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BULLETIN

OF THE

DEPARTMENT OF LABOR.

No. 28. WASHINGTON. MAY, 1900.

VOLUNTARY CONCILIATION AND ARBITRATION IN GREAT BRITAIN.

BY JOHN BRUCE M'PHERSON. (*a*)

[In Bulletin No. 8, the issue of January, 1897, the history of conciliation and arbitration in the boot and shoe industry in the United States was given. In the article here presented the aim has been to show in like manner the growth and present status of voluntary conciliation and arbitration in various industries of Great Britain. This, it is believed, will be of greater value because of the longer development and more general adoption of concilation and arbitration in Great Britain when compared with our own country. The history of the disputes and discussions in the principal industries leading up to the adoption of the present rules has been given in the case of each board of conciliation and arbitration. This, of course, involves a sameness of treatment that savors largely of repetition. It is believed that this method of presentation is justified by the fact that it is only through a study of the disputes, the strikes and lockouts growing out of them, and the efforts, successful and otherwise, to arrive at a settlement and to avoid disputes in the future that a clear understanding will be had of the reasons for the variations in details in the rules for the organization of boards and the methods of procedure that have been adopted for avoiding or settling disputes

a In making this investigation the writer wishes to acknowledge valuable assistance from Mr. Llewellyn Smith, commissioner of labor of Great Britain, J. Ratcliffe Ellis, T. Ashton, Ralph Young, James Cox, J. Dennington, J. C. Bishop, John Cronin, Luke Fenwick, T. Biggart, James Robinson, W. Glennie, A. W. Chamberlin, Richard Cort, G. F. Lea, Robert Harrison, E. L. Poulton, James Mawdsley, W. H. Wilkinson, James Johnson, J. Thompson, John Taylor, Mr. Owen, H. A. Goodyer, W. A. Appleton, E. A. Beaumont, E. J. Smith, W. A. Addinsall, E. J. Davis, S. B. Burton, and Charles E. Musgrave.

between employer and employee in the various industries. The subject is so new and so important that a knowledge of all of the various methods of conciliation and arbitration and of the experience under each seems likely to be both of interest and of value.—C. D. W.]

Many years ago the manufacturers and workmen of England recognized the futility of industrial wars and set about devising ways to avoid, if possible, trade disputes; and if impossible to do that, to arbitrate and settle them in peaceful ways. In that little Kingdom there are great industries; and, as a result, there have been great strikes, lasting for many weeks, long-continued contests between capital and labor, causing great loss and suffering. There have been great riots and arson and destruction of property. The manufacturers and workmen grew tired after many years of these destructive methods—tired of jealousies and vindictiveness—and for the last 40 years, or since 1860 and even earlier, the doctrines of conciliation and arbitration have been taking root and growing, until at present there is scarcely a trade or a trade center in England which has not its boards and committees organized to bring quiet and contentment, or at least less discontent, to both masters and men.

We can not close our eyes to the strike in the coal trade in 1893, the engineering dispute in 1897, or the several contests in the shoe trade; but during 40 years both men and masters have been tried in the crucible of experience, and out of it all has come a confirmed and widespread belief in the efficacy of conciliation and arbitration in the settlement of all trade difficulties. When Mr. Mundella began his experiment with conciliation and arbitration in the hosiery trade in 1860 and a few years later Mr. Rupert Kettle continued and extended the work as arbitrator in the Northampton building trades, they probably little realized how, before the beginning of the next century, the principle would permeate nearly every one of the great number of trades of the Kingdom.

Many of the legal principles and customs of the United States have been derived from England. Something can be gained from her experience in industrial matters. With its vast commercial enterprises this country should profit by her experience and avoid, as much as possible, the very struggles her manufacturers and workmen have gone through. Thus an attempt should be made to escape these industrial conflicts which are as harmful to the industries of the country as war is harmful to its finances.

Strikes are not favored by the men, one of whose representatives years ago declared them to be "crimes unless prompted by absolute necessity." At the recent International Miners' Congress, held at Brussels in May, 1899, Mr. Burt, the representative of the Northumberland miners in Parliament, regretted the strike of the Belgian miners and said it would have been much better if they had obtained

their advances without a strike. In his opinion "every possible means should be tried of obtaining the workmen's rights without going on strike."

The men as well as the masters prefer peace to war. The rules governing the masters' and the men's associations and societies recognize how baleful and inimical to the interests of both are strikes and disputes, and provision is made for careful investigation of all complaints before it is possible to declare a strike or lockout. While these measures are taken to prevent outbreaks between the two sides, almost equal caution is taken to avoid disagreements within each association. When the order for a strike is given, it is only after every effort has been made to arrange the difference in a peaceful way, and the belief in the justice of the demand is fixed and sure.

After the conflict is on strenuous efforts are made by the opposing sides to influence public opinion. The press devotes much space to manifestos and communications from the several secretaries and friends of the belligerents, while the church dignitaries and statesmen are occasionally appealed to, when the situation becomes grave, to lend their influence toward effecting a settlement.

Among the early difficulties of conciliation and arbitration was the unwillingness of the employers to recognize the trade unions. The day for opposition to them has passed, and to-day employers readily grant the right of the men to organize. Not only do they grant the right, but they favor organization, and declare the impossibility of carrying on negotiations without organized bodies. The fight for the existence of the unions and collective bargaining has been made and won. Organization on each side is essential and desirable. The manufacturers feel that it is better to deal with representatives of an organization, which has a past and is likely to be conservative, than with disorganized labor which frequently degenerates into a mob. On the other hand, the men find it more satisfactory to deal with employers organized into an association than with individual masters. The former are regarded as more liberal and less selfish than the latter, and much personal bitterness is eliminated.

The necessity for organization on each side, under compulsory arbitration, is shown by the plan adopted in New Zealand, which contemplates the organization of employers and employed into associations and unions as the foundation of the whole structure. It is believed, whether under compulsory or voluntary action, to be better for each side and for the public that the parties to an industrial dispute should be committees and not mobs. Inducements are given and rules provided for this organization of both employers and men.

Strikes more frequently result from lack of organization than from organization. As powerful armies and navies are supposed to make for peace rather than war, so well-organized associations, with well-

filled treasuries, are regarded not as a menace to peace in the trades, but as a powerful preventive of war.

To-day in England each side in nearly every trade is strongly banded together, and with careful systems of organization and unlimited funds with which to sustain themselves, tremendous conflicts could be precipitated were there no peaceful methods agreed upon binding all concerned for the settlement of differences. Without such methods the two powerful armed camps, ready to declare industrial war, would be a danger to all trades, and with hostilities once begun great suffering and loss would certainly follow.

Under present conditions it is most necessary that all conciliatory means should be exhausted before actual warfare is begun. When a strike has been ordered and carried on for some time it is usually brought to a close by the intervention of a third person, or by a conference between the antagonists. If the end can be reached in this way after a time of weary fighting and loss, why not let the conference precede the strike and prevent all the distressing accompaniments of such a struggle? Many strikes have been caused by slight misunderstandings, and have been brought to an end by exhaustion, not by voluntary submission on either side; and bitterness has resulted where acquiescence should have been found. It is necessary, therefore, to have a place for calm, second thought, where the whole situation may be gone over in a courteous, argumentative way about a common table, with equal chance for expression of views and opinions. The conciliation boards offer such opportunity before the men go on record one way or the other and before their better judgment is carried away by passion or prejudice. The prevailing idea is that there must be no dealing at arm's length. Some machinery must be devised by which capital and labor can be brought into contact, explanations made to the workmen which they have a right to hear, and discussion of all questions in dispute encouraged.

As early as the fourteenth century repeated attempts were made in England to fix wages by parliamentary regulation, but all were ineffectual. The first statute of laborers was passed in 1349 fixing wages at rates prevailing two decades earlier. In 1389 an act was passed which enjoined justices of the peace to settle and proclaim wages. During the reigns of Henry VI, Henry VII, and Henry VIII, wages were alternately fixed by statute or by decisions of the justices. Another statute of laborers was passed in the time of Elizabeth abolishing all previous acts, fixing hours of labor with great minuteness, and authorizing the justices in session to decide the rates of wages. This act was confirmed by James I, and was extended to all workmen. By the act of 1796 justices were directed to establish a national rate of wages, but this was repealed in 1834.

The English people have seen the futility of such legislation, and for the past 40 years have been turning more and more to voluntary means

of settling wages and all labor disputes. The early promoters of conciliation, Mr. Mundella and Mr. Kettle, with their successors have insisted always that to make the procedure successful it must be purely voluntary. Legislation within the present century has made few attempts at compulsory regulation of labor matters, but rather has been directed toward removing restrictions placed on masters and men. The general feeling now is that expressed by Mr. Bradlaugh that "Parliament should only interfere in industial pursuits of adults where necessary to protect life or limb, including in this, sanitary legislation."

Parliamentary committees have investigated many phases of the labor question, and one of the latest acts of Parliament, the conciliation act of 1896, repeals the masters and workmen arbitration act of 1824, the councils of the conciliation act of 1867, and the arbitration (masters and workmen) act of 1872. This latest statute is entitled "An act to make better provision for the prevention and settlement of trade disputes." It provides for the registration by the board of trade of any board established for the purpose of settling disputes between employers and workmen. The application must be accompanied by copies of the constitution, by-laws, and regulations of the conciliation board, with reports of its proceedings and such other information as the board of trade may reasonably require. The act contains the following provisions regarding the settlement of disputes:

Where a difference exists or is apprehended between an employer, or any class of employers, and workmen, or between different classes of workmen, the board of trade may, if they think fit, exercise all or any of the following powers, namely:

1. Inquire into the causes and circumstances of the difference.

2. Take such steps as to the board may seem expedient for the purpose of enabling the parties to the difference to meet together, by themselves or their representatives, under the presidency of a chairman mutually agreed upon or nominated by the board of trade or by some other person or body, with a view to the amicable settlement of the difference.

3. On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a board of conciliation.

4. On the application of both parties to the difference, appoint an arbitrator.

If any person is so appointed to act as conciliator, he shall inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavor to bring about a settlement of the difference, and shall report his proceedings to the board of trade.

If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof shall be drawn up and signed by the parties or their representatives, and a copy thereof shall be delivered to and kept by the board of trade.

It is, however, with the workings of purely voluntary boards of conciliation and arbitration that this report has to deal. Notwithstanding the statement of the advocates of the New Zealand compulsory arbitration act that investigation shows the worthlessness of voluntary methods, the representatives of the English employers and workmen seem to believe that under existing conditions voluntary conciliation and arbitration are by far the best and, in fact, the only rational means of avoiding disputes and of settling them after they have once arisen.

By securing the views of representatives of the two sides and bringing them to the attention of capitalists and workmen on this side of the Atlantic, it is hoped that we, if we are wise, with their experiences and blunders from which to learn lessons that have cost them dear, may at least try to avoid some of their mistakes and imitate their successes, to the great good of all engaged in trade. Their experience proves conclusively that amicable relations can be maintained in any trade, security obtained for the masters, and fair wages for the men by the simple, quiet method of conference and agreement.

For this investigation trades were chosen which we have in this country, as, for example, the coal trade, boot and shoe, lace, iron and steel, engineering, machinist, weaving and spinning, shipbuilding, potteries, and brass trades. While the record is not one of unbroken successes, yet the testimony, on the whole, shows satisfaction with the method; and all agree that it is vastly better than the old order with strikes and lockouts, and far more in harmony with present day ideas of the duty owed by man to man.

THE ENGINEERING TRADE.

One of the largest and most wide-reaching controversies among English workmen in recent years was that between the Amalgamated Society of Engineers (machinists) and the Employers' Federation of Engineering Associations in 1897. The immediate cause of the conflict was the demand for an eight-hour day.

Relations far from cordial had existed between masters and men since 1892, the friction being confined chiefly to the marine engineering centers. Between 1892 and 1897 the federation had been greatly strengthened; the employers had also been organized since 1896, and there arose a feeling of irritation on both sides. The workmen imagined that the employers viewed their federation with dislike, and regarded trade unionism with opposition and hatred, while the manufacturers were needlessly irritated by many frivolous claims made under cover of membership of the unions. During these years little

effort was made to conciliate the members of the two organizations or harmonize their differences. Wise counsels were not heeded to stop the growth of irritation and resentment. With such a condition in the trade, it was not surprising that when the demand was made for a reduction of hours and was refused, it afforded an opportunity for the two sides to come to open hostilities, toward which they had long been tending, and which were not unwelcome to many.

In January a number of the London firms agreed to a reduction of hours on old work, and in February yielded as to new work also, this change affecting 400 or 500 men. Concessions having been secured from some employers it was decided to make a general request of all for the shorter day.

Early in March, 1897, a circular was issued by the London district committee of the Amalgamated Society of Engineers to the London district members, which set forth that more than 3,000 members of the society were working an 8-hour day in London; that the Government had granted such hours of labor to its employees at the Woolwich Arsenal and many private works had made a like concession, and that the committee had decided to put the question to a vote. The committee favored the request for an 8-hour day and a 48-hour week, without reduction of pay. The vote was 2,692 in favor of the demand and 372 against it.

Under date of April 30 a communication was sent to the employers in the engineering, machine, and other industries in London and district by the representative of the Amalgamated Society of Engineers, and kindred trades, requesting them to concede the 8-hour working day without reduction of pay, and asking an answer not later than the 26th of May. The committee that initiated the movement was composed of the Amalgamated Society of Engineers, Boiler Makers and Iron and Steel Ship Builders' Society, Steam Engine Makers' Society, United Society of Smiths and Hammermen, London and Provincial Society of Coppersmiths, London United Society of Drillers, and the United Machine Workers' Association.

The following societies also joined after movement was well under way: London United Society of Brass Finishers (engineering section), London and Provincial Society of Hammermen, Marine and General Engineers' Society, Amalgamated Society of Tool Makers, Scientific Instrument Makers, and London United Society of Brass Founders.

During July the boiler makers withdrew from the joint committee and the subsequent long struggle was waged without their assistance.

A joint reply was received from a number of employers stating that the request was receiving careful attention, while the federation committee, finding that some employers were starting their men to work overtime and rushing work, stopped this extra work from May 28.

On the 5th of June the employers' association notified the men that they could not grant the reduction of hours, and regretted the attempt "to coerce our London members by the arbitrary suspension of all overtime." On the same day the men were notified that the London District Association of Engineering Employers had been admitted to the employers' federation.

On June 28 the men's representatives notified the employers of the intention of the men to cease work at three establishments on July 3 unless the 8-hour day was conceded. On July 1 the Federated Engineering Employers and the Shipbuilders and Iron Trades Association replied to the above notice by the adoption of the following resolution:

That in the event of the members of the trade unions represented by the joint committee of these unions for securing a reduction of the working hours in London from 54 to 48 per week going out on strike on Saturday, July 3, as threatened, in any workshop belonging to a member of the federated employers, notices will immediately be given by the members of the associations affiliated to the federation that a reduction of hands of 25 per cent will take place of the members of such unions in their employment.

Many of the district organizations favored the acceptance of the challenge and instructions were issued recommending that in case the notices should be given to "the 25 per cent," there should be stoppage of all overtime work, the organization of lockout committees, and a retaliatory notice for all men to cease work simultaneously with "the 25 per cent."

On the 3d of July the men in 3 London firms ceased work and 10 days later a lockout was generally enforced throughout the country, 16,944 members of the Amalgamated Society of Engineers being thrown out of employment.

The demand of the men was justified on several grounds. The improvement in recent years of inner London caused a hardship to the workmen in that, owing to increased rentals they were pushed farther and farther from their work. They were due at the factory at 6 o'clock, which necessitated their leaving home without breakfast as early as 4 or 4.30 in the morning. Nine hours in the workshop meant an absence of 12 or more hours from their homes. Domestic life was greatly interfered with, the men complaining that they had no time for mental culture or participation in public affairs, hence the desire for a shorter working day. They also declared that the real object of the employers was to crush the Amalgamated Society of Engineers and strike an effective blow at trade unionism.

The direct cause of the trouble from the men's standpoint was the intermeddling of the employers' federation with a local dispute. In January and February there had been serious differences over trifling matters, but they had been adjusted. The London engineers had been

negotiating in the two months mentioned for the 8-hour day with the only organization of London employers of which they had knowledge, and the concession was made to these men in their employ. The same demand was then made on all the employers in the district. Many, it is stated, fell in line; some hesitated and finally acquiesced, but others held out and joined the employers' federation on the 5th of June.

Their grievance with the employers' federation was the threat made by the employers on July 1 to declare a lockout over the whole country unless the former withdrew notices served on the London nonconceding firms who joined the federation only on June 5. They felt the employers' federation had converted a local negotiation, amicably proceeding to adjustment, into a national dispute. A great majority of the London firms had conceded the shorter hours and about 30 firms had joined in the lockout. The men felt they had no alternative left but to stop overtime work and to follow that with a strike against those firms who refused. This was in justice to the firms that had conceded the demand.

For the first time in a long period the masters were thoroughly united in opposition to the 48-hour week; and to protect their London members the employers' federation took united action to avoid sectional defeat before it was made general over the country.

It was denied emphatically that the object of the employers' federation was to smash the engineers' society. The masters were compelled to organize, it was said, because the society had been using irritating tactics for some years which much disturbed the trade. Inequitable concessions were obtained from single and isolated manufacturers and the situation became so intolerable that they sought protection in union, the object being, according to the manifesto issued, "to preserve industrial peace by preventing the preferment of inequitable demands, compliance with which was extorted by the use of force." The employers always insisted it was a strike and not a lockout, while the labor leaders insisted, with like firmness, that it was a lockout and not a strike.

During September and October the president of the board of trade tried to arrange a conference between the two parties, but was unsuccessful. The answer of the employers was—

1. The demand for a reduction of the working hours to 48 per week has been carefully considered, and the employers can only repeat that the conditions of the engineering and allied trades do not admit of any reduction of hours.
2. An important point involved in the dispute is the question of the management of works, and the federation is determined to secure for its members absolute freedom in this respect.
3. Under these circumstances any intervention of third parties can have no useful effect, and can not therefore be entertained.

The board of trade persisted in the effort to effect a settlement of the trouble, and on October 21 wrote both parties, inclosing for approval a rough draft of an agreement.

After the lapse of a month a conference was held which lasted for seven days, resulting in the submission of certain proposals, made by the employers to the men for refusal or adoption. These were as follows:

RATING OF WORKMEN ACCORDING TO ABILITY.

Every workman shall be paid according to his ability, and no employer shall be restricted in employing any workman at any rate of wages mutually satisfactory to them.

NOTE.—It must be distinctly understood that by the foregoing there is no intention whatever to reduce the rate of wages paid to efficient workmen.

The following are some illustrations of the necessity for employers having the freedom referred to:

In most works there are old servants, men up in years, or men whose efficiency is impaired by partial disablement or indifferent health, who are not able to earn the same wages as younger and stronger men; there are also men who, although they may have had a mechanical training, are not, from various circumstances, worth as high a rate of wages as other more able men, but still all these classes of workmen may be worth a lesser rate of wages. The employers must have the option of engaging or retaining these or other men at such rates of wages as are mutually satisfactory, rather than refuse them employment on work on which they could be advantageously employed.

APPRENTICES.

There shall be no limitation of the number of apprentices.

SELECTION, TRAINING, AND EMPLOYMENT OF OPERATIVES.

The machine tools are the property of the employers, and they are responsible for the work turned out by them. They therefore will continue to exercise their discretion to appoint the men they consider suitable to work them, and determine the conditions under which such machine tools shall be worked.

The employers consider it their duty to encourage ability wherever they find it, and shall have the right to select, train, and employ those whom they consider best adapted to the various operations carried on in their workshops, and will pay them according to their ability as workmen.

PROPOSALS FOR AVOIDING FURTHER DISPUTES.

With a view to avoiding disputes in future, deputations of workmen will be received by employers, or their representatives, by appointment, for mutual discussion of questions in the settlement of which both parties are directly concerned, but only the local associations of employers will negotiate with trade-union officials.

Failing settlement by the local association and the trade union of any question brought before them, the matter shall be forthwith referred to the executive board of the federation and the central authority of the trade union, and pending the question being dealt with there shall be no stoppage of work, either of a partial or general character, but work shall proceed under the current conditions.

Every workman shall be free to belong to a trade union or not, as he may think fit.

Every employer shall be free to employ any man, whether he belong or not to a trade union.

Every workman shall undertake to work peaceably and harmoniously with all fellow employees, whether he or they belong to a trade union or not.

PIECEWORK.

The right to work piecework, at present exercised by many of the federated employers, shall be extended to all members of the federation and to all their workmen.

The prices to be paid for piecework shall be fixed by mutual arrangement between the employer and the workmen who are to perform the work.

The federation will not countenance any piecework conditions which will not allow an efficient workman to earn at least the wage at which he is rated.

The federation recommend that all wages and balances shall be paid through the office.

OVERTIME.

Terms of recommendation agreed to be made to employers.

When overtime is necessary the federated employers recommend the following as a basis and guide:

That no man shall be required to work more than forty hours overtime in any four weeks, after full shop hours have been worked.

In the following cases overtime is not to be restricted, viz:

Breakdowns in plant.

General repairs, including ships.

Repairs or replace work, whether for the employer or his customers.

Trial trips.

No alteration, or restriction, or extension of this basis shall be made except by mutual agreement between the employer and the individual workman concerned.

This basis is to apply only to members of the trade unions who are represented at this conference.

All existing restrictions as regards overtime are to be removed.

An address was issued by the men's leaders when these terms were submitted for ratification or rejection, which was unfavorable to them, and the vote of 68,966 against them to 752 in their favor showed the men were with their leaders.

A second conference was held on the 14th of December and lasted for four days. The terms offered at this conference were exactly those afterwards agreed to, except the notes and the last three paragraphs of the agreement.

The men's representatives offered a proposal for a 51-hour week, and on this, too, the vote was taken. For the modified proposals of the employers the vote was 1,041; against them, 54,933. For the 51-hour week 8,515 votes were cast, with 42,080 against it.

The lockout was extending, and suffering and privation were increasing among the men. Voluntary subscriptions for their support were falling off, and on January 13 the London joint committee which ordered the strike passed a resolution to withdraw the demand for the 8-hour day. Notice of this was given to the employers, who consented to incorporate in the terms of settlement notes and explanations tend-

ing to protect the interests of the trade unions, and the men were advised to accept the offer. This they did by a vote of 28,588 to 13,927, and the contest came to an end January 31, 1898, after a struggle lasting more than 30 weeks. The cost to the men in the funds of the amalgamated society was more than £227,000 ($1,104,695.50), while the loss to the employers will never be known. In the end the men lost the 8-hour day, the first cause of the struggle, but gained some formal recognition of trade unionism, which the employers all the while protested they were not fighting and had no desire to crush. The terms finally agreed upon were as follows:

The federated employers, while disavowing any intention of interfering with the proper functions of trade unions, will admit no interference with the management of their business, and reserve to themselves the right to introduce into any federated workshop, at the option of the employer concerned, any condition of labor under which any member of the trade unions here represented were working at the commencement of the dispute in any of the workshops of the federated employers; but in the event of any trade union desiring to raise any question arising therefrom a meeting can be arranged by application to the secretary of the employers' local association to discuss the matter.

Nothing in the foregoing shall be construed as applying to the normal hours of work or to general rises and falls of wages or to rates of remuneration.

NOTE.—No new condition of labor is introduced or covered by this clause. It simply provides for equality of treatment between the unions and the federation by reserving for all the members of all the trade unions, as well as for all the federated employers, the same liberty which many trade unionists and many employers have always had.

Special provision is made in the clause and in the subsequent "provisions for avoiding future disputes" to secure to workingmen or their representatives the right of bringing forward for discussion any grievance or supposed grievance.

Every workman shall be free to belong to a trade union or not, as he may think fit.

Every employer shall be free to employ any man, whether he belong or not to a trade union.

Every workman who elects to work in a federated workshop shall work peaceably and harmoniously with all fellow-employees, whether he or they belong to a trade union or not. He shall also be free to leave such employment, but no collective action shall be taken until the matter has been dealt with under the provisions for avoiding disputes.

The federation do not advise their members to object to union workmen or give preference to nonunion workmen.

NOTE.—The right of a man to join a trade union if he pleases involves the right of a man to abstain from joining a trade union if he pleases. This clause merely protects both rights. The federation sincerely hope that a better understanding will prevent any question of preference arising in the future, and advise the members not to object to union workmen.

The right to work piecework at present exercised by many of the federated employers shall be extended to all members of the federation and to all their union workmen.

The prices to be paid for piecework shall be fixed by mutual arrangement between the employer and the workman or workmen who perform the work.

The federation will not countenance any piecework conditions which will not allow a workman of average efficiency to earn at least the wage at which he is rated. (*a*)

The federation recommend that all wages and balances shall be paid through the office.

NOTE.—These are just the conditions that have been for long in force in various shops. Individual workmen are much benefited by piecework.

A mutual arrangement as to piecework rates between employer and workman in no way interferes with the functions of the unions in arranging with their own members the rates and conditions under which they shall work.

