38
Arbitration and mediation, ninth annual report of the board of, of the State of New York.....	159
Building and loan associations.....	370-374
Conciliation and arbitration in the boot and shoe industry.....	1-38
Condition of the negro in various cities.....	257-369
Decisions of courts affecting labor:	
Alien contract-labor law not applicable to a chemist.....	173-175
Beneficial associations—not partnerships—ownership of property.....	528, 529
Chinese exclusion act—imprisonment at hard labor—constitutionality of provision.....	175-177
Chinese laborers—deportation.....	386, 387
Claim for wages—preference of same over prior mortgage.....	177-179
Conspiracy—strike—injunction—illegality of a “patrol”.....	197-201
Constitutional provision—when self-executing—enforcement of foreign law.....	185-187
Constitutionality of proposed statute regulating payment of wages— police power of the State.....	799, 800
Constitutionality of statute—	
antitrust act of Texas.....	800, 801
attorneys’ fees in suits for wages, etc.....	504-508
boiler inspectors act—exemptions.....	179, 180
claims for wages preferred.....	630-632
eight-hour law.....	387-391
hours of labor.....	508, 509
injuries to railroad employees—application of statute to railroads in hands of receivers.....	632-635
involuntary servitude—sailors in the merchant service.....	509-516
laborers’ liens on threshing machines.....	635, 636
licensing of laundries.....	517
mechanics’ lien act.....	517-520
mine regulations.....	636, 637
sale of foreign convict-made goods.....	801-803
service of process in suits for services and labor.....	803, 804
Sunday labor—barbers.....	180-182, 520, 521
Sunday labor—running of freight trains.....	182-185
Sunday labor—running of railroad trains.....	521
wages preferred.....	637-639
Construction of statute—alien contract labor.....	804, 805
Construction of statute—fellow-servant act of Texas.....	805-808
Contract compelling employee to join labor union unlawful.....	529-532
Contract of employment—consideration.....	813, 814
Contract of employment—statute of frauds.....	522

Decisions of courts affecting labor—Continued.	Page.
Contract of service to work out fine and costs—modification of such contract illegal	187, 188
Definition of "wages" under law exempting same from garnishment...	188, 189
Employers' liability—	
amount received on accident policy not to be considered in mitigation of damages	814, 815
assumption of risk	654, 655
competency of physician as witness	522-524
construction of statute	639, 640, 800, 810
construction of statute—discontinuance of suit by administrator...	524-526
custom—concurring negligence	815, 816
duties of master	655
duties of master—assumption of risk, by employee	201, 202
duties of servant—duties of master	202, 203
electric railway company	203, 204
electric railway companies—duties of the master	656, 657
fellow-servant act of Texas	657-659
fellow-servants	204-206, 659-662
fellow-servants—principal and agent—scope of authority	662-665
masters' duty, etc	84-87
measure of damages	206, 207
negligence	640, 641, 665-667
negligence of minor employees—application of New York factory act	810, 811
railroad companies	80, 81, 87, 88, 207, 208, 641-645, 667-670
railroad companies—assumption of risk—contributory negligence..	208-211
railroad companies—assumption of risk—negligence	211, 212
railroad companies—assumption of risk by employees	816, 817
railroad companies—assumption of risk by employees—relief associations	817, 818
railroad companies—construction of statute	811-813
railroad companies—disobedience of rules—contributory negligence	670
railroad companies—duty of master	212, 213, 818, 819
railroad companies—duties of the master—assumption of risks by employees	671
railroad companies—employees' contracts of service—fellow-servants	213, 214
railroad companies—fellow servants	189-191, 214-217, 671, 672
railroad companies—masters' negligence, etc	218-220
railroad companies—negligence of company's surgeon	220
railroad companies—negligence of the master—assumption of risks by employees	672, 673
release of claim for damages	220-222
relief associations	222-224
retention of incompetent foreman	645, 646
street railway companies—fellow-servants	224, 225
substitution by employer	225, 226
temporary danger	226
unblocked railway frog—contributory negligence	81, 82
validity of contracts making the acceptance of benefits by employees from railway relief fund a waiver of claims for personal injury.	646-649
Exemption from garnishment—wages	526, 527, 649, 650
Fellow-servant act of Arkansas	651, 652