When overtime is necessary the federated employers recommend the following as a basis and guide:

That no man shall be required to work more than forty hours overtime in any four weeks after full shop hours have been worked, allowance being made for time lost through sickness or absence with leave.

In the following cases overtime is not to be restricted, viz:

Breakdowns in plant.

General repairs, including ships.

Repairs or replace work, whether for the employer or his customers.

Trial trips.

It is mutually agreed that in cases of urgency and emergency restrictions shall not apply.

This basis is to apply only to members of the trade unions who are represented at this conference.

All other existing restrictions as regards overtime are to be removed.

It is understood that if mutually satisfactory to the local association of employers and the workmen concerned, existing practices regarding overtime may be continued.

NOTE.—These overtime conditions are precisely the conditions now in operation in various places, though in many federated workshops no limitation whatever exists at the present time. In many cases this will be the first attempt to regulate or prevent excess of overtime.

Employers shall be free to employ workmen at rates of wages mutually satisfactory. They do not object to the unions, or any other body of workmen in their collective capacity, arranging amongst themselves rates of wages at which they will accept work, but while admitting this position they decline to enforce a rule of any society or an agreement between any society and its members.

The unions will not interfere in any way with the wages of workmen outside their own unions.

General alterations in the rate of wages in any district or districts will be negotiated between the employers' local association and the local representatives of the trade unions or other bodies of workmen concerned.

NOTE.—Collective bargaining between the unions and the employers' associations is here made the subject of distinct agreement.

The other clauses simply mean that as regards the wages to be paid there shall be (1) freedom to the employer; (2) freedom to the union workmen, both individually and in their collective capacity—that is to say, collective bargaining in its true sense is fully preserved; and (3) freedom to nonunionists.

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a In reply to an inquiry as to the interpretation of this paragraph, the employers' secretaries, on January 21, 1898, wrote to the general secretary of the A. S. E., stating that the general note (appended to the explanations) which disclaims any intention of reducing the rates of wages of skilled men "applies both to time, wages, and to piecework earnings; in the latter case there is no intention of interfering with the usual practice of making extra payment for extra effort."

These conditions are precisely those in operation at present on the northeast coast, the Clyde, and elsewhere, where for years past alterations of wages have been amicably arranged at joint meetings of employers and representatives of the trade unions.

There shall be no limitation of the number of apprentices.

NOTE.—This merely puts on record the existing practice, and is to prevent a repetition of misunderstandings which have arisen in some cases.

Employers are responsible for the work turned out by their machine tools, and shall have full discretion to appoint the men they consider suitable to work them and determine the conditions under which such machine tools shall be worked. The employers consider it their duty to encourage ability wherever they find it, and shall have the right to select, train, and employ those whom they consider best adapted to the various operations carried on in their workshops, and will pay them according to their ability as workmen.

NOTE.—There is no desire on the part of the federation to create a specially favored class of workmen.

With a view to avoid disputes in future, deputations of workmen will be received by their employers, by appointment, for mutual discussion of questions in the settlement of which both parties are directly concerned. In case of disagreement the local associations of employers will negotiate with the local officials of the trade unions.

In the event of any trade union desiring to raise any question with an employers' association, a meeting can be arranged, by application to the secretary of the employers' local association, to discuss the question.

Failing settlement by the local association and the trade union of any question brought before them, the matter shall be forthwith referred to the executive board of the federation and the central authority of the trade union; and pending the question being dealt with, there shall be no stoppage of work, either of a partial or a general character, but work shall proceed under the current conditions.

NOTE.—A grievance may be brought forward for discussion either by the workman individually concerned, or by him and his fellow-workmen, or by the representatives of the union.

In no instance do the federated employers propose conditions which are not at present being worked under by large numbers of the members of the allied trade unions.

The federated employers do not want to introduce any new or untried conditions of work, and they have no intention of reducing the rates of wages of skilled men.

These conditions, with relative notes, are to be read and construed together.

Mr. W. Glennie, assistant secretary of the Amalgamated Society of Engineers, thinks that the provisions of the agreement have not worked to the advantage of the men, but instead have resulted in ill feeling. The men prefer an independent board made up of men not connected with the trade; but the employers will not hear to the intervention of third parties. The men are not hostile to the principle of arbitration, provided independent persons can be secured to act. In the settlement, however, there is no provision to prevent reference to a third person; if the representatives of the masters and men can not agree nothing but a rupture will ensue.

They have had local arrangements for conciliation and arbitration, but not for the whole society before the strike of 1897–98. Twice before that they had disputes for the whole trade—once in 1852 and again in 1879. In the first contest the men were beaten, but in the

second they were partially successful. Mr. Glennie could not say that the relations between the masters and men have ever been cordial; there has been a sort of armed neutrality. He thinks the most direct and ideal method of settling disputes is by the aid of a third man not connected with the trade. If the other two parties have a technical knowledge of the trade there is no need for the third person to have it. Technical engineers, he thinks, have a prejudice in favor of the masters, because it is from them that they must get employment, and that fact naturally influences their opinion.

Mr. Thomas Biggart, of Glasgow, one of the secretaries of the employers, says the masters prefer the arrangement they now have, with no provision for an umpire or referee or arbitrator, to an outside board. It brings together those whose life work is connected, whose interests are the same, and it brings experience. It could not be possible without a state of organization on each side. There is no personal element—all the manufacturers are men of eminent ability. They know when they will injure the trade by yielding a point, something an outside man does not. The trade can not be hurt without injuring both masters and men.

Mr. James Robinson, of Newcastle, another secretary of the employers' federation, said that locally they have a conciliation board with the molders, formed for the settlement of the wages question. In the shipbuilding they have no board. They have had only one strike and very little trouble in settling disputes. They have a wages agreement with the boiler makers and have had no strikes worth talking about. Nothing has occurred to bring about a general strike, though there have been troubles at local yards. Technical delegates, employed by the masters, and district delegates, employed by the men, meet daily to settle prices for new work. The demarcation disputes are settled by a method similar to a conciliation board. With them the great trouble has been to tell where one set of men should stop and where another should begin their work.

Arbitration is not regarded as an unmixed good. Much depends upon how it is brought about and conducted. In the arbitration agreed to by the masters they have made a provision, as far as possible, to avoid splitting the difference. This has proved fairly satisfactory. The masters prefer men accustomed to dealing with evidence and facts, and they always decline a man who smacks of politics. Oftentimes the matter in dispute is one of principle on which there can be no splitting of the difference. The conciliation board, he said, has saved immense sums of money for the shipbuilding yards, and there is a growing disposition on each side to settle the dispute amicably. There is much less heat and fire, and the men are far more ready to adopt peaceful means of settlement.

THE MINERS' FEDERATION OF GREAT BRITAIN.

The Miners' Federation of Great Britain has about 230,000 financial members and comprises in its membership the miners of Scotland, Wales, and England, excepting those of Durham and Northumberland, who have an association of their own. They do not favor the movement for an eight-hour day by legislation, their plan being to secure it through organization and combination rather than by law.

One of the greatest contests in the entire Kingdom occurred in 1893 in the coal trade. In June of that year the coal owners met and resolved that the trade was in a condition which justified them in asking for a reduction of 25 per cent in wages, based upon the standard of 1888. They also authorized the committee, which was appointed to meet the men, to offer to refer the question to arbitration. Between 1888 and 1890 advances amounting to 40 per cent were given the men upon the standard rate of wages paid in the early part of 1888. The demand of the owners in 1893 was a reduction of 25 per cent on the standard rate paid in 1888. With that reduction granted, wages would still have been 15 per cent higher than before the advance made five years earlier. The men declared that there was no living wage in that year; neither did the collieries pay the owners. A joint conference was held, and the miners' representatives stated that they would have to lay the proposition before the men. A further joint meeting was asked a month later, at which time the decision of the men would be given.

The owners considered the month's delay too long and almost intolerable, and in a meeting held June 30, decided to post notices July 8 to terminate contracts July 28. The men's representatives complained that the owners were bent on a reduction and had violated the agreement that all means should be exhausted before tendering notice on either side. They contended that such notices should not have been given before they knew whether or not the workmen would accept the reduction demanded; and that they were given at a time when statistics showed an upward tendency in prices and a revival in the iron trade. They also asserted that the coal companies were making reasonable profits and good dividends.

On the other hand, the owners declared that prices had been falling steadily since 1890, and in 1893 the collapse in demand and prices was greater and more complete than at any previous time during the last forty years. Many pits were worked but two or three days a week, and the time had arrived when their situation demanded relief. They also asserted that considerable reductions had been agreed to by miners in South Wales, Durham, in Northumberland, and in Scotland, and they could not stand the strain of competition with owners in those districts, favored as they were by lower rates of wages.

At the conference of the miners' federation it was resolved to oppose any reduction in wages, and the men were advised to give notice for an advance of wages equal to the reduction suffered during the previous two years. At the joint conference with the owners on July 21 the latter insisted on the 25 per cent reduction. The reply to the demand of the owners was a refusal to accept the reduction, and a refusal also to refer the dispute to arbitration.

What Mr. Pickard, a representative of the miners in the House of Commons, at that time thought of arbitration is best shown by a statement made to the public through the press. In his opinion the workmen of Yorkshire had been taught by the coal owners within the last fifteen years that arbitration was an instrument which nobody ought to trust. Colliery owners who were now so anxious for arbitration in the South were among those who turned their backs on the judge's award and deliberatively tendered notice for a reduction of wages, and enforced it, because they believed the men were not in a position to resist it by physical force. "That settled, in the southern portion of Yorkshire, the question of arbitration on the general wage question for all time. In the western portion of Yorkshire a colliery had been idle close upon a year because the owners of Glass Houghton colliery and the associated owners in their association meetings declared they would not allow the Glass Houghton employers to go to arbitration. Why? Because an independent gentleman would have to be called in as umpire. The workmen asked a high price; the owners offered another price, and this independent gentleman would step in and split the difference, which the owners said would not be a fair decision under the circumstances. That was the argument of the men on the general wage question—the owners were asking for what the men believed they never ought to have, and if an independent umpire were called in to say whether a reduction should take place he would say, 'Yes; this reduction, or the greater part of it, must take effect,' quite independently of whether the trade was good or the owners were making profits, or whether the men were starving while the owners were making profits. This, in his judgment, was a clear exposition as to why the workmen in Yorkshire would not venture into arbitration on these matters."

By the 28th of July, 1893, work had ceased at the collieries within the federated district according to the notices. This act of posting notices of the closing of the colleries before the representatives of the men had an opportunity of consulting the miners was bitterly complained of. On March 20, 1890, an agreement was made with the owners that before a notice was tendered every effort should be made to settle whatever dispute was in existence at the time. A portion of that agreement was: "That with regard to any future wage questions we are prepared to arrange that before any public action is taken with

respect to notices the men's case shall be laid before a committee of the colliery owners in each district or before a committee of the colliery owners' federation, and that the results be made known to the workmen; and, further, that we ask the owners to adopt a similar line of action in the future in respect to any alteration in their workmen's wages."

At a special conference of the representatives of the miners' federation, held in London on August 23, 1893, a resolution was passed that the federation submit to no reduction in wages. They also agreed that if the owners would withdraw the notices of a 25 per cent reduction the miners would resume work at once and not ask for any advance in wages until prices should reach the 1890 level.

This action was communicated to the coal owners, who met in session on August 29. They reiterated their former statements concerning the decreased selling prices of coal as compared with the prices prevailing in 1888 and 1890, when the increase in wages was granted the men, and regretted that the proposal for wages to remain as they were when the notices were given could not be entertained. They also regretted that their original offer to submit the whole dispute to arbitration had not been accepted, and that the attitude taken by the miners' federation afforded no basis for settlement.

On September 1 a meeting of the executive of the miners' federation was held, when it was decided to submit the following questions to a vote of the miners:

I. Will you agree to a 25 per cent reduction in wages, or any part thereof?

II. Will you accept the employers' offer of arbitration?

III. Shall all men resume work who can do so at the old rate of wages?

On the first question the vote stood:

For	226
Against	145,195
Majority against	144,969

On the second question the vote was:

For	406
Against	141,566
Majority against arbitration	141,160

On the third question the vote was:

For	61,496
Against	92,246
Majority against	30,750

September 15 the conference of the miners' federation heard the vote and urged the men to remain firm against the 25 per cent reduc-

tion, and again expressed a willingness to return to work at the old rate of wages and to meet the owners to discuss, in the interest of the trade, the necessity of their demand being withdrawn.

The coal owners met September 21. They regretted that the miners had reiterated their determination not to accept a reduction in wages, but expressed a willingness to meet the miners' representatives to discuss the proposed reduction.

The owners all the time took the position that the advances given between 1888 and 1890 were based entirely on the advance in the price of coal. The leaders claimed for the men a share in the improved prices and profits. The owners demanded a reduction of wages in 1893 somewhat in proportion to the reduction in selling prices, urging that they showed a disposition to meet and did meet the demands of the men in good times, and the latter should meet the demands of the owners in bad times. The miners met September 29 and resolved "That after reading the letter and the resolution of the coal owners, wherein it is stated the owners will meet a deputation to discuss the reduction in wages, this conference hereby agrees that this federation is not willing to meet the coal owners on this question, so that no false hopes may be held out. At the same time we are willing to meet the owners to reaffirm our former statements, viz., that we are prepared to take the old rate of wages as a normal condition of wages, and pledge ourselves not to seek any advance on the present rate of wages until the 1890 and 1891 prices are realized."

On the 3d of October the coal owners again met and passed a resolution in which they regretted the action of the miners' federation in reaffirming a proposal which had already been considered and declined. "No settlement can be made which does not include a reduction of wages, and as the miners' representatives decline to meet the owners to discuss the question of the proposed reduction they make it impossible to arrive at a settlement by means of such a meeting."

Two months and more had passed since work had ceased at the collieries, and all efforts to find even a common ground on which to discuss the dispute had failed. Each side was as determined as at the beginning of the trouble. Prices of coal had been forced up by the enforced idleness of the mines, and as the situation was becoming acute the mayors of some half dozen cities united in sending a letter, through the town clerk of Sheffield, to the owners and to the miners' federation, requesting them to send deputations to meet with the mayors, and, if possible, to find a basis whereon the dispute might be settled. This resulted in a meeting at Sheffield on October 9, at which the men still proposed "to resume work at the old rate of wages, and after resumption the masters and men try to devise a means of dealing with the wage question which will prevent such dislocation of trade as now exists."

The mayors suggested that the miners accept a 10 per cent reduction six weeks after the opening of the pits and that the two federations should meet at an early date to formulate a scheme for the establishment of a tribunal of conciliation, with the view of dealing with the question of wages.

The coal owners met on October 10, again resolving "that the proposal to resume work at the old rate of wages can not be entertained." They, however, offered to let the miners begin work at a "present reduction of 15 out of the 40 per cent advanced since 1888," and agreed to meet "the representatives of the miners at an early date and to use their best endeavors to formulate and agree upon a scheme for the establishment of a tribunal of conciliation, with a view to dealing with the question of future advances or reductions in wages."

The miners held a conference on October 12 and 13. In a resolution passed they declared themselves still to be "of opinion that no reduction of wages is necessary and none can be accepted." They again expressed a willingness "to resume work on the old terms and immediately after resuming work to meet the owners and try to devise means whereby dislocation of trade may not occur." They also stated that they were prepared to take the old rate as the normal condition of wages, pledging themselves not to seek any advance on the existing rate until the 1890 and 1891 prices should be realized.

The owners met on October 18 and passed resolutions, in which they expressed a willingness to meet the men in an effort to "find a reasonable method of bringing the present disastrous dispute to a close," but they regretted that the proposal of the men could not be accepted. They repeated their offer to agree to a 15 per cent reduction, and at the same time to agree that the reduction should not be taken by either side as a final settlement of the dispute, but merely as a means of removing the present deadlock. They also suggested the submission of a reduction or no reduction to a committee formed of equal numbers of owners and men, with an independent chairman.

These resolutions were forwarded to Thomas Ashton, secretary of the men's federation, who replied that he was debarred from calling any further meeting of the federation so long as the proposed reduction of 15 per cent remained in the way, but that the federation representatives were prepared to meet the owners at any time to discuss the open question.

Secretary Ellis, of the owners' federation, explained the action of the conference of October 18 by stating that the miners were not to be pledged to a reduction before the joint meeting and that the proposed joint committee should have power to decide as to whether the 15 per cent reduction, upon which the miners returned to work pending a settlement, was too much or too little; and if the decision should be

that the reduction was too much, the excess should be refunded to the men from the time they returned to work. On the 25th of October Mr. Ellis notified Mr. Ashton that "the committee of coal owners is prepared to meet the representatives of the miners' federation to discuss the whole question, without prejudice to the position of either party, at an early date."

Such a meeting was held on November 3 and 4, and various propositions for ending the dispute were brought forward by the owners and the men. The former suggested a meeting of an equal number of owners' and miners' representatives, the secretary of each organization and three other persons to act as conciliators, their duty being to inquire into the cause of difference and endeavor to bring about a settlement. If they could not succeed in doing that within ——— from the first joint meeting, then the questions unsettled were to be decided by the majority of the board. Pending a settlement work was to be resumed. The 15 per cent in dispute was to be deposited in bank and distributed to employers or workmen in accordance with the terms of settlement. They also expressed themselves as quite prepared to consider the establishment of such a tribunal for the settlement not only of the present, but also of future, differences.

Their alternative proposal was that a conciliation board, to consist of 10 representatives from each side, should be formed forthwith, which board should proceed to choose an independent chairman. It should have power to deal with the existing difficulty and decide the rate of wages to be paid from the resumption of work and to deal with the general wage question. To settle the dispute each side was to have the privilege of presenting evidence to the board for two days, at the close of which either side had the right to ask a decision from the umpire as to the rate of wages to be paid, his decision to be final.

The miners' representatives proposed the following terms: That the men resume work at the old rate of wages until April 1, 1894; that the minimum or standard rate of wages be 30 per cent above the wages rate of January 1, 1888; that a board of conciliation be formed to deal with wage questions in the future from the above-named date; that the board when formed should have power to determine the rate of wages on and from April 1, 1894.

The representatives of the miners met November 4 and resolved to place before the men the offer of the owners to settle the dispute by arbitration.

Before further negotiations were completed the widespread distress and still greater losses caused by the long-drawn-out strike attracted the attention of the prime minister, the Right Honorable William E. Gladstone. After sixteen weeks of effort to arrive at an understanding the two parties seemed almost as far apart as when the trouble began. Mr. Gladstone addressed to the secretary of each organization

a letter, in which he said the prolongation of the dispute could not fail to aggravate the suffering, and he suggested a further conference under the chairmanship of Lord Roseberry, who was not to act as an arbitrator or umpire, but who should "confine his action to offering his good offices in order to assist the parties in arriving between themselves at a friendly settlement of the questions in dispute."

The proposed meeting was held November 17, and after a sitting lasting only several hours the following settlement was affected: That a board of conciliation be constituted forthwith, to last for one year at least, consisting of an equal number of coal owners and miners' representatives—fourteen each. They shall at their first meeting endeavor to elect a chairman from outside, and, should they fail, ask the speaker of the House of Commons to nominate one, the chairman to have a casting vote.

That the board, when constituted, shall have power to determine from time to time the rate of wages on and from February 1, 1894.

The first meeting to be December 13, and the men to resume work at once at the old rate of wages until February 1, 1894.

It was agreed that all collieries, as far as practicable, should be reopened for work forthwith, and that, so far as practicable, no impediment should be placed in the way of the return of the men to work.

The board could not agree upon a chairman, and the speaker of the House of Commons appointed Lord Shand, a law lord of the Scottish bar.

The first meeting of the new board was held in December, 1893, and it did not work very satisfactorily.

In June, 1894, the owners gave notice for a reduction. At first Mr. Pickard refused to authorize Mr. Ashton, the miners' secretary, to call a meeting, because no specific reduction was named, as the men claimed the rules meant. Finally, in the absence of the independent chairman, the representatives of the owners and the representatives of the miners agreed that wages should be reduced 10 per cent, making them 30 per cent above the standard of 1888, and that there should be no further reduction for two years, but the board could raise wages 15 per cent above the standard.

In 1896 the owners pressed for further reduction, but the miners objected, and no agreement being reached by the board, it collapsed. Its weakness lay in the failure to provide the umpire or referee with power to make a decision which would finally settle a dispute.

In 1898 the selling price of coal advanced, and the men began an agitation for increase of wages. Secretary Ashton was instructed to write the secretary of the coal owners' association, asking them to meet the men's representatives to consider the question. After several joint meetings it was agreed that there should be an advance of 2½ per cent. The owners pressed for a renewal of the conciliation board,

and it was resuscitated, principally on the old lines, although the minimum wage feature was retained, and the chairman was given the deciding vote in case of inability to agree. No difficulty was experienced, as was the case when the board of 1893 was formed, in selecting the independent chairman. The men's representatives named Lord James, who was accepted by the masters. Provision was made, however, for the selection of a chairman in case of a disagreement, and that power was lodged with the speaker of the House of Commons. The following are the rules:

1. That the title of the board shall be "The Board of Conciliation for the Coal Trade of the Federated Districts."

2. The board shall determine, from time to time, the rate of wages as from 1st January, 1899.

3. The board shall consist of an equal number of coal owners or coal owners' representatives, elected by the federated coal owners, and miners or miners' representatives, elected by the Miners' Federation of Great Britain—14 of each, with a chairman from outside, who shall have a casting vote.

4. The present members of the board are and shall be:

Chairman.—The Right Honorable Lord James of Hereford.

Coal owners or coal owners' representatives.—Messrs. Alfred Hewlett, Walter L. Bourke, William Kellett, T. D. Grimke Drayton, F. J. Jones, J. J. Addy, A. C. Briggs, A. J. Holiday, Fitzherbert Wright, Walter Salmond, Arthur G. Barnes, Henry Dennis, W. Heath, and Captain Harrison.

Miners or miners' representatives.—Messrs. B. Pickard, M. P.; S. Woods, M. P.; William Parrott, Edward Cowey, Thomas Glover, W. E. Harvey, Thomas Chambers, Enoch Edwards, Benjamin Dean, Edward Hughes, J. G. Hancock, Andrew Sharp, William Abrahams, M. P., and Robert Smellie, of whom Mr. Alfred Hewlett shall be president and Mr. B. Pickard, M. P., vice president.

Whenever a vacancy has arisen, from any cause, on the board, except in the office of chairman, such vacancy shall be filled up within one month of its occurrence by the body which appointed the member whose seat has become vacant. Intimation of such appointment shall be at once sent to the secretaries. On the death, resignation, or removal of the first or any subsequent chairman the board shall endeavor to elect another chairman; and should they fail, will ask the speaker for the time being of the House of Commons to nominate one.

5. The meetings of the board shall be held in London or such other place as the board shall from time to time determine.

6. The constituents of the board—i. e., coal owners or coal owners' representatives, and miners or miners' representatives—are, for brevity, herein referred to as "the parties."

7. The parties shall each respectively elect a secretary to represent them in the transaction of the business of the board, and each party shall give written notice thereof to the secretary of the other party, and both such secretaries shall remain in office until they shall resign or be withdrawn by the parties electing them. The secretaries shall attend all meetings of the board, and are entitled to take part in discussion, but they shall have no power to move or second any resolution, or to vote on any question before the board.

8. They shall jointly convene all meetings of the board and take proper minutes of the board and the proceedings thereof, which shall be transcribed in duplicate books, and each such book shall be signed by the chairman, president, or vice-president, or other person, as the case may be, who shall preside at the meeting at which such minutes are read and confirmed. One of such minute books shall be kept by each

of the secretaries. The secretaries shall also conduct the correspondence for the respective parties and conjointly for the board.

9. The secretaries shall, on the written application of either of the parties made by the chairman and secretary of either party for an alteration in the rate of wages, or an alteration of the rules, or for any of the objects mentioned in clause 4, call a meeting of the board within 21 days, at such time and place as may be agreed upon by the secretaries. The application for the meeting shall state clearly the object of the meeting.

10. The president, or in his absence the vice-president, shall preside at all the meetings at which the chairman is not present as herein provided. In the absence of both president and vice-president, a member of the board shall be elected by the majority to preside at the meeting. The president or vice-president, or other person presiding, shall vote as a representative, but shall not have any casting vote. When the chairman is present he shall preside and have a casting vote.

11. All questions shall, in the first instance, be submitted to and considered by the board, it being the desire and intention of the parties to settle any difficulties and differences which may arise by friendly conference if possible. If the parties on the board can not agree, then the meeting shall be adjourned for a period not exceeding 21 days, and the matter in dispute shall be further discussed by the constituents of the two parties, and the chairman shall be summoned by the secretaries to the adjourned meeting, when the matter shall be again discussed, and in default of an agreement by the parties on the board, the chairman shall give his casting vote on such matter at that meeting, which shall be final and binding.

12. All questions submitted to the board shall be stated in writing, and may be supported by such verbal, documentary, or other evidence and explanation as the parties may desire, subject to the approval of the board.

13. All votes shall be taken at meetings of the board by show of hands. When at any meeting of the board the parties entitled to vote are unequal in number, all shall have the right of fully entering into the discussion of any matter brought before them; but only an equal number of each shall vote, the withdrawal of the members of whichever body may be in excess to be by lot, unless otherwise arranged.

14. Each party shall pay and defray the expenses of its own representatives and secretary, but the costs and expenses of the chairman, stationery, books, printing, hire of rooms for meeting, shall be borne by the respective parties in equal shares.

THOS. RATCLIFFE ELLIS,
THOMAS ASHTON,
Joint Secretaries of the Board.

JANUARY, 1899.

In January, 1899, the men applied for an increase of 7½ per cent. After a long discussion the rate was granted, 5 per cent being paid May 1, 1899, and 2½ per cent October 1, 1899. Under the rules and custom when an increase or decrease is demanded by one side or the other a fixed sum must be named, and the chairman must decide the question submitted to him. He must give either the per cent demanded or nothing; there can be no splitting the difference. This provision overcomes an objection to the independent umpire which is frequently urged, as the disposition of such an official, when he can play the part of a compromiser, is to give something to the side making the demand; and this is especially true when the umpire belongs to the political class and has the chance to make a play for popularity.

The following views of the value of the board of conciliation were obtained from the representative of the owners and the secretary and parliamentary member of the men:

Mr. Ellis, the masters' representative, said no technical knowledge is required for the independent chairman. He thinks it best to have a man not connected with the trade, for both sides are soaked with their own views, but instead a well-balanced, judicial man, who can weigh arguments and decide impartially. The weakness in the present board is that there is nothing to enforce the decision. A man can give two weeks' notice to quit, and if an employer does not abide by the decision pressure is put upon him by the masters' board; but he can withdraw from the federation and forfeit the money he has paid to the association.

To make the conciliation board successful Mr. Ellis thinks—

1. Both sides should have large funds. If each side is well supplied with money there is hesitation about wasting it; and as a fight may make the last condition worse than the first, each will try to avoid all trouble and do his best to bring about a friendly sentiment and settlement. What regulates the mass regulates the individual.

2. It is essential to get hold of the dispute before stoppage of work, before both sides have their backs up, before the men have formed and expressed opinions which they don't like to take back. If that can not be done, one must wait until the two sides are about tired.

3. It must not be too big a question to be decided, and men should be conciliators on both sides. Men should be selected for the board who individually have considerable personal interest to be settled. They should be important men in the trade, with important interests at stake, and there should not be too many men on the board.

Asked whether the decisions of the board are carried out, Mr. Ellis replied that he could not give a case where the masters would not abide by the decision. The decision is either in favor of a reduction or an increase of wages. If in favor of a reduction, the masters would be glad to abide by it; if against, the men would see that they carried it out.

As showing the spirit animating the men and their leaders in the coal trade, he cited an instance to their credit which occurred in 1898. When the agreement for a 2½ per cent advance was reached in 1898 the men did not like it, and some who were on the conciliation board were not satisfied. Others who were not on the board liked it still less and criticised the action severely and bitterly, especially in Lancashire. The men took a ballot to decide whether or not they would accept and approve the decision of the board. Some of the delegates opposed it actively, declaring that their representatives on the board had been outwitted. At that juncture Mr. Pickard and others issued a manifesto requiring courage, in which they declared that the decision

was a boon to their interests and should not be declined. It was accepted, and Mr. Ellis said it showed that bargains could be made with the hope of having them carried out; and if the leaders use their influence with the men the decision will be enforced. There is no need to despair if the delegates will always use their efforts to have the decisions carried out by each side.

Thomas Ashton, the secretary of the miners' federation, stated that the boards formerly tended to reduce wages, but the present one has the support of the men because of the minimum wage feature. According to the agreement now existing, the wages can not go below 30 per cent above the tonnage rates of 1888, nor can they rise above 45 per cent of such rate. Had not that concession been granted by the owners the majority of the men would not have agreed to the terms of settlement. Mr. Ashton thinks the meetings have led to a better understanding between the masters and the men. When meetings of the board are called the simple question of wages, to be reduced or increased, is discussed. Since the formation of the new board there has been no deviation from the award and no need for the services of the independent chairman. Both owners and men prefer to arrive at a mutual agreement without his aid.

Mr. B. Pickard, one of the representatives of the miners in Parliament, does not favor arbitration of the compulsory character. What is formed in the coal trade is not a board of arbitration but of conciliation, the first of which he does not regard as good for either masters or men. Conciliation, in his opinion, is a better way of settling disputes than arbitration—in the sense that either side must take what a third person would declare to be the right thing. Both sides believe in conciliation, for they much prefer to settle their disputes themselves, and Mr. Pickard believes there never will be a better way of settling trade disputes under existing conditions. When a mutual agreement is reached it is always carried out, but such is not the case where there is an umpire. A hard and fast ruling, unless equitable, is seldom acceptable and frequently is not carried out. Mr. Pickard has always favored a minimum wage. With that obtained for the men it will not matter how much the masters compete with each other, for his position is that the men should not suffer from competition.

NORTHUMBERLAND COAL TRADE.

The Northumberland Miners' Association, which was formed in 1862, now numbers between 22,000 and 23,000 members. At that time trade was bad and the masters wanted a yearly bond, but the men could not agree and the scheme was abandoned. The men's leaders then took steps to organize a union, but with only partial success, for until 1870 not more than 7,000 had been persuaded to join. In 1872

there was a boom in trade and prices rose rapidly. The men, wishing to share in the increase, united in larger numbers, and in 1872 were fairly well organized.

Before that date only local demands were made, but at that time there was a general demand and the owners agreed to meet the men as representatives of the union. In March of 1872 the men secured a general advance of 10 per cent, which marked the beginning of negotiations as an organization with the owners. For a year they met from time to time, securing several advances. By the end of 1873 prices tumbled and the men submitted to three reductions in 1874. The masters demanded a fourth reduction in the early part of 1875, agreeing to submit their case to arbitration. At first the men hesitated, but finally yielded, with Mr. Kettle acting as umpire. In November of the same year there was another arbitration. After this latter demand was dismissed by Lord Herschel, the owners refused to submit to arbitration any other decreases asked. Notice was given in 1877 of still another reduction. This the men resisted, and a 9 weeks' strike ensued, lasting from December, 1877, to February, 1878. When the men returned to work it was at a reduction of 12 per cent. Trade was bad enough when the strike began, but it was much worse after it ended.

In November, 1878, the masters requested still another reduction of 10 per cent. The methods of settling the differences were not beneficial to either side, and both were anxious to devise some system to do away with higgling and striking, both so injurious to the trade. The men suggested the introduction of a sliding scale. At that time conditions could not have been worse under any system, and the masters eventually agreed to the suggestion. From 1874 to 1879, on account of the union being stronger than at any previous time, the owners had greater difficulty in reducing wages elsewhere. The product of the mines in Northumberland district decreased from 8 to 10 per cent between 1874 and 1879, whereas competition increased in the same proportion, while as soon as the sliding scale was introduced the output increased more rapidly than in any other districts.

In March, 1883, the scale was slightly amended in favor of the men. In 1886 trade again became bad; the masters found they could not pay the wages agreed upon, and gave notice to the men to terminate the scale, at the same time demanding a reduction of 15 per cent. The men resisted and a strike ensued, which lasted 17 weeks, ending in May, 1887. The men lost the struggle and resumed work with a 12½ per cent reduction. With 1888 trade improved, and at the close of the year the men asked for and obtained an advance of 5 per cent. Improvement continuing during 1889 and 1890, the men received several advances by negotiation between the representatives of the two associations.

In 1891 there came a reaction in the trade and the masters again secured certain reductions. Thinking that if many more were given another strike would occur, each committee urged the reestablishment of the sliding scale, or some other method by which changes could occur automatically. The men empowered their representatives to get the owners to agree to the adjustment of wages, and now auditors examine the books every three months and make report to the men.

At that time the men preferred a conciliation board rather than a sliding scale; but the masters at first could not see their way clear to agree to it, though they never refused entirely. There were several interviews with the masters, who finally agreed to the formation of the board with 15 representatives on each side, and an independent chairman, who sat at the table while negotiations were proceeding, and in case the representatives were unable to arrive at a decision was empowered to give his deciding vote. The board continued in existence for more than two years, during which time four or five changes in wages occurred, usually against the men. In only one case was the umpire called upon to give decision.

Mr. Young, the men's secretary, stated that the board worked admirably. When the representatives of the men saw that trade was so bad as to justify a reduction, they took the responsibility of agreeing to it without calling in the umpire. In the opinion of the whole board no system or method for the regulation of wages could have worked more satisfactorily than did this. Notwithstanding that opinion the men, because wages had been reduced in consequence of fall in prices during the existence of the board, unfortunately, in Mr. Young's opinion, decided to terminate it. When its existence ceased, they reverted to the method of meeting the owners quarterly to hear reports of accountants read and to decide what the wages should be.

Conciliation boards are preferred by Mr. Young, who thinks they most easily settle all matters in dispute between the masters and men.

For the settlement of local questions there is a joint committee, formed in 1872, which continues at the present time. Its functions are to consider and settle any matter at any colliery which has not been settled by the men and the manager of that particular colliery. It is composed of 6 representatives of the workmen and 6 representatives of the owners, with an independent chairman, who is the county court judge for the district. Since the formation of the committee an average of 12 cases have been considered every 2 months at the stated meetings. It has worked so successfully that not a single decision was protested against from 1872 to 1891, and no attempt was made to set aside a decision. Practically the same can be said down to the present time. Each side has loyally carried out the decision of the committee.

The friendly relations existing between employers and men in the

Northumberland district are shown by the expressions of confidence and good will uttered at the dedication of Burt Hall, Newcastle, the handsome and permanent home of the miners' association. During the early years of this miners' association its membership was only between 3,000 and 4,000; now it numbers nearly 23,000. At first the employers would not recognize the union, but that point was finally won; and then followed the formation of the joint committee, which settles all minor disputes arising in the workings of the collieries in the county. The committee was formed of 6 members on each side, with an independent chairman. It has worked without friction, has avoided stoppages and troubles of all kinds, and was the forerunner of a conciliation board, which was formed in 1895.

In his remarks at the dedication of Burt Hall the secretary of the men's association said they all knew the methods by which this business was transacted in the early days of their association. Questions were judged more by feeling than by reason. Now, however, reason prevailed, and they met the owners on terms of perfect equality. They sat at the same table, and if any grievance could be shown to exist they had an independent gentleman who weighed their reason in the balance of a trained judgment, while if they were unable to settle the matter themselves he fairly and frankly decided the issue. "It is impossible to make further progress so long as the present wage system continues. While the ideals of all had not yet been realized, those of their earliest leaders had been fulfilled. At the time of the organization of the miners' association the leaders and men were thought to be moderately extreme; now they are extremely moderate."

The president of the men's association said, when in 1870 the representatives of the union began to have meetings with the owners, they began to understand each other better, and a mutual good feeling sprang up that found expression in the joint committee, which had up to that time succeeded in settling every local question that had arisen in the district. The representatives of the men did not think much of the owners at first, but when they came to know them they did not prove cold blooded or heartless, but often generous men. At the last strike they found the chairman of the owners' association displaying the characteristics of a true gentleman, full of sympathy, a lover of fair play, a friend of the workman.

One of these workmen said when they could see the realization of the high ideal for which so many had wrought, that ideal time when employers and employed could meet upon a common platform, they could fully realize that they had a common interest. He believed there was a right adjustment of wages that was beneficial to employers and employed alike. The spirit of conciliation had been growing of late among the Northumberland miners and mine owners, but he thought it had never been seen in a stronger light than on that day

when they had the president of the coal owners' association opening to them the door of the hall of the miners' trade union.

The president of the coal owners' association said when he first knew anything about collieries it was far from his belief that the time would ever come when their affairs should be transacted as they had been during the last 25 years by their respective bodies meeting in friendly conference. In those days negotiations were always conducted between the individual owner and the men. Then, too, the opinion on each side was unfriendly to negotiation; but things have been changed for the better. It was far wiser to have a modus vivendi than hostile meetings and strikes. In the old days when they did not meet the men they were, no doubt, misrepresented to each other, and indirect information as to the feeling on any matter was very different from direct statements face to face.

Mr. Burt, M. P., after whom the hall was named, in his speech referred to the better understanding between the two parties and declared that recognition of the union and the hearing of the men's representatives and their grievances were two steps that started them in the right direction. From that they had gone on "until they had reached a stage beyond which they could not go unless they completely altered the industrial system. No doubt it was still capable of improvement and would in good time be improved, but until that was accomplished, so long as they had employers and employed—a very old distinction; if not as old as Adam, certainly as old as Abraham—until they got that entirely abolished they could have no better method of settling the differences that necessarily arose between employers and employed than their conciliation board, trusting to reason and common sense for the settlement of those differences rather than to the instrument of force in the shape of strikes or lockouts."

The Northumberland Miners' Mutual Confident Association, which was established in January, 1863, provides, in its rules, that the members of a branch shall not give notice of a strike until their case has been placed before the managing committee for examination and approval. All votes must be taken by ballot, and a two-thirds vote must be registered in favor of the strike before it can be countenanced and supported by the association.

The rules governing the joint committee are as follows:

1. That the object of the joint committee shall be to discuss all questions (except such as may be termed county questions, or questions affecting the general trade) relating to matters of wages, practices of working, or any other subject which may arise from time to time at any particular colliery, and which shall be referred to the consideration of the committee by the parties concerned. The committee shall discuss all disputes and hear evidence, and their decision shall be final.

2. The committee shall consist of 6 representatives chosen by the miners' union, and 6 representatives chosen by the steam collieries defense association, and a

chairman to be chosen annually by the two associations, which chairman shall have a vote.

3. At meetings of this committee it shall be deemed that there shall be no quorum unless the chairman and at least three members of each association be present.

4. Each party to pay its own expenses.

5. Should any alteration of or addition to these rules be desired, notice of such change shall be given at the meeting previous to its discussion.

6. If any member of the committee is directly interested in any question under discussion, he shall abstain from voting, and a member from the opposite party shall also abstain from voting.

7. That an agenda of the cases to be heard by the joint committee shall be sent out at least four clear days before each meeting, and it shall not be competent for any member to propose any other matter for discussion.

8. When both owners and miners have cases on the agenda paper, one case from each side shall be considered alternately.

9. That if any case is referred to arbitration, and the arbitrators fail to agree as to the appointment of an umpire, the chairman of the joint committee shall make the selection.

10. All applications for advances or reductions in any portion of a pit shall open out the question of the prices paid to the same class of workmen throughout the whole of the pit.

11. That before any change in hewing prices be entertained it must be clearly shown that the average wage on which the claim is made is at least 5 per cent above or below the county average.

12. July 13, 1878: That in future both the owners and the men give not less than 10 clear days' notice of any application to the joint committee. The notice between the two associations to remain as at present.

May 12 and July 14, 1883: It was decided that in future all notices should be given in writing, and either signed by an official or stamped.

13. July 8, 1893: That the rule be that the three pays paid before the written notice be taken, excluding the first and last pays of the quarter, but that no evidence as to any pays be excluded.

14. July 8, 1882: Where 2 pits are cavilled through they are to be considered as 1, and the average of the whole taken.

15. November 10, 1883: Decided that all pays be considered to commence on the Monday, each Sunday's wage to come into the following pay.

16. July 12, 1879: The county average being taken at 4s. 9½d. [$1.17], it was agreed that the increase of hours, where it leads to an increase of work, should be taken at 4½d. [9 cents] as the maximum, but each case to depend on its own merits. It is understood that no owner can claim any reduction unless the pit's average is at least 5 per cent above 5s. 2d. [$1.26]. In case of any colliery claiming an advance, the county average is to be taken at 4s. 9½d. [$1.17] plus any advantage which may have arisen from the increase of hours.

17. May 10, 1890: It is agreed as a permanent settlement of the question that for the purposes of joint committee the hewers' basis average wage of soft coal collieries be 4s. 7½d. [$1.13] for short hours and 5s. [$1.22] for long hours; but that in any seam when hewers are required by the manager to nick or shoot the coal in other than winning or narrow places the average wage of steam coal collieries shall obtain.

18. November 13, 1880: In future advances and reductions to commence on the first pay commencing after the decision.

19. July 9, 1881: It was agreed that in future reports and awards should state the date at which any contemplated change should take place.

20. January 18, 1879: It was agreed that in future no case can be reheard until one meeting intervenes.

21. January 12, 1895: The joint committee recommend that agreements settling cases should be confirmed by this committee and recorded on the minutes.

22. April 26, 1879: The chairman to be reelected annually at the meeting held on the second Saturday in May, the question of his reelection having been previously discussed at the preceding bimonthly meeting of the joint committee.

October 16, 1897.—Rules 10 and 11.—These rules do not apply where application is made for a price to be fixed in consequence of any bona fide change in the mode of working, or for a new seam in regard to which prices are not already fixed.

THE BOOT AND SHOE TRADE.

LEICESTER.

In Leicester there are about 250 boot and shoe factories, which have sprung up in the past 40 years. The federation numbers about 11,000 men.

In 1895 there was a serious lockout. The manufacturers introduced machinery, and there was a question of the quantity of work the men had to do to earn the wages, these being considerably lower than the amount the men could earn when doing piecework. With the machines the work was paid for by the dozen. The work in dispute represented an average of from 20 to 30 per cent of the week's earnings. These matters were discussed by the arbitration board, but the members were unable to come to any reasonable understanding as to what prices should be paid for the machine work. The result was a deadlock in the board, which brought about instructions from the men's representatives to work according to a statement compiled from the general body of workmen engaged in connection with machinery in the various firms of the town. The employers finding that they could not get the desired amount of work initiated the policy of discharging numbers of men unwilling to do the task set for them. This brought about open hostilities.

The employers refused to submit the question to the umpire, the reason for such refusal being that the machinery was in use so short a time that they should be the judges of what the machines should produce and what wages should be paid. The machinery had been in use almost 3 years. They refused to consider or arbitrate on the question of a piecework statement for machinery. A 6 weeks' struggle resulted, which applied to every boot and shoe center in the Kingdom. It was finally settled through the medium of the board of trade, the board coming forward and offering their services, and Lord James being appointed umpire by mutual agreement. The decision was the terms of settlement, which are appended and which gave power for a statement for machinery to be drafted for the trade generally and also contained new rules for boards of arbitration and conciliation in all centers. The terms of settlement contained a provision for the depositing of "certain sums in the hands of trustees" as a guaranty

for the carrying out of the provisions of that agreement. A trust deed was executed by which each side deposited £1,000 ($4,866.50) as a fund from which fines for breaches of the rules could be levied. The sections referring to the manner of deciding the fine and its amount are as follows:

If any dispute or question shall at any time arise between the federation and the union as to the breach or nonfulfillment of any of the provisions contained in the settlement or in any decision, agreement, or award of any such local board as aforesaid, or of any arbitrators or umpire of any such local board, whether such breach or nonfulfillment shall have been committed by the federation or by the union, or by any local or district association of the federation, or by any local or district branch of the union, or by any body of manufacturers belonging to the federation, or any body of workmen belonging to the union, then and in every such case every such dispute or question shall be referred for determination to the Right Honorable Lord James, of Hereford, or other person for the time being appointed to act as umpire for the purposes of the settlement and of these presents.

If the said umpire shall determine that any of the provisions of the settlement or of any such decision, agreement, or award as aforesaid has been broken or not fulfilled by any of such bodies or persons as aforesaid the same shall, subject to resolution 9 of the settlement and due notice of the breach of the provision therein referred to, such notice to be given by the secretary of the federation or the general secretary of the national union, as the case may be, be deemed to have been broken by the federation or by the union, as the case may be, and the umpire shall have power to determine that all or any part of the sum deposited with the trustees by the federation or by the union, as the case may be, shall be forfeited to the other of them in whose favor the award shall be made, and by his award to determine the amount to be so forfeited, and such amount may include a sum for costs of the reference and award, which shall be in the discretion of the said umpire.

With very few exceptions the terms have worked in a very satisfactory way.

The secretary of the Leicester union stated that a better and sounder feeling, which grows steadily, exists between the employers and the men. Mr. Cort, the secretary, is chairman of the board, the presidency alternating between the two sides, and he is a strong upholder of the principle of conciliation and arbitration, which he thinks is much to be preferred to anything heretofore tried. There have been important questions in dispute, and occasionally some "hitches" have occurred, but the board has finally settled them all. It meets once a quarter, whether there is business to be transacted or not. Meeting about the same table, coming face to face and discussing their difficulties in a calm, judicial, parliamentary way brings the opposing sides closer together and leads to a more friendly feeling. The men, the secretary said, are loyal to arbitration.

A. W. Chamberlin, secretary of the manufacturers' board, speaking from their standpoint, wished to be quoted as heartily favoring the board. He regards conciliation and arbitration as the only reasonable and satisfactory way to settle differences and disputes between the two classes.

NORTHAMPTON.

Of the 140 factories in Northampton probably one-half belong to the federation. There are 9,000 workmen in the shoe trade there. Within recent years there has been a great diminution of trouble, owing to the extension of day work, by which the men can earn from 28 to 34 shillings ($6.81 to $8.27) per week. Men stifle work so that the output does not exceed piece-day wages. The manufacturers think they get better work by the day.

Mr. George Frederick Lea, secretary of the employers of Northampton, said that at the meetings of the board only disputes are treated, and the manufacturers decline to discuss general conditions of trade. The men would like abstract discussion, but it is ruled out. The board does not bring the workmen as a body in contact with the employer. Before 1895, the year of the great strike, there was bitter feeling on both sides; since then it has been much modified. It is a case of armed neutrality, each side working for advantages and neither putting arms about the neck of the other. According to Mr. Lea, the employers consider that the board prevents mutinous and quarrelsome feeling, which is accomplished by prompt and fair action of the board, which always stands ready to deal, at a moment's notice, with any trade grievance. Even with the board they are liable to an unauthorized strike—which is rare, indeed—but which, when it does occur, is nipped in the bud. One took place in the summer of 1898, when 70 men went out. They had no grievance and the union officials, having them well in hand, persuaded them to return to work. Formerly their action would have created a hubbub and would have spread to the other shops. This example was quoted to show the moral effect of the conciliation and arbitration board.

The existence of the board is beneficial in a money way to both sides because, as in many other trades, work is continued while the matter in dispute is being dealt with by the proper tribunal. That trade matters proceed so smoothly is due to the existence of the board, and peace and welfare depend largely upon its continuance. It is a simple and satisfactory way of getting on. Both sides adhere to the decision; there is no such thing with them as repudiation. The board acts only with union men. The latter keep an eye on the nonunion men to see that they do not take work out of their class and do not work under conditions not agreed upon. The manufacturers do not care whether a man is in or out of the union; but they do insist that nonunion men shall be treated fairly by those in the union.

In the Northamption branch of the National Union of Boot and Shoe Operatives there are about 3,000 men. It was established in 1874, and now owns offices and a club house. The president and the secretary joined in saying that day work is increasing and piecework

decreasing. As a result there are fewer disputes. The present board at Northamption was formed after the big local strike of 1887, but there was an informal board in 1885, according to the minutes. The board has fixed the time at 54 hours a week, maximum, and the wages for lasters and finishers at 28 shillings ($6.81), minimum.

The men's officials thought the board has been the means of terminating differences which might have resulted in withdrawals. They had settled as many as fourteen differences in one afternoon. The secretary is strongly in favor of the board. The more he sees of it the more convinced he is that it is the proper method of preventing and concluding disputes. There is a growing feeling, he thinks, in favor of arbitration, and some feeling in favor even of compulsory arbitration. The men feel that while the voluntary arbitration may be a little slower, it is surer, and better than laying down tools, and fighting, because every settlement is down in black and white. It is hard to convince old men, accustomed to laying down their "kits," that arbitration is better; but the young men are being trained to it. Formerly the operatives lost the day, and gained nothing; now no time is lost while the dispute is being decided. At Northampton under the piece system there are 70 or 80 extras, nearly every one having been gained by arbitration.

As to the relations between the employers and the men, the officials thought the board did not have much appreciable effect. The representatives are so few that not much is effected in a social way; but the men who are usually the same do find out the fair and the unfair employers.

The rules of the National Union of Boot and Shoe Operatives provide for the attempted settlement of disputes by conciliation and arbitration. The duty is placed upon each branch to assist the council in the formation of boards of conciliation and arbitration between employers and workmen; and where disputes are submitted to such board, its decision or the decision of the referee shall be final. It is further provided that if any branch or any member of any branch shall refuse to respect such decision the council shall have the power to refuse the union's support. Power is given to the council to arrange with the employers' federation for representatives of the union and the federation to meet, discuss, and, if necessary, submit to an umpire all matters in dispute between the two bodies.