Decisions of courts affecting labor—Concluded.	Page.
Fellow-servant act of Texas—street railroads.....	83, 84
Garnishment—liability of employer for wages paid into court with consent of employee.....	820
Government employees—right of per-diem employee to compensation for time while under suspension.....	820-822
Issue of nontransferable pay checks—refusal to cash same when presented by parties other than employees—damages.....	822, 823
Jurisdiction of Federal courts—injunction—contempt.....	532-536
Laborers' lien on crops—enforceable against purchaser without notice.....	527, 528
Laborers' liens—who entitled to.....	191-193
Logging liens—construction of statute.....	82
Maritime liens—employees on steam dredge.....	227, 228
Master and servant—contract of hiring.....	228, 229
Master and servant—degree of care.....	230
Master and servant—interpretation of contract of employment.....	230, 231
Master and servant—risks of employment.....	824, 825
Measure of damages for wrongful discharge.....	89
Mechanics' liens—applicability of act to street railways—constitutionality of act.....	193, 194
Mortgages on crops—laborers' liens on same—priority.....	194-197
Negligence of employees—liability to fellow-servant.....	673, 674
Seamen—allowance of wages upon discharge before beginning of voyage.....	652, 653
Unauthorized discharge of servants—damages.....	89, 90
Digest of recent foreign statistical publications:	
Report of the Departmental Committee on the Importation into the United Kingdom of Foreign Prison-made Goods.....	70, 71
Vierteljahrshäfte zur Statistik des Deutschen Reichs. Ergänzungsheft enthaltend Hauptergebnisse der Berufszählung vom 14. Juni 1895 im Deutschen Reich.....	71, 72
Geschichte und Organisation der amtlichen Statistik in Ungarn.....	73
Report on the Strikes and Lockouts of 1895 in Great Britain and Ireland.....	160-165
Lois et règlements concernant le travail des femmes et des enfants, la police des établissements classés, le payement des salaires aux ouvriers, les règlements d'atelier et l'inspection du travail (Belgium)....	165
Congrès National des Habitations Ouvrières et des Institutions de Prévoyance, Antwerp, 1894.....	165, 166
Erstellung billiger Wohnungen durch die Gemeinde Bern.....	166, 167
Publications of the Musée Social, Paris, France.....	167-172
Die Arbeitseinstellungen und Aussperrungen im Gewerbebetriebe in Österreich während des Jahres 1895.....	381-384
Neuvième rapport annuel du Comité Directeur de la Fédération Ouvrière Suisse et du Secrétariat Ouvrier Suisse pour l'année 1895.....	384, 385
Travail du Dimanche. Vol. V, Pays étrangers (Allemagne, Autriche, Suisse, Angleterre).....	495-498
Vierteljahrshäfte zur Statistik des Deutschen Reichs. Ergänzung zum vierten Heft. Die beschäftigungslosen Arbeitnehmer im Deutschen Reich am 14. Juni und 2. Dezember 1895.....	498-503
Fourteenth Annual Report of the Bureau of Industries for the Province of Ontario, 1895.....	614, 615
Eighth Report on Trade Unions in Great Britain and Ireland, 1894 and 1895.....	615-622
Documents sur la Question du Chômage (France).....	622-624
Berufs- und Gewerbezahlung vom 14. Juni 1895. Berufsstatistik für das Deutsche Reich im Ganzen. Erster Theil.....	624-627

	Page.
Digest of recent foreign statistical publications—Concluded.	
Statistica degli Scioperi avvenuti nell'Industria e nell'Agricoltura durante l'anno 1895 (Italy).....	627-629
Travail du Dimanche: Établissements Industriels (non compris les mines, minières et carrières) (Belgium).....	790-792
Statistique des Grèves et des Recours à la Conciliation et à l'Arbitrage survenus pendant l'Année 1896 (France).....	792-797
Onderzoek naar de geschiedenis en werkzaamheid der Vakvereeningen. Bijdragen tot de statistiek van Nederland. IV.....	797, 798
Digest of recent reports of State bureaus of labor statistics:	
California.....	602-604
Colorado.....	375-377
Connecticut.....	149-151
Indiana.....	487-491
Maine.....	492-494
Maryland.....	775, 776
Massachusetts.....	58-67
Michigan.....	604-606
Minnesota.....	67-69
Missouri.....	377-379
Montana.....	606-608
Nebraska.....	379, 380
New Hampshire.....	608-611
New Jersey.....	777-780
New York.....	151-156
North Carolina.....	780-782
Ohio.....	156-158
Rhode Island.....	611-613
Tennessee.....	782, 783
Dutch Society for General Welfare.....	130-148
Editorial note concerning strikes in, and the productive power of the laborers of, the United States.....	689, 690
Factory inspection in the United States.....	549-568
Government contracts.....	112, 236, 392, 548, 688, 838
Industries, population of the German Empire in 1895 engaged in various.....	71, 72, 624-627
Inspection of factories and workshops in the United States.....	549-568
Insurance of workingmen against idleness in Switzerland.....	169-172
Italians in Chicago.....	691-727
Labor bureaus, official bulletins of foreign:	
Belgium.....	76-79
France.....	75, 76
Great Britain.....	74, 75
New Zealand.....	79
Laws relating to labor:	
Alabama.....	675-679
California.....	679, 680
District of Columbia.....	91
Idaho.....	681-681
Indiana.....	537-547
Kansas.....	826-829
Maine.....	684, 685
Missouri.....	830-832
Montana.....	833-836
New Jersey.....	232-234

	Page.
Laws relating to labor—Concluded.	
New Mexico	836, 837
New York	91-104
North Carolina	547
Oklahoma	685-687
South Carolina	234, 235
Utah	104-111
Manufactures in Massachusetts, tenth report on the annual statistics of....	784-789
Mediation and arbitration, ninth annual report of the board of, of the State of New York	159
Municipal or cooperative restaurant of Grenoble, France.....	594-601
Mutual rights and duties of parents and children, guardianship, etc., under the law.....	569-593
Negro, condition of the, in various cities.....	257-369
Padrone system and padrone banks	113-129
Prison-made goods, importation of foreign, into the United Kingdom.....	70, 71
Public baths in Europe	434-486
Railway relief departments	39-57
Strikes and lockouts during 1895 in—	
Austria.....	381-384
Great Britain and Ireland.....	160-165
Italy	627-629
Switzerland	384, 385
Strikes and lockouts during 1896 in France.....	792-797
Sunday labor in—	
Austria	496, 497
Belgium	790-792
England	498
Germany	495, 496
Switzerland	497, 498
Trade unions in Great Britain and Ireland, 1894 and 1895	615-622
Trade unions in the Netherlands, history and operations of.....	797, 798
Unemployed in France, study of the question of the.....	622-624
Unemployed in the German Empire in 1895, census of the.....	493-503
Work and wages of men, women, and children	237-256
Workers at gainful occupations at the Federal censuses of 1870, 1880, and 1890	393-433
Workingmen, insurance of, against idleness in Switzerland.....	169-172
Workingmen's dwellings erected by the city of Berne, Switzerland	166, 167