The terms of settlement which were agreed to after the strike of 1895, and which are still in force, are as follows:

We, the undersigned representatives of the Federated Associations of Boot and Shoe Manufacturers and of the National Union of Boot and Shoe Operatives, agree to the following terms of settlement of the dispute in the boot and shoe trade on behalf of those whom we represent:

1. This conference is of opinion that a piecework statement or statements for lasting and finishing machine workers and those working in connection therewith are

desirable, such statements to be based on the actual capacity of an average workman, any manufacturer to have the option of adopting piecework or continuing day work; it being understood that the whole of the operatives working on any one process shall be put on one or the other system, which shall not be changed oftener than once in six months. Heeling and sewing to be regarded as separate processes.

2. This conference is of opinion that a piecework statement for welted work at Northampton should be prepared on the principle laid down in the above resolution, viz, "the statement shall be based on the actual capacity of an average workman," employers having option as laid down in that resolution with regard to payment by the time or piece.

3. That for the purpose of carrying into effect the last two resolutions, joint committees be appointed as follows:

(*a*) A joint committee of representatives of the employers and workmen, four of each, to determine the principles and methods of arrangement and classification on which piecework statements for machine workers shall be based, such committee to hold its first meeting on May 5, 1895, at Northampton, for preliminary business.

(*b*) Joint committees composed of representatives of employers and employed, four of each, to prepare such statements for their respective localities in accordance with the principles laid down by the above joint committee. Such committees to hold their first meetings with the least possible delay after the completion of the work of the above joint committee.

(*c*) A joint committee to prepare a statement for welted work for Northampton, composed of representatives of employers and employed, four of each, such committee to hold its first meeting on May 5, 1895, for preliminary business.

Such committees shall take such evidence and obtain such information as they may think fit for the purpose, and each shall appoint an umpire to determine points on which they fail to agree. Failing agreement on the part of any of the committees as to the appointment of umpires, the appointment shall be made by the president of the federation and the general secretary of the union, or if they fail to agree by Sir Henry James.

4. That the various local boards of arbitration and conciliation, consisting of equal numbers of representatives of employers and workmen in the district, be immediately reconstituted, and their rules be revised so far as necessary with a view to greater uniformity by a joint committee of representatives of employers and employed, four of each to be appointed forthwith. The revised rules to be submitted to and adopted by the local boards, with or without amendment in matters of detail. Pending the completion of this revision the former rules to be in force, but only questions of classification and other minor local questions not involving matters of principle to be entertained in the meantime, with the exception of the question of the minimum wage for clickers and pressmen in centers where notices have already been given to local boards.

5. That such boards when reconstituted shall have full power to settle all questions submitted to them concerning wages, hours of labor, and the conditions of employment of all classes of work people represented thereon within their districts which it is found impossible to settle in the first place between employers and employed, or secondly between their representatives; subject to the following conditions:

(*a*) No board shall require an employer to employ any particular workman, or a workman to work for any particular employer, or shall entertain any question relating to such matters, except for the purpose of enabling a workman to clear his character.

(*b*) No board shall claim jurisdiction over the conditions and terms of employment of work people outside its district; provided that no actual work shall be sent out of a district which has been the subject of an award in that district.

(*c*) No board shall interfere with the right of an employer to make reasonable regulations for timekeeping and the preservation of order in his factory or workshop.

(*d*) No board shall put restrictions on the introduction of machinery or the output therefrom, or on the adoption of day or piecework wages by an employer in cases in which both systems have been sanctioned, subject to the conditions prescribed in resolutions 2 and 3. No question referred to in subsections (*a*), (*b*), (*c*), (*d*) shall be made a matter of dispute by the union.

6. That it is desirable and necessary to provide financial guarantees for duly carrying out the provisions of this agreement, and existing and future awards agreements, and decisions of boards, arbitrators, or umpires, so long as they do not contravene the provisions of this agreement; and that a scheme be at once prepared for depositing certain sums in the hands of trustees for that purpose.

7. That the committee intrusted with the revision of the rules of local arbitration boards be instructed to insert provisions—

(*a*) To carry the last resolution into effect forthwith. If not agreed upon by both sides, the conditions and terms of the trust to be referred to, and finally settled by, Sir Henry James.

(*b*) That in future all awards and decisions shall specify a date before which neither side shall be competent to reopen the question.

(*c*) That where a minimum wage has been fixed and is in operation, and a proposal is made to change it, the board or umpire, in giving a decision or award, shall take into account the length of time which has elapsed since the question was last determined, and the conditions existing at the two dates, respectively.

The notices already given by the union for an advance on the minimum wage to clickers and pressmen shall be held to be good notices to the arbitration boards for the districts to which they refer, and shall be dealt with forthwith.

8. No strike or lockout shall be entered into on the part of any body of workmen, members of the national union, or any manufacturer, represented on any local board of arbitration.

9. That if any provision of this agreement, or of an award, agreement, or decision, be broken by any manufacturer or body of workmen belonging to the federation or national union, and the federation or the national union fail within ten days either to induce such members to comply with the agreement, decision, or award, or to expel them from their organization, the federation or the national union shall be deemed to have broken the agreement, award, or decision.

10. That any question as to the interpretation of these terms of settlement be referred to Sir Courtenay Boyle, whose decision thereon shall be final and binding on both parties.

That Sir Henry James be requested to act as umpire to determine any other disputed points between the federation and the national union arising out of this agreement.

Only once since the settlement was made in 1895 between the Federated Associations of Boot and Shoe Manufacturers and the National Union of Boot and Shoe Operatives has the umpire, Lord James, been called upon to make a decision of award for breach of the compact.

On the 20th day of February, 1899, a strike occurred at the shoe shop of a London firm, a member of the federated association. The trouble arose over the classification of material. The proprietor expressed a willingness to submit the matter to the board of arbitration for classification, but the men refused to appoint one of their number to the board and prevented this from being carried out.

The manufacturers' association made demand for an award of damages from the trust fund for violation of the terms of settlement, which provide that "no strike or lockout shall be entered into on the part of any body of workmen, members of the national union, or any manufacturers represented on any local board of arbitration;" and of the rules of the boards of arbitration which provided that there should be no suspension of work either at the instigation of the employers or workmen.

The London branch of the national union was never anything but hostile to the terms of settlement, and the strike, it was asserted, was undertaken as a challenge, all offers of the employer to submit the dispute to arbitration being rejected, though the firm did agree that the men should be allowed one-half what they asked pending the ultimate settlement by the board. Even this did not secure continued work by the men, the business suffering so severely from the strike that the proprietor became bankrupt. When this demand for compensation was made many felt that the testing time of the value of the terms of settlement had come. Lord James heard each side, and on the 10th of June last rendered the following decision:

LONDON CASE—BETWEEN THE FEDERATED ASSOCIATIONS OF BOOT AND SHOE MANUFACTURERS OF GREAT BRITAIN AND THE NATIONAL UNION OF BOOT AND SHOE OPERATIVES.

Whereas I, the undersigned, being the umpire named in the trust deed bearing date the 8th day of March, 1898, entered into by the above parties, have had brought before me by the above-named federated associations a request to adjudicate upon a disputed point arising out of the agreement of April 19, 1895, viz, the claim of the federation for damages to be paid by the national union out of the guaranty fund vested in the trustees under the provisions of the trust fund dated the 8th day of March, 1898, by way of compensation in respect of the following breaches of the terms of settlement dated the 19th day of April, 1895:

1. "The strike which took place on February 20, 1899, and which has since been continued and is now in operation at the factory of Mr. W. S. Clark, Hackney, London, a member of the London federated association, being a breach of resolution 8 of the terms of settlement."

2. "The refusal of the London workmen to appoint representatives to the London board of conciliation and arbitration for the settlement of disputes, being a breach of resolution 4 of the terms of settlement."

And whereas I have considered the above claims and the evidence and arguments placed before me by the representatives of the above parties, now, I hereby determine that out of the sum of £1,000 [$4,866.50] deposited with the trustees named in the said trust deed by the above-named union the sum of £300 [$1,459.95] shall be forfeited and paid to the above-named federation.

JAMES OF HEREFORD.

JUNE 10, 1899.

On noticing this award the Monthly Report of the National Union of Boot and Shoe Operatives said:

The fine of £300 [$1,459.95] imposed on the union for the breach by our London members we hope will be a warning to executives not to

break away from rules and agreements entered into, for while the agreements are in existence we have every desire that they shall be honorably carried out by both sides.

The rules governing the Leicester conciliation and arbitration board are similar to those in Northampton and other centers. They are:

I. The board shall be named the Board of Conciliation and Arbitration for the Boot and Shoe Trade of Leicester.

II. The board shall be deemed to be constituted under, and bound by, the terms of settlement arranged at the conference held at the offices of the board of trade on the 10th day of April, 1895, between representatives of the Federated Associations of Boot and Shoe Manufacturers and the National Union of Boot and Shoe Operatives.

III. That the terms of settlement mentioned in the preceding Rule II, and which are set out in the schedule hereto, must be deemed to apply to the proceedings of the board, and the board shall have no power to override or amend such terms of settlement or to make rules which shall in any way contravene them.

In accordance with the terms of settlement the board shall have full power to settle all questions submitted to it concerning wages, hours of labor, and the conditions of employment of all classes of work people represented thereon within its district which it is found impossible to settle in the first place between employer and employed, or, secondly, between their representatives.

IV. That every statement of wages, provision for minimum wage, regulations as to hours of labor or conditions of employment, decision of the board, and award of arbitrators shall apply in all cases where an employer and his work people are represented by the board: *Provided*, No board shall claim jurisdiction over the conditions and terms of employment of work people outside its district. But no actual work shall be sent out of a district which has been the subject of an award in that district.

V. That the board shall be constituted as follows: Six representatives of the manufacturers and 6 representatives of the workmen, residents in the district, 3 of each to form a quorum, the representatives to be elected by a special or general meeting of their own bodies, who shall serve for one year and be eligible for reelection; that no member of the board shall vote upon a question affecting an establishment in which he is directly interested as an employer or workman.

VI. That the board shall at its first and annual meetings elect a chairman, vice-chairman, secretary, and committee of inquiry consisting of 2 manufacturers and 2 workmen, or appoint sectional or subsidiary boards consisting of 4 manufacturers and 4 workmen, who shall hold office in like manner to the board. In any case where two candidates proposed for the chairmanship are of different classes, and the votes recorded for them are equal, the candidate belonging to the class from which the chairman was not elected in the previous year shall be declared to be elected.

VII. That the board at its first meeting elect an umpire, or, in case of disagreement, each side shall, within 7 days, elect an arbitrator, to whom shall be remitted for arbitration any question referred to the board under the board of trade terms of settlement which it is unable to settle or determine. Should the two arbitrators not agree, the question shall be referred to an umpire appointed by themselves, or, failing such an appointment, to an umpire to be appointed by the president of the board of trade for the time being. The decision of the umpire in each case shall be final and binding on all parties. In case of the death or resignation of an umpire or arbitrator his successor shall be appointed at the first subsequent meeting of the board.

VIII. The question whether the representatives of the press shall or shall not be admitted to any of the meetings of the board shall be determined by the majority of votes of those present. In case of the numbers of those voting on such question being equal the chairman may give a second or casting vote.

IX. That the board shall meet at such times as it may determine, but not less often than once a quarter, and on a requisition signed by 3 of its members (specifying the nature of the business to be considered) being lodged with the secretary, who shall within 7 (but not in less than 3) days notify the whole board of such meeting, stating the terms of the requisition.

X. That all questions submitted by the committee of inquiry to the board for consideration, and by the board to the umpire or arbitrators for adjudication, shall be embodied in writing, stating clearly the nature of the question or dispute at issue, such statements to be lodged with the secretary at least three days prior to the board meeting or sitting of umpire or arbitrators. Notice of other business to be brought before the board shall be given whenever practicable, but the order in which such business shall be taken to be left to the board.

XI. That if at any meeting of the board both the chairman and vice-chairman are absent, the majority present shall elect a chairman. The chairman shall only have one vote.

XII. That if at any meeting of the board the number present is unequal, the right of discussion is reserved to all; but whichever body is larger than the other must withdraw by arrangement so many of their colleagues as are in excess before a question is put to the vote.

XIII. That in case of resignation, death, or continued nonattendance of any member of the board, that side of the board to which such member has been elected may choose another person to fill up the vacancy, who shall serve until the board retires.

XIV. That the procedure in cases of disputes between an employer and his workman should be as nearly as possible the following:

(*a*) The workman shall first bring the matter before the employer or foreman.

(*b*) Should they not be able to agree, the employer or his representatives and the representatives of the workmen's union shall endeavor to settle the matter in dispute.

(*c*) If the representatives referred to in subsection *b* are unable to arrange terms, the secretary of the board shall forthwith advise the committee of inquiry of the dispute.

(*d*) In the event of the committee of inquiry being unable to settle the dispute, it shall be referred to the board, and, failing a decision, then to the umpire or arbitrators, who shall be asked to give their decision within 7 days from the date of hearing.

XV. That when a dispute can not be settled between an employer and his workmen, or the representatives of both, the same rate of wages, or hours of labor, or conditions of employment that obtained prior to the dispute shall continue until a decision is given by the committee of inquiry, or board, or arbitrators, as the case may be. If there be no precedent as to wages, hours, or conditions, a provisional resolution on these questions may be given by the committee of inquiry, or board, or arbitrators, and must be observed, but without prejudice to either party to the dispute.

XVI. That all referred questions or disputes shall be submitted by members of the board, with liberty to call witnesses on either side; the work in dispute to be submitted at all such meetings for inspection: *Provided,* That where witnesses are to be called by either side of the board, or by either of the parties to the dispute, no evidence shall be taken, unless six days' notice has been given of the character of the evidence intended to be given, and of the locality from which the witnesses intended to be called will be brought.

XVII. That there must be no suspension of work either at the instigation of the employers or workmen, the main object of the board being to prevent this. If any suspension of work takes place, the board may refuse to inquire into the matter in dispute till work is resumed whilst the fact of its having been interrupted will be taken into account on considering the question. That in order that the complainant or complainants may not lose through waiting, any recommendation of the com-

mittee of inquiry or any decision of the board shall be made to date back to the time of the complaint being sent in.

XVIII. Should any case arise in which Rule XVII as to suspension of work should be contravened, a meeting of the board may be called immediately, and without previous notice, by the chairman to consider the case.

XIX. That any expenses incurred by the board are to be borne equally by the employers and workmen.

XX. That no alteration or addition be made to these rules except at a quarterly meeting, or at a special meeting convened for that purpose. Notice of any proposed alteration shall be given in writing one month previous to such meeting.

Adopted by the board at Leicester at a meeting held on the 15th day of December, 1896.

NORTH OF ENGLAND MANUFACTURED IRON AND STEEL.

The North of England iron trade began to be developed about 1860, and in the following decade its extension was rapid. Because of its hasty growth, the heterogeneous character of the men employed, and the widely scattered sections of the country from which the men were drawn many serious disputes and disorders occurred in its early history. In 1866 the works were closed for 4 months. From that time on for 2 years strikes were of frequent occurrence and "repeated reductions in wages became necessary and gave rise to feelings of resentment, which rendered it more than probable that any increase in the demand for iron would be the signal for peremptory demands on the part of the workmen, tending to a renewal of the confusion of previous years and to the destruction of the prosperity which all might otherwise hope to share."

Early in 1869 a board of conciliation and arbitration was formed, which has existed ever since, having been most successful in avoiding serious disputes and in settling those that did arise. It is formed by one employer and one workman from each works, the general business, however, being done by a standing committee of equal numbers. There is a chairman and a vice-chairman, who have no vote in their official capacity, and in case of a disagreement the matter is submitted to the referee, Sir David Dale. The committee meetings are held monthly, but may be more frequent if necessary, and the board has an open sitting every half year. Every case submitted to the standing committee is printed. The facts are briefly set before the meeting and a decision is thereby hastened. The standing committee has power to settle all matters referred to it, except a general rise or fall of wages or the selection of an arbitrator to fix the same.

The meetings of the representatives on each side of the table have dispelled the suspicion that formerly existed between the employer and his workmen. The employers have dealt openly with the men and have allowed the utmost freedom in expression of views. The result is that confidence exists instead of suspicion. The good feeling has led to the removal of evils which prevailed before the formation

of the board and which strikes had failed to remove. Since the formation of the board there have been only three stoppages for a few days—one in 1872, one in 1880, and one in 1882.

Prior to 1869 there was a period of considerable strife, some strikes lasting for many months. The men grew weary of striking, having lost much money, and the two sides got together to form a conciliation and arbitration board. At the inception of the board strong prejudice had to be dispelled. The men regarded the employers as the natural enemies of labor, but the board had not met a half dozen times before that was overcome, and it has gone on from that time to this without a break. The more the representatives of the men came in contact with the employers, and vice versa, the more they understood one another and the greater their respect for one another's opinions. During its existence the board has settled some 1,400 cases of dispute and 25 large, general arbitrations on wage questions affecting the whole of the trade. In 30 years there has been no instance in which the employers tried to force an issue by stopping work, and there have been only a very few cases in which the men have refused to carry out the award of the board. The places of these recalcitrant men were supplied, and both men and employers indemnified the firm against loss resulting from refusal to abide with the decision.

The standing committee have had to submit only 3 cases in 30 years to the referee, Sir David Dale, who is a large employer of labor in whom the men have always had the most implicit confidence. There has been no case nor the shadow of a case of any man having suffered for giving evidence before the board. Absolute freedom is given to every man to testify and to make out his case for his own side. The man in the trade safest from persecution is the representative of the workmen on the board.

Mr. Cox, the present secretary of the Iron and Steel Workers of Great Britain, regards the board as one of the blessings of the North of England and one of the greatest they have had in the trade. If it were not for the existence of this and the Midlands board there would be a tremendous loss in wages and increasing strife and turmoil. The masters would be badly off, for they would suffer by stoppings and consequent loss on contracts. The trade has experienced many changes; more, perhaps, than any other in existence, for it has gone through a complete revolution from iron to steel, and all the innumerable questions arising from these changes have been settled by the board. The board has the effect of holding in check arbitrary foremen, who sometimes take advantage of the men. At the same time it holds the men in check, for unless they have a good case their appearance before the board is ridiculed by their own colleagues.

Edward Trow, the former secretary, who died within the year, while he did not regard the sliding scale as perfect, considered it the

fairest method for the settlement of wages if an equitable basis can be agreed upon. While it does not jump the wages up so rapidly, it lowers them more gradually, and protects the men when they most need protection. It was his experience that the sliding scale gave the men better terms than any other arrangement made without it or obtained by arbitration. He had never known a case which could not be dealt with fairly by the arbitration board. Where both sides were acting with a desire to be fair and just to each other the result was always satisfactory. Until purely productive cooperation is secured conciliation and arbitration are the safeguards for the men.

The striking features of the rules of the board are the instructions given to the members. Any subscriber having a grievance must explain the matter to the operative representative of the works at which he is employed. Even before that he must do his best to have his grievance righted by seeing his foreman or the manager. The operative manager must question the complainant and discourage complaints that do not appear to be well founded. If there seems to be ground for the complaint, the complainant and the operative representative must lay the matter before the foreman of the works, one day of the week usually being designated for such hearings.

The complaint must be stated in a way that implies an expectation that it will be fairly considered and that what is right will be done. This will lead in most cases to a settlement without further proceedings. If, however, an agreement can not be reached, a statement of the points of difference is drawn up, signed by the two representatives, and sent to the secretaries of the board, with a request that the standing committee consider the matter. As soon as possible after the expiration of 7 days from the receipt of the notice the standing committee should meet; but a delay is not prejudicial, for the recommendation of the standing committee or a decision of the board dates back to the time when the complaint is made.

Above all it is impressed upon the members that there must be no strike or suspension of work. The object is to prevent anything of the sort; and when this does occur the board will refuse to inquire into the matter until work is resumed.

The following are the rules and by-laws of the board:

RULES AND BY-LAWS OF THE BOARD OF CONCILIATION AND ARBITRATION FOR THE MANUFACTURED IRON AND STEEL TRADE OF THE NORTH OF ENGLAND.

RULES.

1. The title of the board shall be The Board of Conciliation and Arbitration for the Manufactured Iron and Steel Trade of the North of England.

2. The object of the board shall be to arbitrate on wages or any other matters affecting the respective interests of the employers or operatives, and by conciliatory means to interpose its influence to prevent disputes and put an end to any that may arise.

3. The board shall consist of one employer and one operative representative from each works joining the board. Where two or more works belong to the same proprietors, each works may claim to be represented at the board, but in all such cases where iron and steel is worked, it is recommended that one representative shall represent iron and one steel; such arrangements shall, however, be optional on the part of the firm and workmen jointly.

4. The employers shall be entitled to send one duly accredited representative from each works to each meeting of the board.

5. The operatives of each works shall elect a representative by ballot at a meeting held for the purpose on such day or days as the standing committee hereafter mentioned may fix, in the month of December in each year, the name of such representative and of the works he represents being given to the secretaries on or before the 1st of January, next ensuing.

6. If any operative representative die or resign, or cease to be qualified by terminating his connection with the works he represents, a successor shall be chosen within one month, in the same manner as is provided in the case of annual elections.

7. The operative representatives so chosen shall continue in office for the calendar year immediately following their election, and shall be eligible for reelection.

7*a*. In case of the total stoppage of any works connected with the board, both employer and operative representatives shall, at the end of one month from the date of such stoppage, cease to be members of the board, and of any committee on which they may have been elected. Any vacancies so resulting from this or any other cause shall be filled up by the committee affected.

8. Each representative shall be deemed fully authorized to act for the works which has elected him, and the decision of a majority of the board, or in case of equality of votes, of its referee, shall be binding upon the employers and operatives of all works connected with the board.

9. The board shall meet for the transaction of business twice a year, in January and July, but by order of the standing committee the secretaries shall convene a meeting of the board at any time. The circular calling such meeting shall express in general terms the nature of the business for consideration.

10. At the meeting of the board to be held in January in each year it shall elect a referee, a president, and vice-president, two secretaries, two auditors, and two treasurers, who shall continue in office till the corresponding meeting of the following year, but shall be eligible for reelection. The president and vice-president shall be ex officio members of all committees, but shall have no power to vote.

11. At the same meeting of the board a standing committee shall be appointed as follows: The employers shall nominate 10 of their number, exclusive of the president (not more than 5 of whom shall be entitled to vote or take part in any discussion at any meeting of the committee), and the operatives 5 of their number, exclusive of the vice-president.

12. The standing committee shall meet for the transaction of business prior to the half-yearly meetings, and in addition as often as business requires. The time and place of meeting shall be arranged by the secretaries in default of any special direction.

13. The president shall preside over all meetings of the board, and of the standing committee, except in cases that require the referee. In the absence of the president a temporary chairman, without a casting vote, shall be elected by the meeting.

14. All questions requiring investigation shall be submitted to the standing committee or to the board, as the case may be, in writing, and shall be supplemented by such verbal evidence or explanation as they may think needful.

15. All questions shall, in the first instance, be referred to the standing committee, who shall investigate and have power to settle all matters so referred to it, except a general rise or fall of wages or the selection of an arbitrator to be empowered to fix

the same. Before any question be considered by the standing committee an agreement of submission shall be signed by the employer and operative delegate of the works affected and be given to the committee. In case of the standing committee failing to agree the question in dispute shall be submitted to the referee, who shall be requested to decide the same, but in all such cases witnesses from all the works affected may be summoned to attend and give evidence in support of their case.

16. No subject shall be brought forward at any meeting of the standing committee or of the board unless notice thereof be given to the secretaries 7 clear days before the meeting at which it is to be introduced.

17. All votes shall be taken at the board and standing committee by show of hands, unless any member calls for a ballot. If at any meeting of the board the employer representative or the operative representative of any works be absent, the other representative of such works shall not, under the circumstances, be entitled to vote.

18. When the question is a general rise or fall of wages, a board meeting shall be held, at which the referee may be invited to preside, and in case no agreement be arrived at a single arbitrator shall be appointed, and his decision at or after a special arbitration held for the purpose shall be final and binding on all parties. The referee may by special vote of a majority of the board be appointed arbitrator.

19. Any expense incurred by the board shall be borne equally by the employers and operatives, and it shall be the duty of the standing committee te establish the most convenient arrangements for collecting what may be needed to meet such expenses. The banking account of the board shall be kept in the name of the treasurers, and all accounts shall be paid by check signed by them.

20. The sum of 10s. [$2.43] for each member of the board or standing committee shall be allowed for each meeting of the board or standing committee. This sum shall be divided equally between the employers and operatives, and shall be distributed by each side in proportion to the attendance of each member. In addition, each member shall be allowed traveling expenses at the rate of 3 half-pence [3 cents] per mile, and when an operative member is engaged on the night shift following the day on which a meeting is held he shall be allowed payment for a second shift.

21. The operative representative shall be paid for time lost in attending to grievances at the works to which he belongs at the rate of 10s. [$2.43] for each shift actually and necessarily lost. Should he, however, lose more time than reasonably necessary in the opinion of the manager, the latter shall fill up the certificate only for such amount as he considers due before signing it. Whatever sum or sums in this or any other way be paid to operative representatives in excess of what is paid to employer representatives, railway fares alone excepted, one-half of such excess shall concurrently be credited to the employers collectively. An account of attendances, and fees paid to each representative shall be kept, and the secretaries shall call the attention of the standing committee to any case where the cost of adjusting disputes at any works exceeds, in their opinion, a proper amount in proportion to the number of operatives employed.

22. Should it be proved to the satisfaction of the standing committee that any member of the board has used his influence in endeavoring to prevent the decisions of the board or standing committee from being carried out, he shall forthwith cease to be a representative, and shall be liable to forfeit any fees which might otherwise be due to him from the board.

23. If the employers and operatives at any works not connected with the board should desire to join the same, such desire shall be notified to the secretaries, and by them to the standing committee, who shall have power to admit them to membership on being satisfied that these rules have been or are about to be complied with.

24. No alteration or addition shall be made to these rules, except at the meeting of the board to be held in January in each year, and unless notice in writing of the proposed alteration be given to the secretaries at least 1 calendar month before

such meeting. The notice convening the annual meeting shall state fully the nature of any alteration that may be proposed.

25. The standing committee shall have power to make from time to time such by-laws as they may consider necessary, provided the same are not inconsistent with or at variance with these rules.

BY-LAWS.

Rule 5. The secretaries shall, in the month of November in each year, issue a notice to each works connected with the board, requesting the election of representatives in the month of December, and shall supply the requisite forms.

Rule 11. The standing committee shall have power to fill up all vacancies that may arise during the half year.

Rule 14. An official form shall be supplied to each representative, on which complaints can be entered. Either secretary receiving a complaint shall be required to forward a copy of the same to the other secretary, and the complaint shall be considered as officially before the board from the date of such notice.

Rule 16. This rule to be interpreted to mean that no case in which the standing committee are called upon to deal finally with a complaint from any member of the board shall be taken up without 7 days' notice has been received; but this is not to apply to routine business, or to complaints the investigation of which may be considered necessary by the committee.

Rule 19. The sum of 1d. [2 cents] per head per fortnight shall be deducted from the wages of each operative earning 2s. 6d. [$0.61] per day and upward. Each firm shall pay an amount corresponding to the total sum deducted from the workmen. The contributions shall be forwarded on official forms, to be supplied by the secretaries, to the bankers (the National Provincial Bank of England, Limited) within one week from the pay [day] when the money is deducted from the operatives.

Rule 20. If any member be compelled in the service of the board to attend meetings on two or more days consecutively, the sum of 3s. 6d. [$0.85] each shall be allowed per night. This is not to apply to any members living in the place where the meeting is held. Members attending meetings on any day except Mondays or Saturdays, and being that week employed on the night turn, to be paid for two days for each sitting.

The board earnestly invites the attention of all who belong to it, either as subscribers or as members, to the following instructions:

If any subscriber to the board desire to have its assistance in redressing any grievance, he must explain the matter to the operative representative of the works at which he is employed. Before doing so he must, however, have done his best to get his grievance righted by seeing his foreman or the manager himself.

The operative representative must question the complainant about the matter, and discourage complaints which do not appear to be well founded. Before taking action, he must ascertain that the previous instruction has been complied with.

If there seem good grounds for complaint, the complainant and the operative representative must take a suitable opportunity of laying the matter before the foreman, or works' manager, or head of the concern (according to what may be the custom of the particular works). Except in case of emergency, these complaints shall be made only upon one day in each week, the said day and time being fixed by the manager of the works.

The complaint should be stated in a way that implies an expectation that it will be fairly and fully considered, and that what is right will be done. In most cases this will lead to a settlement without the matter having to go further.

If, however, an agreement can not be come to, a statement of the points in difference shall be drawn out, signed by the employer representative and the operative representative, and forwarded to the secretaries of the board, with a request that the

standing committee will consider the matter. An official form, on which complaints may be stated, can be obtained from the secretaries.

It will be the duty of the standing committee to meet for this purpose as soon after the expiration of seven days from receipt of the notice as can be arranged, but not later than the first Thursday in each month.

It is not, however, always possible to avoid some delay, and the complainant must not suppose that he will necessarily lose anything by having to wait, as any recommendation of the standing committee or any decision of the board may be made to date back to the time of the complaint being sent in.

Above all, the board would impress upon its subscribers that there must be no strike or suspension of work. The main object of the board is to prevent anything of this sort, and if any strike or suspension of work take place, the board will refuse to inquire into the matter in dispute till work is resumed, and the fact of its having been interrupted will be taken into account in considering the question.

It is recommended that any changes in modes of working requiring alterations in the hours of labor, or a revision of the scale of payments, should be made matters of notice, and as far as possible, of arrangement beforehand, so as to avoid needless subsequent disputes as to what ought to be paid.

IRON MINING.

Mr. J. Dennington is the secretary of the Cleveland Mine Owners' Association and also of the Ironmasters' Association. They have no active board, but a joint committee of 6 owners and 6 representatives of the men. This method has been in operation for 26 years. The joint committee deals with local questions affecting individual places, wages, and other questions; if a district wage question arises, that is a matter for the employers. Deputations of men come and confer with the owners, who generally appoint a mine man, and the men choose a practical miner for their representative, while if they fail to settle it these two choose a third, but as a fact they seldom fail to agree. There has been no strike in the district since 1874. When the market is advancing the men say they want advances in their wages; when it is receding the masters ask for a reduction, and their men seem willing to help them out.

They had a sliding scale from 1879 to 1889. Wages were then regulated three months after the ascertained price of iron during the preceding three months, and the men grew a little impatient in waiting for the scale to operate. Another objection to the sliding scale on the part of the men's officials is that the members of the men's association fell out of the ranks while the scale was in existence. Wages were settled by the price of iron in the market and were not fixed absolutely by the efforts of the men's representatives, making the representatives apparently less important, inasmuch as the men saw that the masters regarded the sliding scale as a very just measure of wages. With or without a scale there is no very great difference in the results, although without a scale the men may get advances a little more quickly; on the other hand, the mutual working of such a method would mean a reduction the sooner.

From 1873 to 1879 in this trade they had what is called higgling combined with arbitration. Then for 10 years, from 1879 to 1889, the sliding scale was used and now they have returned to their former method of higgling or negotiation, a change desired by the 6,000 or 7,000 men in the ironstone mines. The men have the idea that if parties sitting about the same table can not understand the matter, a third person is not likely to understand it any better; and they point to instances where they could have done better themselves than the arbitrator did for them.

One of the advantages of a joint committee, Mr. Dennington thinks, is that it brings the owners and the men together. Although they come about local matters to the committee they become acquainted with the masters, which leads to friendly intercourse in the larger questions. Much depends upon the individual representatives of the employers and the men. If they meet in a pleasant way, a conciliatory spirit rules; and if they differ, they do it without antagonism. They behave as gentlemen on both sides of the table and it is Mr. Dennington's testimony that there has been no bad feeling during the 26 years of his experience.

Of the 10 or 11 firms in the business in the district 8 are in the association. Those outside are governed by the prices set or paid by the association; "they wear the the uniform without paying for the cloth"—as Mr. Dennington remarked.

The rules of the Cleveland Mine Owners' and Miners' associations, which apply also to the blast furnace men, are as follows:

RULES FOR THE JOINT COMMITTEE.

The object of the committee shall be to arbitrate, appoint arbitrators, or otherwise settle all questions (except such as may be termed district questions or questions affecting the general trade) relating to wages, practices of working, or any other subject which may arise from time to time at any particular mine, and which shall be referred to the consideration of the committee by the parties concerned. The committee shall have full power to settle all disputes, and their decision shall be final and binding upon all parties in such manner as the committee shall direct.

The committee shall consist of 6 representatives chosen by the North Yorkshire Cleveland Miners' Association, and 6 representatives chosen by the Cleveland Mine Owners' Association.

At meetings of the committee it shall be deemed that there shall be no quorum unless at least three members of each association be present.

Each meeting shall nominate its own chairman, who shall have no casting vote. In case of equality of votes upon any question it shall be referred to two arbitrators, one to be chosen by the members of each association present at the meeting. These arbitrators to appoint an umpire in the usual way.

Each party to pay its own expenses—the expenses of the umpire to be borne equally by the two associations.

Should any alteration or addition to these rules be desired, notice of such change shall be given at the meeting previous to its discussion.

If any member of the committee is directly interested in any question under dis-

cussion, he shall abstain from voting, and a member of the opposite party shall also abstain from voting.

When any subject is to be considered by the committee, the secretary of the association by whom it is to be brought forward shall give notice thereof to the secretary of the other association at least a week before the meeting at which it is to be considered.

The rules of the Associated Iron and Steel Workers of Great Britain set out that one of the objects of the association is to "regulate the relations between workmen and employers, and to obtain by arbitration and conciliation, or by other means that are fair and legal, a fair remuneration to the members for their labor." The principle of settling all differences is enjoined upon members of the association in the following rules:

In the event of any misunderstanding or dispute arising with the members at any works and their employers, if connected with the wages board or the board of conciliation and arbitration, they shall, in the first instance, refer the particulars of their grievance to the secretary of the board for the district in which such dispute occurs, who shall investigate the claims of the applicants according to the spirit of the arbitration rules, and endeavor to settle the matters referred to him. In the event of the operative secretary being unable to settle any question calculated to produce irritation betwixt employer and employed, he shall call upon the employers' secretary to hold a meeting, at an early day, for the due consideration and settlement of such matters in dispute; and, if necessary, the full board shall be summoned to settle the same.

If a dispute takes place at any works not connected with the wages board or with the conciliation board, the lodge committee, and, if necessary, the district committee, shall hold a meeting to consider, and, if possible, to settle the same. If desirable, at request of district committee, the general secretary shall visit the works, or shall appoint a deputy to do so in his absence, in accordance with the instruction given by the general council.

Where works are not connected with any board, the members of this association shall use their influence with employers and others to join the present boards, or to form new boards to suit the local circumstances of such works and workmen; and in case any dispute should arise where a board of conciliation and arbitration has not been formed, the workmen who are members of this association shall, before any step be taken calculated to produce a loss of employment, first make an offer in writing to the employer or employers, to settle the question in dispute by an appeal to conciliation and arbitration.

What is good for the settlement of disputes between their employers and themselves is regarded with equal favor for the settlement of their own differences—between members and officers of the association and between any branch and the council. Provision is made, as a last resort, for the election of a referee, whose decision shall be final.

In the ironstone trade in the Cleveland district almost every known system of settling labor differences has been tried—the joint committee, the sliding scale, conciliation, and arbitration. The miners' association was formed in January, 1872, and has existed ever since. As early as April, 1873, a joint committee of masters and men was formed

for the settlement of local disputes. The committee has existed continuously from that time to this. There are six representatives on either side, and any case they can not settle is put into the hands of referees, one or two on each side. If these fail to settle the question, they appoint an umpire, and his decision is final.

Mr. Joseph Toyn, the president of the miners' association, is on record as saying that the committee has, without doubt, avoided hundreds of stoppages and strikes. It has worked fairly well and has made some good settlements for both sides and kept the best relationship. This is favored for minor and local disputes, but not for general questions.

The sliding scale was used and abandoned by the men after a trial of ten years. They gave it up because the basis was not high enough, and because it did not move rapidly enough in a rising market. There were but quarterly ascertainments of prices. Then, too, there is some difficulty unless a satisfactory basis of wages is agreed upon; and in a trade subject to many and great fluctuations the basis would have to be changed every few years.

Since 1877 the men in this trade have always refused arbitration, for their experience was that they got the worst of the decision. Not that the arbitrators were biased against them, but their difficulty was in producing evidence to offset the facts and figures offered by the owners.

Of all methods Mr. Toyn prefers conciliation. With a spirit of reasonableness on each side a better decision is likely to be obtained by a conference of representatives of owners and men, who understand all the points, than by a reference to an outside umpire. It is better than going to an umpire, because nineteen times out of twenty the question is taken away from practical men on the two sides and given into the hands of one who knows nothing about it. Conciliation is the best way of settling disputes, for the employers and men will go far in this direction before bringing about a strike, and further than they are likely to go afterwards.

The Cleveland Ironmasters' Association and the blast furnacemen employed in the associated works regulate wages by a sliding scale. The agreement governing them was to continue three years from December 31, 1897, and three months' notice will have to be given September 30, 1900, to terminate it at the end of the three-year period, December 31, 1900. The first audit covered the business done during October, November, and December, 1897. The result was announced as early as possible in January and regulated wages for January, February, and March, 1898. Every three months audits are held and the time of ascertaining the price must not be later than the 7th of the following month. Should any dispute arise, provision is made for referring it to a committee composed of not more than 6 representa-

tives from each side. If they can not agree, then an umpire is to be chosen.

The men have been organized since 1879, and since then there has been no general strike. The committee usually agree, and the services of the umpire are very seldom needed. There are 3,000 blast furnacemen in the district.

Luke Fenwick, the men's secretary, regards their method as an excellent way of settling disputes. They do not always get what they think they are entitled to, but it is a fair way. When the decision is made it is strictly adhered to and carried out. Very friendly relations exist between masters and men, which it would be difficult to improve upon.

Mr. J. Dennington is the masters' secretary and his remarks concerning the iron-mining trade are equally applicable to the blast furnacemen.

The National Federation of Blast Furnacemen is on record in favor of joint committees as the best mode of settling wages and trade disputes. Their rules provide that no district or part of a district in the federation shall give notice of a strike, or of an intended alteration in the hours or conditions of labor, until its case has been laid before the members and a vote by ballot been taken. In all questions a majority of the members shall decide, except in case of a strike, where a two-thirds vote is required. The rules governing the joint committees are as follows:

1. Joint committees of members of this federation and their employers shall consist of an equal number of representatives from each side.

2. At joint committee meetings, if less than three representatives from either side attend, there shall not be any business transacted. Less than three from each side shall not be deemed to form a quorum.

3. The committee shall settle, if possible, all questions relating to wages, practices of working, or any other subject which may arise from time to time at any particular work, and which shall be referred to the consideration of the committee by the parties concerned. The committee shall have full power to settle all disputes, and their decision shall be considered final and binding upon all parties concerned.

4. The chairman shall have no casting vote. In case of an equal number of votes being cast on each side, upon any question, it shall be referred to two arbitrators, one to be chosen by each side. These arbitrators to appoint an umpire, if necessary. Each party to pay its own expenses. If an umpire is called upon, each side shall pay half of his expenses.

5. When any question is to be considered by the committee the party raising such question must give at least seven clear days' notice to the opposite party before the date of the meeting at which it is to be considered.

THE BOILER MAKERS.

The Boiler Makers and Iron and Steel Shipbuilders' Society has been in existence more than 60 years, and is one of the wealthiest trade unions in England. For more than 20 years there has been no general

strike in the trade. This has been accounted for by the conciliatory features in vogue and the great powers given to the executive council of the union. The latter is permitted to say when the funds of the society are to be used in a dispute and to make terms of settlement with the employers, without taking a vote of the members on the question.

The men have found that they can get more by quietly and peaceably arguing the question than by causing unpleasantness and a stoppage of work, which would mean loss. Their experience has also shown that increase or decrease of wages should not be extreme—neither too high in good times nor too low in bad times. As a result it has become law in the trade that wages move only 5 per cent up or down at any one time. By the rules changes do not occur at shorter intervals than 6 months. These customs steady trade and enable employers to calculate almost to a certainty upon taking contracts.

If an advance is desired or a reduction asked a month's notice is given and a conference arranged to discuss the proposed changes. A master always presides at the conference, and each side is represented by a deputation. Views are interchanged, and if an agreement is not reached at the first meeting the dispute is almost invariably settled at the second.

The secretary of the society, Mr. R. Knight, is on record as favoring conciliation as the best means of settling difficulties between employers and workmen, because it leaves no bitterness behind. The men have always been met by the employers in the most gentlemanly way and with a desire to come together, and they have succeeded. Arbitration has not been tried, for they have always been able to settle their own affairs, as they thought, better than an outsider. As the best thing for workmen and employers his decided preference was for conciliation.

There is no actual board of conciliation, but an agreement between the Tyne, Wear, Tees, and Hartlepool shipbuilders and the executive council of the Boiler Makers and Iron and Steel Shipbuilders' Society, which was signed on July 5, 1894, to continue five years. This agreement provides for the settlement of differences by conference and by peaceful means.

It is as follows:

AGREEMENT BETWEEN THE TYNE, WEAR, TEES, AND HARTLEPOOL SHIPBUILDERS AND THE EXECUTIVE COUNCIL OF THE BOILER MAKERS AND IRON AND STEEL SHIPBUILDERS' SOCIETY.

1. Alterations in wages.—No general alteration to be made until after 6 calendar months have elapsed from the date of last alteration, and no single alteration to be more than 5 per cent. Four weeks' notice in writing to be given of any proposed alteration. Previous to such notice being given by either side a request for a meeting between the associated employers and the boiler makers' society shall be given

by the party intending to give notice; this meeting shall be held within 14 days after the receipt of the request. Failing agreement during the month's notice, the notice may be extended to any time not exceeding another month if acceptable to both parties; but whatever the settlement may be, the advance or reduction, if any, shall commence from the expiration of the first month's notice.

Should a settlement not thus be effected, the question can be dealt with as may be considered best.

2. Sectional or individual disputes.—In the event of any such disputes, they shall, in the first instance, be referred to the society's officials and the employer or his representatives. If any dispute takes place respecting the price of work, the job shall be proceeded with as on piece, and whatever the price may be when settled, the same shall be paid from the commencement of the job; and in the meantime if a pay day comes before a settlement, the man or men can draw whatever amount it has been the custom of the firm to pay under the circumstances, or the disputed job can be done at day rates if so agreed upon between the firm's officials and the district delegate.

Failing a settlement of the dispute by ordinary means, the terms of settlement shall be adjusted by a committee representing employers and the boiler makers and iron shipbuilders' society within 14 days.

3. Appliances, etc.—Notwithstanding any of the above clauses, the shipbuilders are to be entitled to a revision of rates on account of labor-saving appliances, whether now existing and not already sufficiently allowed for or hereafter to be introduced; for improved arrangements in yards; for rates to be paid in vessels of new types where work is easier, and for other special cases. The terms of these revisions to be adjusted by a committee representing employers and the boiler makers and iron shipbuilders' society. The men shall in like manner be entitled to bring before the said committee any jobs the rates of which may require revision due to new conditions of working, structural alterations in vessels, or any other cause.

4. Work pending settlement of disputes.—Work shall in all cases be proceeded with without interruption pending the settlement of any dispute, whether as to prices or otherwise.

5. Standing committee.—A standing committee of three on each side (exclusive of the delegate on each side) shall be appointed for each river to consider local disputes. In the event of any dispute involving more than one river, a joint committee, the members of which shall be selected from the local committees involved, shall be convened.

6. Duration of scheme.—The scheme to be tried for a period of 5 years, and to be afterwards terminable by 6 months' notice on either side.

NEWCASTLE-ON-TYNE, *July 5, 1894.*

SCOTTISH MANUFACTURED-IRON TRADE.

In September, 1896, at the suggestion of the operatives, negotiations were begun between the employers and workmen engaged in the manufactured-iron trade of Scotland, with a view to the establishment of a board of conciliation and arbitration, on the same lines with that of the North of England. A conference proved the existence of a feeling on the part of employers and employed that the meeting together of representatives of the masters and operatives, by whom grievances could be discussed and disputes amicably adjusted, would conduce to mutual confidence and harmonious cooperation, and would

be for the best interests of the trade. As a result a board was formed in March, 1897, including 20 works, owned by 18 firms, only one manufacturer in the west of Scotland not being a member of the board.

Previous to that time the wages of the Scottish workmen were regulated by prices paid in the North of England. The Scottish iron trade had been more depressed than the English trade, and when prices began to rise their advance was more rapid than in the English trade. The men noticed this, and suggested the organization of the board.

Sir James Bell, ex lord provost of Glasgow, was unanimously chosen arbitrator, but during the 2 years of the board's existence his services have not been needed.

The main purpose of the conciliation and arbitration board is to settle the wage question. It was difficult to get a basis satisfactory to both sides, and audits for 2 months at a time were held to decide the rate. The result of these audits fixed the rate for a corresponding period of 2 months.

At each annual meeting 12 employers, not more than 6 of whom shall be entitled to take part in any discussion, are named, along with 6 workmen, as members of a standing committee. To this committee every question, except a general rise or fall of wages, is submitted for settlement. If they fail to agree it is then sent to the board, and if no agreement can be reached, then the umpire is called in.

Since the organization the standing committee and the board have settled all differences; and at the second annual meeting, held in January, 1899, the president declared that the more information they could disseminate concerning the board the greater would be the confidence and the more smoothly would the board work. The vice-president, a workman, said those on his side of the house were willing, so far as it was possible, to act in conjunction with the employers for harmony, peace, and prosperity.

The conciliation and arbitration board in the manufactured-steel trade for the West of Scotland was organized in 1892. During the past 5 years there has been no strikes to speak of, and where differences have arisen they have been amicably settled.

Mr. John Cronin is the general secretary of the men. He said they have never had any case of repudiation of a decision since the establishment of the board. There have been cases where men in the works wished to withdraw from the board because of an adverse decision, but they have been held in check.

Employers may claim compensation for losses if the men withdraw without reporting the trouble to their secretary. The penalty varies as to time and material. Sometimes it is only a nominal claim and

sometimes actual. Though disappointment follows successive reductions, the men must abide by the decision. The leading men on the board are the leading men in the union's affairs. The men are certainly favorable to the boards, he said.

Mr. Bishop, secretary of the masters' association, regards the board as a good education, for many differences are due wholly to misunderstandings on the part of the men. It gives time for pause; when in hot blood, it gives room for reflection. The men frequently think capital is against labor; but the board shows that their interests are identical, and will often avoid if not altogether dispense with a strike. In their trade they have experienced its workings only with a rising market. The one trouble is that the majority of the men do not give the members of the board and those of the standing committee a free hand. The constituents must be consulted before the final agreement can be arrived at, and it is very difficult at times to control the men. An employer is president of the board and a workman vice-president.

The rules for the iron and steel trade are identical. Those for the former are as follows:

RULES OF THE SCOTTISH MANUFACTURED-IRON TRADE CONCILIATION AND ARBITRATION BOARD, ADOPTED JANUARY 23, 1899.

1. The title of the board shall be The Scottish Manufactured-Iron Trade Conciliation and Arbitration Board.

2. The objects of the board shall be to discuss and if necessary to arbitrate on wages or any other matters affecting the respective interests of the employers or operatives, and by conciliatory means to interpose its influence to avert stoppages, prevent disputes, and put an end to any that may arise.

3. The board shall consist of one employer representative and one operative representative from each works joining the board. Where two or more works belong to the same proprietors, each may claim to be represented at the board.

4. The employers shall be entitled to send one duly accredited representative from each works to each meeting of the board. The operatives of each works shall elect their representative to the board, who must be a subscriber to the board.

5. The secretaries shall, in the month of November in each year, issue a notice to each works connected with the board, requesting the election of a representative in the succeeding month of December. The employers will have the notices posted in their works, and will, if desired by the acting representative, appoint a person to assist at the election if more than one candidate be nominated. The notice will call a meeting of the operatives for such day or days in the month of December, and at such place or places as the standing committee hereinafter mentioned may appoint, when candidates shall be nominated. If only one person be nominated, he shall be considered to be duly elected. If more than one person be nominated, an election by ballot shall be held on an early convenient day, to be fixed by the acting representative and the operatives' secretary, the candidate receiving the largest number of votes to be declared duly elected. The acting representative shall on or before the 1st day of January next ensuing send to the secretaries the name of the representative so chosen and of the works he represents. The secretaries will supply all printed forms necessary for the election.

6. The operative representative so chosen shall assume office at the next ensuing annual meeting of the board, and shall retain office until the succeeding annual

meeting. Both old and new representatives shall be present at each annual meeting, but only the old representatives shall vote on the adoption of the annual report and accounts. This being done, they shall at once demit office, and be immediately succeeded by the new representatives. Representatives shall be eligible for reelection.

7. If any operative representative die, or resign, or cease to be qualified, or terminate his connection with the works he represents, a successor shall be chosen within 1 month, in the same manner as is provided in the case of annual elections, and shall remain in office over the same period as would the representative in whose room he was elected.

8. In case of the total stoppage of any works connected with the board, except from temporary causes, both employer and operative representatives shall, at the end of 1 month from the date of such stoppage, cease to be members of the board and of any committee on which they may have been elected. Any vacancies resulting from this or any other cause shall be filled up by the committee affected.

9. Each representative shall be deemed fully authorized to act for the works which has elected him, and the decision of a majority of the board shall be binding upon the employers and operatives of all works connected with the board.

10. The annual meeting of the board attended by new and old members shall be held in January of each year, when the accounts for the previous year shall be submitted. By order of the standing committee, the secretaries shall convene a meeting of the board at any time, giving at least 7 days' notice. The circular calling such meeting shall state in general terms the nature of the business for consideration.

11. At the annual meeting the new members shall elect an arbiter, a president, a vice-president, two treasurers, two secretaries, and two auditors, who shall continue in office till the corresponding meeting of the following year, but shall be eligible for reelection. All except the arbiter and secretaries shall be elected from the members of the board. The secretaries shall be appointed—one by the employers' representatives and one by the operatives' representatives—and both shall be paid by the board. Neither of the secretaries shall be an employer or employee of the trade. Any casual vacancies in the offices of treasurers or auditors which may occur during the year may be filled up by the standing committee; and any casual vacancy in the office of employers' or operatives' secretary may be filled up by the representatives on the standing committee of the employers or of the operatives, as the case may be.

12. The president and vice-president shall be ex officio members of all committees, but without a casting vote. It shall be the duty of the president to preside over all meetings of the board and of the standing committee, except in cases that require the arbiter. In the absence of the president and vice-president a temporary chairman shall be elected by the meeting, but in no case, whoever presides, shall the chairman have a casting vote. The secretaries shall be appointed as paid officials of the board, without power to vote; they may, however, take part in all discussions.

13. At the annual meeting of the board a standing committee shall be appointed as follows: The employers shall nominate 12 of their number (not more than 1 from each firm), exclusive of the president (not more than 6 of whom shall be entitled to vote or take part in any discussion at any meeting of the committee), and the operatives 6 of their number, exclusive of the vice-president; 6 to form a quorum.

14. The standing committee shall meet as often as business requires. The time and place of meeting shall be arranged by the secretaries, in default of any special direction by the board or the president and vice-president.

15. All questions, including any not settled at the works, shall, in the first instance, be referred to the standing committee, who shall investigate and have power to settle all matters so referred to them (except a general rise or fall of wages, which shall be referred to a special meeting of the board). In any case where the standing committee fails to agree, or its decision is not accepted by either party, the question in

dispute shall be submitted to the board, and if not decided by the board it may then be submitted to the arbiter, whose decision in all cases submitted to him shall be final and binding on all parties.

16. All votes at the board and standing committee shall be taken by show of hands. If at any meeting of the board either the employer representative or the operative representative of any works be absent, the other representative of such works shall not be entitled to vote.

17. Questions requiring investigation by the standing committee or the board shall be submitted in writing through the secretaries. Either secretary receiving a complaint shall forward a copy of the same to the other secretary, and the matter referred to shall be considered as officially before the committee from that date. Before any question be considered, an agreement of submission shall be signed by the employer and operative representatives of the works affected, and given to the secretaries, who shall bring the same before the committee. Forms for these purposes shall be supplied by the secretaries.

18. The committee or the board or the secretaries, in their discretion, may summon from the works affected witnesses to give evidence in any case submitted to them, such witnesses to be paid by the board such allowances and expenses as the committee may direct.

19. No case referred to the standing committee, nor any subject of dispute, shall be considered at any meeting unless notice thereof has been given to the secretaries four clear lawful days before such meeting, but this is not to apply to routine business nor to matters the investigation of which may be considered necessary by the standing committee.

20. When the question is a general rise or fall of wages, a board meeting shall be held, and in case no agreement can be arrived at it shall be referred to the arbiter, and his decision shall be final and binding on all parties.

21. No suspension of work shall take place pending the consideration or settlement of any question in dispute.

22. The sum of 1 penny [2 cents] per head per fortnight (which sum may be altered if found necessary) shall be deducted from the wages of all puddlers (forehand, levelhand, and underhand), bushelers, scrap furnacemen and assistants, shinglers and assistants, forge rollers and assistants, puddled bar bankmen, cutters down, heaters and assistants, rollers and all assistants, finished bar bankmen, pig-iron wheelers, and tap or cinder wheelers, earning over 3 shillings [$0.73] per shift. Each firm shall pay an amount corresponding to the total sum deducted from the workmen. The contributions, along with the official forms to be supplied by the secretaries, shall be forwarded to the bankers (the National Bank of Scotland, Limited, Glasgow) within one week from the day when the money is deducted from the operatives. The banking account of the board shall be kept in the name of the treasurers, and all accounts shall be paid by check signed by them.

23. All expenses incurred by the board shall be borne equally by the employers and operatives.

24. The sum of 10s. [$2.43] shall be paid to each member attending a meeting of the board or of the standing or other committee. In addition each member shall be allowed traveling expenses at the rate of 3 halfpence [3 cents] per mile, and when an operative member is engaged on the night shift following the day on which a meeting is held, he shall be allowed payment for a second shift.

25. The operative representative shall be paid at the rate of 10s. [$2.43] per shift for such time as he actually and necessarily loses, or is occupied, in attending to grievances at works in which he is employed. A certificate for the amount so due shall be signed by the employer, or his deputy, and sent by the operative representative to the secretaries, who shall pay such charges, if they are found in order. In case of any sum or sums being in this or any other way paid to operative representatives in

excess of what is paid to employer representatives, railway fares alone excepted, one-half of such excess shall concurrently be credited to the employers collectively. An account shall be kept of attendances, and fees paid to each representative, and the secretaries shall call the attention of the standing committee to any case where the cost of adjusting disputes at any works exceeds, in their opinion, a proper amount in proportion to the number of operatives employed.

26. Should it be proved to the satisfaction of the standing committee that any member of the board has used his influence in endeavoring to prevent the decisions of the board or standing committee from being carried out, he shall forthwith cease to be a representative, and shall be liable to forfeit any fees which might otherwise be due to him from the board.

27. No alteration or addition shall be made to these rules, except at the meeting of the board held in January in each year, and unless notice in writing of the proposed alteration be given to the secretaries at least one calendar month before such meeting. The notice convening the annual meeting shall state fully any alteration that may be proposed.

28. The standing committee shall have power to make, from time to time, such by-laws as they may consider necessary, provided the same are not inconsistent with or at variance with these rules.

29. If the employers and operatives at any works not connected with the board desire to join the same, such desire shall be notified to the secretaries, and by them to the standing committee, who shall have power to admit them to membership on being satisfied that these rules have been or will be complied with.

INSTRUCTIONS.

The board earnestly invites the attention of all who belong to it to the following instructions:

1. If any subscriber to the board desires to have its assistance in redressing any grievance, he must explain the matter to the operatives' representative of the works at which he is employed. Before doing so he must, however, have done his best to get his grievance righted by seeing his foreman, or the manager, himself.

2. The operatives' representative must question the complainant about the matter, and discourage complaints which do not appear to be well founded. Before taking action, he must ascertain that the previous instruction has been complied with.

3. If there seems to be good ground for complaint, the complainant and the operatives' representative must take a suitable opportunity of laying the matter before the foreman or works manager, or head of the concern (according to what may be the custom of the particular works). Except in case of emergency, these complaints shall be made only upon one day in each week, the said day and time being fixed by the manager of the works.

4. The complaint should be stated in a way that implies an expectation that it will be fairly and fully considered, and that what is right will be done. In most cases this will lead to a settlement without the matter having to go further.

5. If, however, an agreement can not be come to, a statement of the points of difference shall be drawn up and signed by the employers' representative and the operatives' representative and forwarded to the secretaries of the board with a request that the standing committee will consider the matter. An official form on which complaints may be stated can be obtained from the secretaries.

6. It will be the duty of the standing committee to meet for this purpose as soon after the expiration of four days from receipt of the notice as can be arranged.

7. It is not, however, always possible to avoid some delay, and the complainant must not suppose that he will necessarily lose anything by having to wait, as any recommendation of the standing committee or any decision of the board may be made to date back to the time of the complaint being sent in.

8. Above all, the board would impress upon its subscribers that there must be no strike or suspension of work. The main object of the board is to prevent anything of this sort, and if any strike or suspension of work takes place the board will refuse to inquire into the matter in dispute till work is resumed; and the fact of it having been interrupted will be taken into account in considering the question.

9. It is recommended that any changes in the modes of working requiring alterations in the hours of labor or a revision of the scale of payments shall be made matter of notice, so far as possible, and of mutual arrangement beforehand, so as to avoid needless subsequent disputes as to what ought to be paid.

NOTTINGHAM LACE TRADE.

Three sets of rules have been adopted by the board of conciliation and reference in the lace trade since 1868, and the changes have been comparatively few and slight, only those being made where experience has shown some weakness.

The rules of 1868 set forth the object of the board to be "to arbitrate on any question that may be referred to it from time to time by the joint consent of employer and workman, and by conciliatory means to interpose its influence to put an end to any dispute that may arise." The later rules state the purpose is to confer on questions, and they provide that no question will be entertained unless the employees are at work. The size of the board was increased from 8 to 13 on each side.

The rules of 1868 also provided for a committee of inquiry consisting of 4 members, 2 from each side, whose duty it was to consider all business and use its influence in the settlement of all disputes. The committee was not permitted to make an award, and in case of failure to amicably adjust the business referred to it it was to be remitted to the board.

By the rules of 1895 the committee of inquiry was continued and provision was made for the submission of such disputes as did not come within the province of the committee, or on which the committee could not agree to a recommendation, to the section of the trade to which they refer. The section failing to agree, the question was then to be submitted to the full board, which was not allowed to discuss the question for a longer time than one month.

The latest rules have omitted the committee of inquiry, and the question is first submitted to the section of the board which represents the branch of trade implicated, and in case of its failure to suggest a settlement, then to the full board.

The earliest rules provided for the submission of a dispute to a referee in case of a tie vote on the board, but the rules of 1895 provided that in case of a tie the dispute should be referred within 14 days to two referees, one to be chosen by either side, who before entering on their duties should choose an assessor. In case the referees did not agree within 7 days the assessor was to have another 7 days

in which to render his decision. He was to be present at all meetings of the referees to obtain evidence on which to base his decision, and the decision of either the referees or the assessor was to be final and binding upon both parties.

All these provisions have been swept away by the most recent rules, which provide that in case the board fails to agree each side is permitted to choose an independent chairman to sit with the board of conciliation. If no decision can be reached, the question is then to be submitted to the board of trade.

Penalties for not complying with the decisions of the board were added in the rules of 1895 and retained in those of 1898.

The principle of conciliation and arbitration was recognized in this trade before 1868, when boards were organized upon the arising of any dispute, but they were only temporary in character. Fragmentary societies began to be formed as early as 1846. Between that date and 1868 the idea began to grow that it would be better to settle disputes by arbitration. It became stronger in 1874, when the branches, such as the fancy branch, the curtain branch, and the plain net branch, amalgamated in September of that year, with 3,357 members. Of those not employing union men, there are only about 12 shops, holding 100 machines and employing the same number of hands. They fix their own prices and the union and employers' association never attempt to coerce the manufacturers or their men.

Mr. W. A. Appleton, secretary of the lace-makers' union, says it has been a hard fight to uphold the conciliation and arbitration boards. He has had two severe struggles with the men during the last three years, the hot-headed men wishing to abolish the boards, but suggesting no substitute. They had no idea what they were fighting for—only to destroy something. They had several votes and meetings, and it was only after a six months' struggle that the rules were revised so as to secure a finality of decision—the bringing in of the board of trade.

Years ago prices were enormous, both prices and wages being abnormal. It was not unusual for the manufacturers to make 100 per cent, and the men £8 ($38.93) and £10 ($48.67) a week. When prices fell wages fell with them. Twice they have had serious disputes that the board could not control; and the board was finally broken up largely because it was impossible to get workmen to act on the board and endure the obloquy sure to come upon them. When a 20 per cent reduction is in the air no one wishes to be the man to agree to it.

In 1889 occurred the last big dispute over wages, lasting 8 weeks and ending with a 20 per cent reduction. The men accepted it entirely, with exception of one shop containing 17 men, who refused to be bound by the decision. This was the only case where the board's decision was not loyally supported, and these men were boycotted by their fellows and obliged to walk the streets for two years before they

succeeded in obtaining work. During the summer Mr. Appleton was engaged in revising the list of prices in the Levers' (fancy) branch. The result, he felt, would not be popular; but as anomalies had crept in, a revision became necessary.

There are frequent fluctuations in the trade, which is now largely affected by foreign competition, especially French and German. The board meets on an average once every week in the mayor's parlor. General trade conditions are not discussed, but may be quoted in support of arguments. Wages are not now determined by the profit. Custom originally fixed wages "in the good old days," but they have been scaled down gradually to fit present conditions.

Relations of the most friendly character have been engendered between the two classes by these meetings of the board, which have created a feeling of equality as nothing else could. There can not be a trade, Mr. Appleton thought, where there is a better feeling, and this despite the fact that the men are necessarily idle for 8 months, the season running only from November to March. If they can manage disputes, any trade can, for they have infinite varieties of lace and infinite chances for disagreement. They have almost reached the position where they consider the question in the abstract.

If a man is discharged or stops work the dispute is never considered until he is reinstated or resumes work. It is not sufficient that he may return; he must actually be at work before the board acts. If it is a recalcitrant member of the manufacturers' association who withdraws, that leaves the workmen free to strike the shop.

Mr. H. A. Goodyer, secretary of the employers' association, in speaking from the employers' standpoint, said the boards work amicably. They have brought quiet and security to the employers. If a dispute arises they know work will continue, no customers will be disappointed, and great losses will not be suffered.

The latest rules are:

RULES OF THE BOARD OF CONCILIATION AND REFERENCE FOR THE LACE TRADE.

1. That a board of trade be formed, to be styled the Board of Conciliation and Reference for the Lace Trade.

2. That the object of the said board shall be to confer on any questions that may be referred to it and to interpose its influence to secure the settlement of any dispute that may arise. No question to be entertained unless the employees are at work.

3. The board shall consist of 13 manufacturers and 13 operatives; 5 of each to form a quorum; the manufacturers to elect 6 levers, 4 curtain, and 3 plain net representatives; the operatives to elect 6 levers, 4 curtain, and 3 plain net representatives. The manufacturers to be chosen by the Lace Manufacturers' Association; and the operatives by the Amalgamated Society of Operative Lace Makers. The whole of the delegates to serve for one year, and to be eligible for reelection. The new council to be elected in the month of January in each year.

4. The board shall, at the first meeting in each year, elect a president, vice-president, a treasurer, and two secretaries; who shall continue in office one year; and shall be eligible for reelection.

5. That the board shall meet for the transaction of business once a quarter, viz: the last Monday in January, April, July, and October; but on a requisition to the President, signed by 3 members of the board specifying the nature of the business to be transacted, he shall, within 14 days, convene a meeting of its members. The circular calling such meeting shall specify the nature of the business for consideration.

6. Either party to any dispute shall forward a written statement of the case to the secretaries, who shall, within 7 days of receiving such statement, call a meeting to consider the question.

7. All cases in dispute shall, in the first instance, be submitted to that section of the board which represents the branch of trade implicated. Should the section fail to agree upon any recommendation for the settlement of the question referred to it, such question shall then be submitted to the full board, whose final vote shall be taken by show of hands or ballot. No question in dispute shall be discussed by the section and full board for a longer period than one month before being voted upon. Should the numbers then be equal, the question shall be dealt with under Rule 9.

8. The decision of the board shall be final and binding on the parties to any dispute submitted to it. No settlement can however be considered binding until ratified by the full board.

9. Should the vote of the full board, on any question (the vote having been taken by show of hands or by ballot), result in an even number of votes being cast for or against, each association shall have the privilege of consulting its own constituents, and within 14 days of such vote, each association shall elect an independent chairman, to sit with the board of conciliation; and should the board then fail to agree, the question in dispute shall, within 14 days, be referred to the board of trade.

10. No alteration which would result in more than a 7½ per cent advance or reduction on the rack price shall at any time be entertained.

11. When at any meeting of the board, the number of employers and workmen is unequal, all shall have the right of fully entering into the discussion of any matters brought before them, but only an equal number of each shall vote. The withdrawal of the members of whichever body may be in excess to be by lot.

12. That any expenses incurred by this board be borne equally by the operatives and employers, and the accounts to be produced and passed at each quarterly meeting.

13. That no alteration or addition be made to the rules except at a quarterly meeting or a special meeting convened for the purpose. Any member of the board intending to propose an alteration or addition shall furnish the exact terms thereof, in writing, to the secretaries, 28 days before such meeting, and the secretaries shall give 21 days' notice of the same to each member of the board

14. *Section A.*—Any member of the Lace Manufacturers' Association who may be reported to the board as not complying with the decisions of the board of conciliation and reference, in respect to the price per rack, etc., and who should have been ultimately found guilty of such malpractices, after a full and searching inquiry into the same, shall pay the whole of the costs incurred by such inquiry, in addition to the difference in wages, from the time such complaint was given notice of. Upon the refusal of such employer to conform to this rule, the Lace Manufacturers' Association shall refuse any pecuniary assistance to such defaulting member, and the operatives' association shall have the full power of withdrawing workmen from the service of such employer. Also that the Lace Manufacturers' Association shall pay an equal proportion of the expenses incurred so long as the employer in question remains a member of the Lace Manufacturers' Association.

Section B.—Any member of the Amalgamated Society of Operative Lace Makers who may be reported to the board as not complying with the decisions of the board

of conciliation and reference in respect of the price per rack, etc., and who shall have been ultimately found guilty of such malpractices, after a full and searching inquiry into the same, shall pay the whole of the costs incurred by such inquiry, and should he fail to do so the Amalgamated Society of Operative Lace Makers shall pay such costs, and exclude him from all benefits which he otherwise might be entitled to as a member of this society, and in case the said society shall give any pecuniary or other assistance to such members, the said society shall pay a fine of £10 [$48.67] to the funds of the Nottingham General Hospital.

(Signed) HENRY A. GOODYER,
P. KEATING,
Secretaries.

THE COTTON TRADE.

The Northern Counties Amalgamated Association of Weavers has 80,000 members. Mr. W. H. Wilkinson, the secretary, said that the board of conciliation which was established in 1878 after the big strike of that year works fairly well. In 1896 the rules were amended and now give better satisfaction. All around the men have held their own in the arbitration. All wage questions have to be settled by this body. In 1878 there had been a 10 per cent reduction, and in December, 1883, when the employers asked for a further reduction of 5 per cent, the representatives on the board could not agree and a strike ensued. It ended February 14, 1884, the employers gaining their point. Trade having revived in July of the same year the 5 per cent was restored by the board. In June, 1892, a new basis came into operation, previous to which time there had been the Blackburn, the Burnley, the Preston, and the Ashton lists. Now they are all brought into one uniform list under which they have worked since 1892.

Twenty-five years ago plain cloth was made in the trade; now there is a large variety and many technical points arise which must be decided. Nine out of ten disputes have arisen, not by reason of the standard of wages, but because of the introduction of difficult cloths and the per cent to be put upon them.

The reason for the formation of the board was the desire to prevent strikes. Neither side has been willing to appoint an arbitrator. In Mr. Wilkinson's opinion, the board has done an immense amount of good and has settled hundreds of disputes. A tangle can be straightened out much better while the men are working than after they have gone out on a strike. Though no meetings are held for the discussion of the general trade situation, the board has brought about a better feeling between the employers and the men. The exchange of views leads to better understanding of the questions in dispute and causes all to look at them from a new standpoint.

If the members of the joint committee fail to agree, then each side is permitted to take such action as may seem best, though the men prefer not to have the decision made by a third party.

The rules for the government of the joint committee in the weaving and spinning trades are the same, and are as follows:

The object for which this joint committee of employers and operatives is established is to consider in their preliminary stages all trade disputes occurring in the weaving department and coming within the knowledge of the officials of the operatives' amalgamation within the district of north and northeast Lancashire, and thereby endeavoring to preserve good feeling between employers and operatives. For the purpose of carrying out this object it is agreed as follows:

1. The joint committee shall consist of 12 members, composed of 6 representatives of the employers and 6 representatives of the weavers of north and northeast Lancashire, selected by the employers and weavers' associations, respectively.

2. Either party may cause a meeting to be convened by giving a notice in writing, stating the object for which such meeting is desired. Not less than 7 days' notice of each meeting shall be given, and it shall be held within 10 days of such notice, without fail. The employers' notice may be addressed to Mr. W. H. Wilkinson, and the operatives' notice to Mr. John Taylor, respectively. Meetings shall not be held oftener than once a month, except adjourned meetings.

3. The meetings shall be held at the Mitre Hotel, Manchester, on Tuesdays, or at such other time and place as the joint committee may determine.

4. Meetings may be adjourned from time to time at the discretion of the joint committee.

5. The business of the joint committee being preliminary and consultative only, it is hereby expressly declared that it is not authorized to come to any final conclusion upon any of the matters brought under its notice. The employers' section and the operatives' section shall respectively report to their constituents as to the general results of the various discussions.

6. Subject to the before-mentioned conditions, the proceedings of the joint committee shall be regarded as strictly private and confidential. Every question discussed, every statement made, and every opinion expressed shall be treated by each member as strictly private and confidential, and shall not be communicated to any outside person or to the press, except by direction or permission of the joint committee.

7. That alteration of any prices in the final settlement of any dispute shall date from the time the complaint was made in writing by the local secretary of the district.

8. The name of any member of the joint committee or the particular part taken in any of the discussions shall not be quoted at any public meeting.

9. That all disputes occurring in the weaving department within the district of north and northeast Lancashire should be brought first before a local meeting of employers and operatives, and, failing settlement, should be brought before this joint committee prior to any notices for a strike being given by either employers or operatives.

The above rules and regulations were unanimously adopted at a meeting of the joint committee held at the Mitre Hotel, Manchester, on Friday, the 3d day of July, 1896.

Signed, on behalf of the employers.

JOHN TAYLOR.

Signed, on behalf of the operatives.

WM. H. WILKINSON.

The spinners, card-room workers, warpers, winders, and reelers work under what is termed the Brooklands agreement, before the adoption of which no board existed. Mr. James Johnson, secretary of the

Blackburn Operative Spinners' Association, said a dispute in Oldham and South Lancashire against a 5 per cent reduction caused a strike in Blackburn for the reason that the Blackburn men's wages at that time rose and fell with those of Oldham. This strike began November 5, 1892, and ended March 28, 1893, lasting 20 weeks. To settle it representatives of the men and employers got together first, the meeting of the committees following. They still maintain a committee called the Brooklands agreement committee, which has settled all disputes since the agreement was signed, in 1893. Mr. Johnson believes it has been a great saving for both employers and men, for they settle disputes locally where the federation obtains. If the local officials can not decide the point, then the federation committee acts, and if they fail to agree, then each side is free to do as it sees fit. Now they do not wrangle with individual employers, but the dispute must be decided by the committee. This arrangement has had a civilizing effect, doing away with the personal feeling that formerly obtained in the trade between the employer and the men.

A joint committee is used for the settlement of disputes between employers and men in both the weaving and spinning trades. There are six representatives on each side, one being taken from each town, so that an unbiased tribunal is secured from which personal feeling is eliminated. There has never been a single case, except a demand for a general advance in wages, which has not been settled without a strike. If the master does not abide by the decision he is left to the mercy of the men and the other masters offer him no support whatever. If the operators strike without bringing their grievance to the notice of their committee, nothing will be done until they return to work. The men are fined a penny (2 cents) a loom per hour for striking without bringing the dispute to the notice of the trade committee. In the Northern Counties Amalgamated Society of Weavers there are 262,000 looms and 3,500,000 spindles. The committee has saved much money for the manufacturers. No demand can be made for an advance until after 12 months from the date of the last one, thereby giving security to the trade and satisfaction to the men. If trade happens to decrease during this time the masters will lose and vice versa.

Mr. John Taylor, secretary for the manufacturers, spoke enthusiastically of the workings of the joint committee and heartily approved of conciliatory methods in the settlement of disputes. Their experience with it had been satisfactory in every way.

There is at present some talk of having wages in the spinning trade settled by a showing of profits by the manufacturers, but this has not yet gone into effect. Heretofore the stronger party has won. In 1892–93 a strike of 20 weeks occurred in the trade in Oldham district, the manufacturers' demand being for 5 per cent. Two and a-half per cent was granted by the settlement, and the Brooklands agreement

was adopted to govern future disputes in the trade between the parties.

J. Thompson, of the Blackburn spinners' board, said they had very few disputes in his district, and there would be no strikes at any one mill nor any in Lancashire, unless it be a general strike of the whole body. It is hard to get the societies to consent to enter on strikes, the process being slow and requiring 2 months for a decision.

The spinners work under the Brooklands agreement, and to give some idea of its working in recent years it is only necessary to quote from the annual report to the Amalgamated Association of Operative Cotton Spinners of Lancashire and adjoining counties for the year ending December 31, 1898. The writer says:

The most striking feature in the accounts, however, is the great decrease in dispute pay. During 1897 it was £9,819 1s. 3d. [$47,784.47] and, taking the whole of the 16 years up to that date, and excluding the big fights of 1885 and 1892–93, the average will not be far short of £6,000 [$29,199] per annum. But last year it was only £869 13s. 6d. [$4,232.27]. This reduction in cost is almost wholly due to the working of the Brooklands agreement, and to the fact that nonassociated employers are getting fewer, as it has been with them that almost all our strikes and lockouts have arisen in recent years.

The Brooklands agreement is as follows:

BROOKLANDS AGREEMENT.

1. The representatives of the employers and representatives of the employed in the pending dispute hereby admit that disputes and differences between them are inimical to the interests of both parties, and that it is expedient and desirable that some means should be adopted for the future whereby such disputes and differences may be expeditiously and amicably settled, and strikes and lockouts avoided.

2. That the pending dispute be settled by a reduction of 7d. in the £ in the present wages of the operative cotton spinners, card and blowing room hands, reelers, winders, and others; such reduction to take effect forthwith, and the mills to resume work on Monday next, the 27th instant.

3. That when the employers and employed next agree upon an increase in the standard wages of the operative cotton spinners, card-room hands, and others who participated in the last advance of wages, such increase shall not exceed the reduction now agreed upon, unless in the meantime there shall have been a further reduction of such wages, in which case, should an advance be agreed to, the employed shall be entitled to an advance equal in amount to the last preceding reduction, plus the reduction of 7d. in the £ now agreed upon, provided always that no application for an increase or reduction of such wages as now agreed upon shall be made for a period of 6 calendar months from the date hereof.

4. That, subject to the last preceding clause, and with the view of preventing the cotton-spinning trade from being in an unsettled state too frequently from causes such as the present dispute, to the disadvantage of all parties concerned, no advance or reduction of such wages as aforesaid shall in future be sought for by the employers or the employed until after the expiration of at least 1 year from the date of the previous advance or reduction as the case may be, nor shall any such advance or reduction when agreed upon be more or less than 5 per cent upon the then current standard wages being paid. Notwithstanding anything hereinbefore contained in

this clause, whenever a general demand for an advance or decrease of wages shall be made the wages of the male card and blowing room operatives may be increased to such an extent as may be mutually agreed upon.

5. That the secretary of the local employers' association and the secretary of the local trade union shall give to the other of them, as the case may be, 1 calendar month's notice in writing of any and every general demand for a reduction or advance of the wages then being paid.

6. That in future no local employers' association, nor the federated association of employers on the one hand, nor any trade union or federation of trade unions on the other hand, shall countenance, encourage, or support any lockout or strike which may arise from or be caused by any question, difference, or dispute, contention, grievance, or complaint, with respect to work, wages, or any other matter, unless and until the same has been submitted in writing by the secretary of the local employers' association to the secretary of the local trade union, or by the secretary of the local trade union to the secretary of the local employers' association, as the case may be; nor unless and until such secretaries or a committee consisting of 3 representatives of the local trade union with their secretary, and 3 representatives of the local employers' association with their secretary, shall have failed, after full inquiry, to settle and arrange such question, difference, or dispute, contention, complaint, or grievance within the space of 7 days from the receipt of the communication in writing aforesaid; nor unless and until, failing such last-mentioned settlement and arrangement, if either of the said secretaries of the local trade union and the local employers' association shall so deem advisable, a committee consisting of 4 representatives of the federated association of employers, with their secretary, and 4 representatives of the local amalgamated association of the operatives' trade union, with their secretary, shall have failed to settle or arrange, as aforesaid, within the further space of 7 days from the time when such matter was referred to them; provided always that the secretaries or the committee hereinbefore-mentioned, as the case may be, shall have power to extend or enlarge the said period of 7 days whenever they may deem it expedient or desirable to do so. Should either the local employers' association or the local operatives' association fail to call such a meeting within 7 days (unless by consent of the other side), then the party which has asked for the meeting shall have the right to at once carry the question before the joint committee of the employers' federation and the operatives' amalgamation without further reference to the local association, and should either the employers' federation or the operatives' amalgamation fail to deal with the matter in dispute within a further 7 days, then either side shall be at liberty to take such action as they may think fit.

7. Should a firm make any change which, when completed, involves an alteration in the work or rate of wages of the operatives which is considered not satisfactory by them, then the firm shall at once place the matter in the hands of their association, who shall immediately take action as per clause 6, failing which the operatives involved shall have the right to tender notices to cease work without further notice to the employers' association. When a settlement is arrived at it shall date from the time the change was made.

8. Every local employers' association or the federated association of employers on the one hand, and every local trade union or the federation of trade unions on the other hand, shall, with as little delay as possible, furnish to the other of them, in writing, full and precise particulars with reference to any and every question, difference or dispute, contention or grievance that may arise with a view to the same being settled and arranged at the earliest possible date in the matter hereinbefore mentioned.

9. There shall not be placed upon any joint committee of the federated association and the amalgamated association more than one member of the local employers' association and one member of the local trade union, in addition to the respective

secretaries of those bodies. The rest of the said joint committee shall consist of persons who have not locally adjudicated upon the matter in question. It is understood that in case of unavoidable absence of secretary a substitute may be present to act in same capacity as secretary.

10. It is agreed that in respect to the opening of new markets abroad, the alteration of restrictive foreign tariffs, and other similar matters which may benefit or injure the cotton trade, the same shall be dealt with by a committee of three or more from each federation, all the associations undertaking to bring the whole of their influence to bear in furthering the general interests of the cotton industry in this country.

11. The above committee shall meet whenever the secretary of either federation shall be of opinion that questions affecting the general interests of the cotton trades should be discussed.

12. The representatives of the employers and the representatives of the employed in the pending dispute do mutually undertake that they will use their best endeavors to see that the engagements hereinbefore respectively entered into by them are faithfully carried out in every respect.

THE POTTERIES TRADE.

Mr. Owen, of Burslem, for many years a representative of the men in the potteries, gave the following statement of the working of the board in his trade:

The board for the potteries was established some time in 1868. There had been previous arrangement for small arbitration of minor disputes, but in 1868 a permanent board, constructed on the principle of equal representation on each side, with a permanent umpire, was established. A number of distinguished men, such as E. J. Davis, Mr. Kettle, Mr. Mundella, Judge Hughes, and Lord Brassy, acted as umpires from time to time. The board was extremely useful and successful in settling a large number of disputes relating to individual men and branches in the trade and had, during its existence, seven or eight great arbitrations, in which the interests of all operatives were involved. Sometimes proceedings lasted a week. The appellant opened and the other side replied. The principle of arbitration, in the sense of the court being a judicial chamber to decide between the disputants, had the completest test ever furnished in any trade in any country. At first the arbitration applied its test as to what labor was worth, to the skill of the particular workmen or branch affected, and when the first great arbitration took place in 1872, a period of great prosperity, the advance in wages then secured by the men was given, not on the principle of a proportionate advance in working price to the large increase on selling prices which had taken place, but because of the worth of the labor assessed, upon the worth of the individual skill. The idea prevailed in the trade that 30 shillings ($7.30) stood for medium skill, greater skill earning more. The selling prices in 1872 had become very high, and if the workmen's advance had been proportionate, a greater advance than 8⅓ per cent should have been granted.

In after years, when trade declined, the masters sought a reduction

of 10 per cent, and based their appeal on the great decline of selling prices. They failed to convert the umpire, E. J. Davis, to their demand, but succeeded several years later, in 1879, before Lord Hatherton. The workmen, in 1880, sought to recover the penny on the shilling taken off by Lord Hatherton, but Lord Brassy refused to revise that judgment and the board was broken up, a strike taking place the following year.

The board was reconstructed in 1884 or 1885, in the meantime a court of conciliation working for the settlement of small disputes. Mr. Owen attributes the failure of the board, during the interval, to the workmen not making themselves strong through trade unionism to resist the encroachments upon their wages.

The next great arbitration took place in 1891. The rules of the board had been revised for the purpose, it was thought, of giving the workmen the right to challenge investigation into the figures of trade submitted by the masters in their evidence. The workmen did so challenge the figures in the arbitration in 1891, but the fiasco resulted in the masters appointing the accountant and selecting the firms whose figures were to be investigated, the names of which were kept secret. The arbitration failed to get back the penny, and the disappointment was so intense on the part of the workmen that the board was broken up finally. Various umpires agreed with the men's representatives that under such a system it was next to impossible to have an equal chance, because the men were hampered by lack of knowledge of the facts submitted by the masters.

The men secured one advance in wages in 1872, which they lost again in 1879, and every effort to recover it was unsuccessful. The men had no voice in the trade, and there was no clear basis for governing wages in relation to selling prices. The masters were successful, Mr. Owen thought, because the men have not had grit enough, but have had too much selfishness as distinguished from the selfishness of the operatives as a class acting together. The producers work by piece, and some would rather seek their own benefit than the advantage of the whole class. They have had nothing like the percentage of sturdy trade unionism in this trade that exists in other trades. "Union with arbitration is better than arbitration without union" is Mr. Owen's motto, but the combination of a strong union, coupled with an equitable system of arbitration, would be best. Arbitration as carried on in this trade was generally condemned by the men.

In November and December, 1898, a section of the employers asked the men to combine with them to raise simultaneously selling prices and wages. This was in the marl section of the trade, which adopted the scheme advocated by Mr. E. J. Smith, of Birmingham, described in the latter part of this report.

With no board in existence in the trade in case of a dispute between the employers and the employed, the two sides endeavor to have each appoint an independent person as arbitrator, and the two so chosen to appoint an umpire. The question in dispute is then referred to this tribunal, which hears the employees or their representative and the manufacturers or their secretary.

THE DYEING TRADE.

A large industry in England is that of dyeing and its associated trades. One of the most important points is Huddersfield, and a running account of the experiences in that section of England would be typical of other sections of the country in the same trade.

In July, 1891, the workmen's association of West Riding, in Yorkshire, which was in excellent working order, gave a sharp and short notice to one of the leading firms in Huddersfield that unless certain demands were granted forthwith the men would go out on a strike. The firm having no association to back it and being busy at the time, conceded the demands, and then convened a meeting of master dyers to consider the advisability of combining.

On the 21st of July, 1891, the Huddersfield and District Master Dyers' Association was formed, the first annual report containing the following note:

> The workmen's associations being thoroughly united, have steadily enforced their demands for uniform hours of labor, and in each case, except one, where a lockout and riot took place, have obtained their demands without difficulty, and in the exception referred to the men won in the end.

The men wished to see the masters organized, so that the associations could help each other and could form a board of conciliation. On the 28th day of October, 1892, the men's secretary and four delegates attended a masters' meeting, when it was resolved to form a board of conciliation.

In the following January some of the leading firms of Leeds, having heard of the successful results attending the work of the Huddersfield association, convened a meeting and resolved to form an association of Leeds and Bradford dyers with the view of ultimately amalgamating with the Huddersfield association. This amalgamation was effected later on, and from that time the general desire for boards of conciliation has increased.

On the 11th of March, 1893, the principal firms interested in the slubbing and yarn-dyeing trade in Bradford, Halifax, and surrounding districts formed a special section and joined the West Riding Dyers' and Finishers' Association. In July of that year the slubbing and yarn dyers (masters) decided to abolish the system of paying time and

a half after 6 p. m., the men's society threatening to withdraw if that notice was not recalled. The masters thereupon issued a notice that all men leaving their work without the authority of the masters or foremen would be no longer considered servants of the firm with which they were employed. The dispute ended in a strike in some firms, and a general lockout occurred among the slubbing and yarn dyers throughout the district. In the end an agreement was arrived at, one of its recommendations being that a board of conciliation be formed, so that strikes and "disturbances may be avoided in the future." The board was formed, and held its first meeting in February, 1894.

To show the good feeling created by this board the following notice was posted a month later by the West Riding Dyers' and Finishers' Association:

It has been brought to our notice that some of the dyers, finishers, millers, and scourers of West Riding have urged as a reason for not joining a trades union that if they did and the employers knew this they would be dismissed for so doing. We hereby give notice that any man in our employment is at liberty to join any trades union he may wish to join, without any fear of such action on our part.

The board of conciliation between the masters' association and the amalgamated society of dyers was registered by the board of trade October 29, 1896. Except slight misunderstandings of a very temporary nature, the association has worked most beneficially for all parties concerned. The rules are about to be reconsidered with the view of enlarging their scope and probably establishing a fund from which fines can be deducted.

The original association, the Huddersfield and district board, created the very best of feeling between masters and men in the districts. This has been so marked that their principal meetings have been annual dinners, and during the evenings there have been most friendly and open discussions of the difficulties besetting masters and employees, with exchange of ideas for common benefit. The feeling was so strong that when the cloth pressers' union wished to join the board in March, 1897, the men's section at first were unwilling to admit any other body, for fear friction might be introduced and the cordial feelings existing between employers and employed perhaps destroyed. They were finally admitted, and an enlarged board was formed, consisting of 10 employers and 10 employees. This was registered by the board of trade May 3, 1897.

The cotton-warp master dyers formed a section which joined the West Riding Dyers' and Finishers' Association, and the board of conciliation was entered for them September, 1897, by the board of trade.

In May, 1899, the secretary of the employers' association issued a circular to the trade and to the men's association in Lancashire and Yorkshire with the view of creating a powerful and united board of

conciliation for the two counties, including every branch of the dyers' and finishers' trades. The matter was receiving consideration, but no decision had been reached, at the time of this investigation.

The masters' secretary said he had not the slightest hesitation in saying that the three boards with which he is connected have created the utmost good will and have saved considerable capital to the employers, wages to the employees, and have prevented much misery among families who suffer during strikes and lockouts. After an investigation of the compulsory acts of New Zealand, and many years of observation, he believes it would be for the best interests of all parties to pass a compulsory conciliation act. The British act of 1896 is purely permissive, and although he has used it sucessfully he feels that any want of tact on one side or the other would shiver the board.

He believes in combinations, both of employers and employees, and denounces masters and men who refuse to join their associations or unions, yet willingly enjoy the benefits accruing from them.

Before the establishment of the boards difficulties were constantly arising, and there was growing discontent, which, while more particularly affecting individual firms, did culminate in strikes and lockouts. Since the establishment of the boards these have been obviated. In one or two cases, through misunderstanding, when the men forgot the rule and went out without bringing the dispute to the attention of their committee, the matter was soon put right and the men returned to work. The contact in the meetings has helped to a better understanding and a better knowledge all around, with favorable results to both masters and men. Speaking for the masters, the secretary said they view the boards with every satisfaction.

The rules of the West Riding Dyers and Finishers' Association are like those of the warp dyers, and are a good example of the boards in it and kindred trades. They are as follows:

RULES OF THE BOARD OF CONCILIATION BETWEEN WEST RIDING DYERS AND FINISHERS' ASSOCIATION AND THE AMALGAMATED SOCIETY OF DYERS.

I. The composition of the board shall be as follows:

(*a*) Nine members representing employers, to be elected by the West Riding Dyers and Finishers' Association.

(*b*) Nine members representing employees, to be elected by the Amalgamated Society of Dyers.

The said 18 members shall constitute the board of conciliation.

II. The board shall annually at their first meeting appoint from their own body a chairman and a vice-chairman, both of whom shall be entitled to vote, but neither to have a casting vote. The chairman shall be selected from the employers of labor on the board, and the vice-chairman from amongst the employed. The chairman (or in his absence the vice-chairman) shall preside, either on the occasion of a conference or at a transaction of ordinary business. In the absence of both the chairman and vice-chairman, the members present shall appoint a chairman to preside at that meeting.

III. The board shall elect two secretaries after these rules are adopted, but their appointment shall be subject to the pleasure of the board.

IV. Whenever a vacancy has arisen, from any cause, in the board, such vacancy shall be filled up, within two months of its occurrence, by the body which appointed the member whose seat has become vacant. Intimation of such appointment shall be at once sent to the secretaries.

V. Members shall be elected annually. The retiring members shall be eligible for reelection.

VI. As soon as it shall come to the knowledge of either of the secretaries that any question has arisen which can not be settled by the persons interested, it shall be their duty to immediately summon a meeting of the board. Such meetings to be held at night unless otherwise arranged.

VII. Should the disputants prefer it, the board shall assist them in selecting arbitrators to whom the questions at issue shall be submitted for decision. In the event of the disputants agreeing to accept the intervention of the board for any of the purposes mentioned in this rule, the following rules shall take effect:

(1) No decision of the board shall be binding upon either of the parties to the dispute, excepting at the express desire of both disputants signified in writing before the final decision is given.

(2) No case shall be finally decided excepting in the presence of a quorum of 8 members of the board.

(3) At the request of either disputant, and with the consent of both, the board shall have power to call in the assistance of two or more experts, half of whom shall be selected by each party to the dispute.

(4) Each party shall, prior to the hearing of the case by the board, forward to the secretaries a written statement showing how the disagreement has come about and what are their respective claims and complaints.

(5) In addition to this documentary statement, witnesses may be called by either party to give evidence in support of such statements as have been adduced.

(6) The chairman, as defined in Rule II, shall act as presiding officer only, empowered to decide questions of order and to expound and elucidate, but not to advocate.

(7) A verbatim report of the proceedings may be taken at the discretion of the board.

(8) When a decision is agreed upon by the board, or by arbitrators selected by them, the same may be made public with such comments as shall be approved of by the board. Should the proceedings before the board result in an equality of votes, so that no definite decision can be given, then the chairman shall make an announcement to that effect.

VIII. In the event of any question being put to the vote at any meeting of the board at which the number of representatives of employers and employed is unequal, any member present shall have the right to claim that the voting power of each order shall be equal, irrespective of the numbers present. In such case the chairman shall call upon the order whose numbers predominate to exclude from the voting such a number of their order for the time being as shall suffice to produce an equality of voting between the two orders, the chairman counting himself as one of the order to which he belongs.

IX. The expenses of the board shall be levied upon each section in equal proportions.

X. The board shall publish an annual report, but no account of the proceedings during the hearing of any particular dispute shall be inserted therein without the consent of both disputants.

XI. The board may from time to time construct a code of by-laws for its own government.

XII. These rules shall be open to amendment as required from time to time on agreement between master dyers and the workmen dyers at a joint meeting of both bodies, summoned by the secretaries, notice of such meeting being given at least one month previous to the meeting.

THE LONDON LABOR CONCILIATION AND ARBITRATION BOARD.

An association organized to prevent strikes and lockouts, especially in London, is the London Labor Conciliation and Arbitration Board. Its organization was a direct outcome of the strike of the dock laborers in London in 1889, which interfered so greatly with the business of the 3,500 members of the chamber of commerce and paralyzed and diverted trade to such an extent that the board was urged to take some action to end a calamity so wide reaching in its consequences.

A suggestion from the chamber to submit their differences to some sort of arbitration met with refusal from each side. But the effects of the strike were so disastrous and so disturbing to business in London that a committee was appointed by the council of the chamber of commerce to investigate the whole question of labor conciliation and arbitration, with instructions to report, if advisable, some scheme for the prevention of disputes and for settling them if they should arise in the metropolis. Previous to this dock-laborer strike the chamber of commerce had proceeded on the theory of noninterference with anyone's business affairs, but so many firms, members of the chamber, were interfered with and hampered by that strike that they felt something must be done to prevent its recurrence in the future; at least an honest effort must be made to adjust any differences in trade matters before such injurious results could be tolerated.

This board of conciliation and arbitration was organized by 12 representatives chosen by the chamber of commerce and 1 representative from each of the 12 groups into which the trades of London were divided. They are the building trades, cabinet and furnishing trades, carmen, coach, tram and buss employees, clerks, shop assistants and warehousemen, clothing trades, gas, coal, and chemical trades, leather trades, metal trades, printing and paper trades, provision and food trades, railway workers, and shopping trades. Each trade is united to form a separate conciliation committee. This committee, consisting of experts in a particular trade, is composed of equal numbers of employers and employed, chosen by their respective orders. To such a body any dispute in its own trade is submitted, provided the two sides agree to such submission. In this way any grievance can be amicably discussed before it reaches an acute stage. If the trade committee fails to settle the difference, it will be taken to the central or London conciliation board, composed of 24 members, 12 being chosen from each side. Finally, if this board is unable to reach an

agreement it then offers facilities for arbitration; and in the event of this being refused, the two sides retain all their rights to become belligerents.

The London county council was given the privilege of naming a delegate and the workingmen were allowed to choose a labor member of Parliament. These men constitute the board and conduct the business on a footing of equality, and with equal voting power From these men are chosen a certain number, each side being equally represented to sit as conciliators or arbitrators, as the case may be; but no one of them is interested in the trade in which the dispute has arisen. The experience of the board has been that in nearly every case an agreement has been reached, notwithstanding the equality of representation, and the awards have invariably been respected and carried out.

The leading purposes of the board have been thus stated:

To promote amicable methods of settling labor disputes and the prevention of strikes and lockouts generally, and also especially in the following methods: They shall in the first instance invite both parties to the dispute to a friendly conference with each other. In the event of the disputants not being able to arrive at a settlement between themselves, they shall be invited to lay their respective cases before the board, or should the disputants prefer it, the board would assist them in selecting arbitrators. The utmost efforts of the board shall in the meantime, and in all cases, be exerted to prevent if possible the occurrence or continuance of a strike or lockout. The London conciliation board shall not constitute itself a body of arbitrators except at the express desire of both parties to a dispute, to be signified in writing, but shall in preference, should other methods of conciliation fail, offer to assist the disputants in the selection of arbitrators chosen either from its own body or otherwise. Any dispute coming before the board shall, in the first instance, be referred to a conciliation committee of the particular trade to which the disputants belong. To collect information as to the wages paid and other conditions of labor prevailing in other places where trades or industries similar to those of London are carried on, and especially as regards localities either in the United Kingdom or abroad, where there is competition with the trade of London. Such information shall be especially placed at the disposal of any disputants who may seek the assistance of the London conciliation board.

At first this board decided not to interfere in any dispute unless the application came from the parties to the board; but it was found from experience that it was sometimes considered a sign of weakness if one or the other contestant made an application for the good offices of the board. The latter has therefore adopted a rule that whenever a dispute is heard of as pending or about to begin, a communication is sent to each side inviting them to meet at the chamber of commerce. The first effort is to get the parties together, and, if possible, to help them in settling their differences. That is the method preferred, for they believe that it is much better for employers and employed to settle

their differences between themselves without outside interference. Such a settlement is in the nature of a bargain after mature deliberation and careful discussion. If, after coming together, the parties fail to agree, then the board offers to appoint arbitrators and investigate the trouble in a regular arbitration.

In some instances experts in the trade sit as arbitrators; in others persons not acquainted with the details of the trade. In nearly every arbitration a unanimous decision has been reached, notwithstanding the equal numbers. If the occasion should come when there would be an equal division on a question, an umpire would be chosen. The effort of the board has been to form separate conciliation committees for each trade in London; but there has been an unwillingness on the part of the trades to do that. They prefer to go to the whole board for the settlement of their difficulties.

This board met for the first time on the 12th of December, 1890. Its chairman has been Mr. S. B. Boulton, a large employer of labor, who believes implicitly in the principles governing the board. As a rule, it has restricted its action to the district of London, but it would go beyond the limits of the district if invited to do so. Sir John Lubbock was for several years the representative on the board of the London county council and the labor member of Parliament is Charles Fenwick.

The amount of work done by this society is somewhat limited. The matters settled or arbitrated have not, as a rule, affected any considerable number of work people; and yet the workings of the board have been successful and satisfactory to those accepting its suggestion of mediation. The fact is that not since the board was organized have the services of an umpire been needed, nor has there been a single case of repudiation of the decision. The report of the Royal Commission of Labor stated that for district boards that of London was the best type. In the great engineering dispute of 1897 the board had no opportunity for active intervention, for the reason that the difficulty in a few days assumed national proportions, although it had its origin in the London district. On an average, seven or eight cases have been considered in one way or the other by this board during each year since its formation.

The rules governing the board are as follows:

RULES AND BY-LAWS OF THE LONDON CONCILIATION BOARD.

RULES.

I. That a permanent body be constituted, to be called the London Conciliation Board, which shall be affiliated to the London chamber of commerce, and that its composition shall be as follows, viz:

(*a*) Twelve members representing capital or employers, to be elected by the council of the chamber.

(*b*) Twelve members representing labor, to be elected by the employed.

(*c*) To these shall be added representatives from the separate trade conciliation committees as hereinafter referred to.

(*d*) Four members, viz, the lord mayor of London, or some member of the corporation to be nominated by him, the chairman of the London county council, or some member of the council to be nominated by him, and two representatives of London labor organizations to be selected by the labor representatives on the board.

The formation of the board shall date from its first meeting, on December 12, 1890. Its original members shall hold office for not exceeding three years, as may have been or may be from time to time determined by the electing bodies, respectively.

II. The duties of the London Conciliation Board shall be as follows:

(*a*) To promote amicable methods of settling labor disputes and the prevention of strikes and lockouts generally, and also especially in the following methods:

1. They shall, in the first instance, invite both parties to the dispute to a friendly conference with each other, offering the rooms of the chamber of commerce as a convenient place of meeting. Members of the board can be present at this conference, or otherwise, at the pleasure of the disputants.

2. In the event of the disputants not being able to arrive at a settlement between themselves, they shall be invited to lay their respective cases before the board, with a view to receiving their advice, mediation, or assistance. Or should the disputants prefer it, the board would assist them in selecting arbitrators, to whom the questions at issue might be submitted for decision.

3. The utmost efforts of the board shall in the meantime and in all cases be exerted to prevent if possible the occurrence or continuance of a strike or lockout, until after all attempts at conciliation shall have been exhausted.

The London Conciliation Board shall not constitute itself a body of arbitrators, except at the express desire of both parties to a dispute, to be signified in writing, but shall in preference, should other methods of conciliation fail, offer to assist the disputants in the selection of arbitrators chosen either from its own body or otherwise. Any dispute coming before the board shall, in the first instance, be referred to a conciliation committee of the particular trade to which the disputants belong, should such a committee have been formed and affiliated to the chamber.

(*b*) To collect information as to the wages paid and other conditions of labor prevailing in other places where trades or industries similar to those of London are carried on, and especially as regards localities either in the United Kingdom or abroad where there is competition with the trade of London. Such information shall be especially placed at the disposal of any disputants who may seek the assistance of the London Conciliation Board.

III. The separate trade conciliation committees shall be composed of equal num bers of employers and of employed.

Each trade shall elect its own representatives, employers and employed voting separately for the election of their respective representatives. The number of members and the general rules of procedure shall be determined by each particular trade, subject to the approval of the London Conciliation Board.

The trade conciliation committees shall be affiliated to the London chamber of commerce, and shall be represented upon the London Conciliation Board. Any trade conciliation committee constituted as above, representing a body or trade in the metropolitan districts of more than 1,000 individuals, shall send 2 representatives to sit on the London Conciliation Board, one being an employer and the other an operative workman, each to be separately elected by employers and employed, respectively. In the case of trade conciliation committees representing bodies or trades in the metropolitan districts smaller in number than 1,000 individuals, two or more such committees may unite together to elect joint representatives to the London Conciliation Board.

It shall be the duty of the trade conciliation committees to discuss matters of contention in their respective trades; to endeavor amicably to arrange the same, and in general to promote the interests of their trade by discussion and mutual agreement. In the event of their not being able to arrange any particular dispute, they will refer the same to the London Conciliation Board, and in the meantime use their most strenuous endeavors to prevent any strike or lockout until after the London Conciliation Board shall have exhausted all reasonable means of settlement.

They may from time to time consider and report to the London Conciliation Board upon any matter affecting the interests of their particular trade upon which it may be thought desirable to employ the action or influence of the London chamber of commerce as a body.

IV. The London chamber of commerce places its rooms at the disposition of the London Conciliation Board and of the trade conciliation committees for holding their meetings. Any alterations in the rules and regulations of these bodies which may be from time to time proposed shall be submitted for approval to the council of the chamber.

V. The above regulations shall be subject to by-laws, to be specially framed for the purpose, and which shall be open to amendment as required from time to time, on agreement between the council of the chamber of commerce and the London Conciliation Board.

BY-LAWS.

Trade conciliation committees.

1. Any trade carrying on its operations within the metropolis or in the port of London, or within a reasonable distance thereof, can form a conciliation committee of its own trade under the foregoing rules.

2. Each committee shall elect its own chairman, who may be either a member of the committee or a person chosen from outside the committee. Should the chairman be a member of the committee, he shall not have a second or casting vote. If the committee, however, should elect a chairman not being a member of the committee, either as general chairman, or to preside on any special occasion, he shall not vote with the committee, and the committee shall decide at the time of his election whether he shall have a casting vote or otherwise. The committee shall also elect a vice-chairman, who shall, in the absence of the chairman, exercise the same power as the chairman.

3. In the event of any question being put to the vote at any meeting where the number of representatives of the employers and employed shall not happen to be equal, any member present shall have the right to claim that the voting power of each order shall be equal, irrespective of the numbers present. In this case the chairman shall call upon the order whose numbers predominate to exclude from the voting such a number of their order for the time being as shall suffice to produce an equality of voting between the two orders, the chairman counting himself as one of the order to which he belongs.

4. A quorum shall consist of not less than one-third of each order.

London Conciliation Board.

5. The board shall elect its own chairman and vice-chairman, who shall vote with the board, but shall not have a second or casting vote.

6. The regulations of by-law 3, as laid down for the guidance of the trade conciliation committees, shall also apply to the London Conciliation Board.

7. The chairman shall be selected from the employers of labor on the board and the vice-chairman from amongst the employed.

The points of advantage urged in favor of the London board by those interested in it are that there is an equality of representation;

that the labor members are elected annually at meetings to which all the trade unions of the city are invited; that the body is entirely a voluntary body; that it offers its services to both parties in any dispute, either pending or existing; that an effort is always made to effect a voluntary agreement rather than an arbitration, and that in case an arbitration is desired the board provides an impartial tribunal consisting of practical men, entirely disinterested in the particular dispute with which it has to deal.

That the methods adopted by this London board are approved by some who have had considerable experience in the settlement of trade troubles is shown by the text of Mr. Ritchie's proposals for the avoidance of such disputes, made to the employers' parliamentary committee and the parliamentary committee of the trade-union congress. Mr. Ritchie is chairman of the board of trade. The proposals were made in 1899 for the establishment of a national board of conciliation, and contained two features:

1. No outside interference either by a Government department or otherwise.

2. No compulsion.

He insisted that the basis of any arrangement must be mutual agreement between the parties concerned. He desired to have established in every trade a conciliation board consisting of employers and employed, to whom in the first instance every dispute should be referred. Failing to agree in this tribunal, the dispute should then go before a central conciliation board composed of employers and employed, representing all the trades. Until a final conclusion is reached by this board there should be no strike and no lockout. By adopting such a plan two great points would be gained, to wit:

1. No hostile steps would be taken by either side until the question in dispute had been thoroughly discussed by a representative body of great weight, untrammeled by local difficulties and free from individual friction.

2. That inconsiderate and hasty action on the one side or the other, often due to animosity, would be prevented.

In speaking of the proposal of Mr. Ritchie for a national arbitration board, Mr. E. J. Davis, of Birmingham, chairman of the parliamentary committee of the trade-union congress, himself a life-long trade-unionist, said:

It has been my object in life to minimize the number of disputes in the trades with which I am concerned, or with regard to which I have any influence. I am the secretary of six boards of conciliation in Birmingham, and unhesitatingly I say that I know of no case that has not been settled better by those boards than by industrial conflict. Indeed, there has not been a single failure, and the conciliation boards have been the means of bringing into existence the best possible feelings between employers and workmen.

The method pursued by the London chamber of commerce has been approved by the associated chambers of commerce of Great Britain, and conciliation boards have been formed in many of the trade centers of the Kingdom. The lines on which they have been organized vary in details, but in general scope they are modeled after the London board.

A NEW TRADES MOVEMENT, PLAN OF E. J. SMITH.

A trades combination movement, which has been attracting attention in England, where it has been applied to a number of industries, is that devised by Mr. E. J. Smith, a prominent manufacturer of Birmingham. Mr. Smith began life on his own resources, and, having worked himself up from an apprentice to a manufacturer, has taken a keen interest in all questions affecting capital and labor, the employer and the employee. He feels that they do not occupy antagonistic positions, but have interests that are identical. He is firmly convinced that his scheme of combination between the masters and the men would prove a panacea for the ills that affect the trades, and he thinks there should be no need for strikes and lockouts. He asserts that the wage question, always a distracting one, would be easily and satisfactorily adjusted, and he believes that the greatest evil in the industrial world—selling under cost of manufacture—would be prevented.

An important rule of Mr. Smith's creed is that no one ought to manufacture and sell an article without making a profit. His first step, when organizing a trade, is to discover the cost of production, a fact known, he asserts, to but few manufacturers. The next is to secure a better understanding between the employers and the employed, for without the latter's assistance the employers can not hold together and the combination can not be effected. The usual steps taken are the following:

(1) The formation of an association among the work people if none is in existence.

(2) The signing of a compact between the two associations to support the principle of trade unionism on both sides. Employers engage to employ none but union workmen and workmen engage to work for none but union or association employers.

(3) The recognition of wages and the hours and conditions of labor existing at the time of the signing of the alliance, with an agreement that so long as the alliance is in force none of these things shall be altered, or at least made worse for the work people.

(4) The payment of a separate bonus upon such wages, such bonus to be paid on the first pay day after the issue of the new price list. The first bonus is not to be interfered with during the existence of the compact, but any further bonus paid in consequence of an increase of profits is to be subject to a sliding scale. Should profits, from any reason, be decreased, the bonus shall also be decreased in the proportion agreed upon; should they be increased, the bonus shall be

increased also. The proportion of bonus is fixed upon the proportion which the wages bear in the selling prices of the article. In an article made of clay this proportion will be high, so that the bonus must be small; in an article made of expensive material the proportion of wages will be probably low, so that the bonus can be larger.

(5) The establishment of a wages and conciliation board, formed of an equal number of employers and employed, the secretaries of both associations acting conjointly, the chairman being an employer or a representative, the vice-chairman an employee. All questions as to rise or fall in profits or the fixing of new prices to be first submitted to this board, and all disputes between employers and employed to be referred to and settled by it. An arbitrator to be called in in case of a deadlock, whose decision must be accepted on both sides.

(6) Employers to have full control over the management of their works; that is, as to transferring a workman from one department to another or making any change which does not either lower wages or harden the conditions of labor or increase the number of hours; also, in all cases of insobriety, irregularity, incompetency, etc. All questions, however, of wages, and the hours and conditions of labor to be referred to the board for settlement, if found necessary. No workman to leave his employment or to be discharged over any of these questions. In cases of dispute the workman to accept the employer's terms under protest until the question has been settled by the board. All decisions given to be retrospective, so that no one can suffer by any delay.

(7) Although the board has no power to alter any of the wages or conditions obtaining at the time of the signing of the alliance, either side to have the right to bring before the board any exceptional circumstance for friendly discussion and advice.

Provision is also made for a fund for fighting and other needs of the association, and also to establish a department for investigation of complaints.

Middlemen, merchants, and factors are permitted to sell at the same prices as manufacturers. To this they are bound by agreement before being placed on schedules showing who are entitled to the privileges.

The large buyers who sell at retail are also provided for. They have the right of buying from each and every member if they care to do so. At the end of each half year they can send in to the secretary a return of their total purchases, with a claim to a rebate in proportion to the trade done with the association. The money is collected by the secretary from the members concerned and sent direct to the customer.

By this combination the manufacturer would be sure of a fair return for capital invested in the business and the work people would be certain of a living wage, below which they can not be reduced, but above which they may be fixed by the conciliation and arbitration board provided for in the agreement made between the employers and the employed. While safeguarding the interests of the masters and men by providing a minimum price below which the goods manufactured

in the trade are not to be sold and fixing a wage certain for the men, he takes the position that the interests of the public are not injuriously affected and no monopoly is established.

Measures are provided for protecting the alliance from competition with manufacturers who refuse to join the association and to drive out foreign competition should it become dangerous. Elaborate rules governing the manufacturers who join the alliance and also rules that govern the masters and men are part of the scheme.

Mr. Smith is a brass bedstead manufacturer and first applied his ideas to this trade about 12 years ago. His plan is now in full working order in the bedstead, spring mattress, fender, metal rolling, electrical fitting, brass-cased tube, and china furniture trades. In the spring mattress trade there are 30 manufacturers and 1,500 operatives; in the fender trade, 70 manufacturers and 2,500 operatives; in the metal rolling trade, 40 manufacturers and 10,000 operatives; in the electrical fitting trade, 7 manufacturers and 1,500 operatives; in the china furniture trade, 8 manufacturers and 1,800 operatives, and in the cased-tube trade, 30 manufacturers and 2,500 operatives.

The alliance is, more or less, formed in the marl division of the pottery trade, in the jet or black teapot trade, in the Rockingham or brown teapot trade, in the earthenware trade, and in the glass-bottle trade, covering Scotland, Ireland, Lancashire, Yorkshire, and the eastern counties. No trade, Mr. Smith assured the writer, that has adopted the movement has ever given it up.

The gas and electric-light fittings trade, the cabinet brass foundry trade, the plumbers' steam and beer fittings trade, bedstead mount and fender-support trade, the fender and fire brass trade, and the coffin furniture trade in Birmingham are governed by the alliances between the manufacturers and the workmen formed according to the scheme devised by Mr. Smith. The rules pertaining to conciliation and arbitration boards are, with trifling exceptions, the same, and are as follows:

I. The board shall be called the conciliation board, etc.

II. The objects of the board shall be the amicable settlement of all disputes between the manufacturers of and workmen engaged in the manufacture of, etc., as to the amount of day wages, piecework prices, and the hours and conditions of labor.

III. The board shall consist of a member of each of nine firms belonging to the manufacturers' association and an equal number of men belonging to the workmen's society.

IV. At their first meeting the board shall elect a chairman from among the representatives of the manufacturers' association and a vice-chairman from among the representatives of the workmen's society, both of whom shall hold office for one year. In case of the absence of the chairman the vice-chairman shall take the chair. All meetings of board shall be at 7 p. m. when practicable. In the event of any member being unable to be present the secretary on either side shall be entitled to send a representative of such member, and no meeting shall be held unless there be an attendance of at least four representatives of each association. The chairman and vice-chairman shall each have one vote only (without a casting vote).

V. The secretaries of the two associations shall act as joint secretaries to the conciliation board.

(*a*) They shall record the proceedings of the meetings, and each association shall have a copy.

(*b*) All meetings of the board shall be convened by circular signed by the joint secretaries. Not more than seven and not less than three clear days' notice of all meetings, stating the business to be transacted, shall be given, and no other business shall be transacted.

VI. No dispute shall be brought to the notice of the board until all reasonable effort has been made to settle the dispute in the ordinary manner, viz: First, by negotiations between the employer and his employees, and, secondly, by negotiations between the employer and the officials of the National Society of Amalgamated Brassworkers.

VII. No member of the workmen's association shall leave his work on account of any dispute as to the condition of his labor, or to the prices paid; neither shall any member of the manufacturers' association stop his employees from their work, or lock them out on account of any such dispute, until the dispute has been referred to and adjudicated upon by the conciliation board.

VIII. If any member of the board is personally concerned in any dispute referred to the board, it shall be competent for either secretary to object to his participating in the discussion, and notice to that effect shall be given two days before the meeting to the secretary of the association to which the member belongs, and such secretary shall summon another member of his association to sit on the board while the dispute is under consideration.

IX. No workman shall be prejudicially affected in his relationship to his employer, or to his fellow-workmen, by any action he may take in fulfillment of his duties as a member of the board, or because of any evidence which he may give to the board; and the employer of any workman, being a member of the board, or of any workman whose presence before the board may be necessary, shall give facilities for attending any meeting that may be held during working hours.

X. Any member of either association shall, if called upon, appear before the board to give evidence as to any matter which may be under consideration.

XI. Should the two secretaries declare a question contentious, only an equal number shall take part in the voting. Any matter which can not be amicably settled by the board, shall be referred to the board of trade to be dealt with under the conciliation act, 1896.

XII. The board shall pay all administrative expenses it may incur.

XIII. In case the manufacturers' association or the workmen's association wish to dissolve the board, they may do so by giving three months' notice to the secretary of the other association.

THE BRASSWORKERS TRADE.

In his annual report for 1898 to the National Society of Amalgamated Brassworkers the secretary wrote:

The executive continues to devote its energies to obtain advances of wages and prices and to remove anomalies and grievances. It never misses an opportunity to settle differences by mutual negotiation, avoiding wherever it can trade conflict. Twenty-six years' experience has conclusively proved that it is far better to avert strikes and lockouts than to encourage or provoke them.

Boards of conciliation have worked to the advantage of employer and workmen. Differences which might have led to abstention of work have resulted when discussed by both sides in happy solutions;

and on no occasion have such means been unequal to the task of arriving at a mutual settlement.

Again in the report for 1899 he wrote:

The executive has been actively engaged throughout the year in directing the policy of the society and its agencies, also in advising the members in difficult and trying circumstances. Whenever it can, it prefers to settle by conciliatory rather than arbitrary means. In this spirit nearly 100 cases of dispute have been decided to the satisfaction of employers and workmen. Instead of there being any abatement or lack of interest in its arduous labors, its energies have been redoubled to the profit and advantage of all. It has occasionally to sanction the suspension of labor, but this is in cases where the employer wants to force members to work under conditions degrading to manhood and detrimental to them as wage earners.

Mr. E. J. Davis, one of the most prominent trade unionists in Great Britain, and the general secretary of the National Society of Amalgamated Brassworkers, said to the writer that cases of repudiation of an agreement or an award are so exceptional that they are not worth mentioning in discussing the system. If the points of reference are agreed to on each side it is almost the invariable custom that all concerned carry out the decision loyally.

Never was there a time in industrial warfare in England when both sides were better organized, and never did they work together with such harmony. Even after the engineers' strike in 1897 there was formed a board to conciliate great disputes in that trade, before which time no such board existed. There is more recognition of trade unionism by the employers in the engineering industry than before the struggle commenced.

Perhaps the greatest federation in all England is that for the Colliery Proprietors and the Miners' Federation of Great Britain. Since the coal strike in 1895 the joint board has worked harmoniously without any trade conflict worthy of note.

In many of the English trades there are boards of conciliation, and disputes are prevented in the aggregate hourly. The principle has permeated and extended to all branches of trade. The moral effect, Mr. Davis says, has been to give the officials of the trade union more power over their members. This has been used in the interest of sobriety and also to steady the ardent or injudicious spirits who sometimes act more from feeling than from a logical consideration of grievances, or grievances too insignificant to go to war on. This power is transmitted from the fact that the employers act in a concentrated way through an association, whereas formerly they had no such association, and much guerrilla warfare was the consequence.

Mr. Davis states that there is no strong desire among the workmen for compulsory arbitration. The men have gained by voluntary arbitration, and are strong supporters of it, being wise enough to see its advantages to their welfare.

CONCLUSION.

The system of voluntary conciliation and arbitration, as carried on by private agreement, is elastic and applicable to all conditions. It can be used under the most elaborate or under the simplest rules; it can be proceeded with either with or without an umpire or referee, and proves satisfactory when the only provision is that the two sides shall meet and attempt to settle the difficulty before an appeal to harsher methods. It can succeed whether the questions to be decided are difficult and intricate or plain and simple. In the manufactured-iron trade the board has been continued without serious friction during a period of 30 years, while in that time the men have seen the trade go through all the processes from iron to steel. The same experience is to be found in the lace trade, where many changes have been made and many new questions settled amicably since the formation of the board, in the sixties. So, likewise, in the boot and shoe and cotton-spinning trades great changes have been wrought by the introduction of machinery, and all the new schedules and prices have been arranged and agreed to with comparatively few serious disagreements and collisions.

Many different methods for settlement of wages and disputes are provided for by the several conciliation and arbitration boards. Some have tried plans resulting in preference for the sliding scale. In other trades the scale is objected to because the audits may be too far apart, and consequently too slow in responding to an advancing market. On the other hand, there would likewise be delay in responding to a declining market.

Some boards have an equal representation of the two sides with equal voting strength, and in case of a disagreement the question is referred to an umpire. The latter may be chosen for the particular occasion or he may be a standing official in the trade. The shoe trade has Lord James as the standing umpire. Sometimes the umpire is an expert in the trade and sometimes a judge, accustomed to hearing and weighing evidence. The men in the engineering trade prefer not to have technical men in the trade for officials in an arbitration, believing that they are inclined to favor the employers from whom they receive work. On the other hand, the employers avoid those officials who, having political ambitions, might court popularity by making a decision favorable to the men.

Not infrequently there is no provision for an umpire or referee, the two parties thinking if they can not agree after thrashing out the question there would be little use in having a third person pass upon it.

In the boot and shoe trade a forfeit of £1,000 ($4,866.50) is deposited by each side for the faithful carrying out of the terms of settlement.

Against this fund Lord James, the referee, recently gave an award of £300 ($1,459.95) for a breach of the rules by some London workmen. In other trades fines are imposed for either nominal or actual damages; but these measures seldom have to be enforced, for the two sides have been most careful to see that the settlement, when made, shall be faithfully adhered to. In case an employer refuses to accept the award he is not supported by his fellow-manufacturers, but is left to be dealt with as the workmen see fit. In case the men hesitate about complying, all the power of the union is used to hold them in line; and should they persevere in their refusal they are abandoned by the union, and have great difficulty in securing employment, as is shown by the experience of recalcitrant weavers in the lace trade.

Contact on these boards has fostered respect and good feeling. The masters, who years ago, by holding themselves aloof, created the impression that they were the dominant, the men the servient, factor in the trade, have now lost in large measure their autocratic characteristic and meet the men on an equality in a friendly, conciliatory way. Brought together as they have been, face to face, in the meetings, both sides have learned to see things in a clearer light, and false pride and obstinacy, always barriers to amicable understanding, have been broken down. Open discussion about a common table has shown points of view either of one side or the other not before thought of by the opposition, and very naturally a far better understanding, on the whole, exists to-day than ever before between employers and employed, which must make for peace and happiness and be the basis for all negotiations between capital and labor.

To create and continue this good feeling care must be taken by the associations to elect as their representatives, not radicals, but men of strong common sense and honesty of purpose, masters fair enough to see the justice in the case presented by the men, and representatives of the men who have courage to accept a decrease when the situation demands it. In a word, extremists must be excluded and those alone chosen who seek the truth, and, once finding it, are willing to stand fast to the agreement and urge its adoption by their association.

It is all the better for harmonious working on the board if, as nearly as may be, the same men be selected year after year to serve as representatives of the respective associations. When this is the case, previous contact enables the board to transact business expeditiously, and lose no time in attempting to discover the motives and temperament, each of the other. Then, too, the men themselves must implicitly trust their representatives, who should be given authority to agree to any settlement without referring to the main body of their constituents, since this power enables the representatives to settle a dispute quickly and often to obtain better terms. If the final power is vested in the men, there is sometimes difficulty in securing their approval of

the terms agreed upon, because of the lack of full explanation and the ignorance of the exact situation and surroundings.

If men and employers meet in all fairness and kindness, and are careful to arrange for cooperation and mutual good, many of the differences can be and are constantly settled without hostilities of any kind. The best of feeling exists, and disturbances have been few where the men are treated with proper courtesy and frank interest, for the suspicion with which years ago the opposing sides viewed each other has, in large measure, disappeared in those trades where the principle of conciliation and arbitration has been longest recognized.

Under arbitration as conducted in the early days the men were unable to get the facts with which to meet the masters' statements. In such arbitrations each side came to prove its case and the men usually failed for lack of data. This was particularly the case in the potteries trade, where the poor success or failure of the men in arbitrations caused so great dissatisfaction that the board was dissolved. The men felt they had not been given a fair hearing and could never succeed under existing conditions. While they might and perhaps did agree to the award of the umpire, it was a sullen and not a cheerful acquiescence.

Where formerly it was almost impossible for the men to know the facts concerning the state of trade and the prices of raw material and the finished product, the desired information is now secured by the aid of audits by trained accountants. The testimony of some manufacturers is to the effect that knowledge so acquired has satisfied the men as nothing else could, and the confidence thus given has not been violated.

Again, under the old method of warfare the men took advantage of a brisk trade to demand an increase of wages; the masters likewise, when trade was dull, demanding a decrease with the usual result—a strike on each occasion. Now, when an agreement is reached, provision is usually made that at least one or two months' notice must be given of any demand for increase or decrease. In the trades where the prices are regulated by audits and the sliding scale is used, changes are prohibited in less time than two or three months. In the coal trade, for example, a standard wage has been decided upon, the agreement being that wages can not go more than a certain per cent higher than that limit, and no increase shall be more than 5 per cent. Such agreements, coupled with the provision that there shall be no cessation of work pending the dispute, give security to the trade. The master can make contracts with the confidence that wages can not be increased and that no strike will prevent delivery of his product. The men feel secure in their wages, and they know also that all peaceful means will be exhausted before work will cease and a lockout be declared. This provision, according to the testimony of all with whom

the writer came in contact, is of incalculable value. Some slight dispute, which in the olden times might have developed into a strike, is now immediately carried for settlement to the conciliation board and causes no excitement among the men and but little concern to the employers.

When a slight dispute arises now, the piece in question is immediately marked and the secretary of the men's association is notified of the claim. He, in turn, notifies the master's secretary, and a meeting is arranged. Pending this meeting work continues as if nothing had happened. If the decision favors the workmen, they are paid for the disputed work at the new rate from the time the piece was marked; if in favor of the employer, nothing above the usual rate is paid.

One object of the boards has been to reconcile labor and capital and put into practice justice and morality. Where fairness and candor, with a desire to reach a just conclusion, have been shown, there exists a good feeling to-day between the masters and men. Much of this success has been achieved by the farsightedness and honesty of some manufacturers, who observed, in advance of their associates, the changes which have been taking place in the industrial world. Where each side has entered the board with the true spirit of conciliation and a desire to secure a fair result, little difficulty has been met in reaching a decision fairly satisfactory alike to masters and men. The effort of the board members must be to agree, not to differ. They must be actuated by a desire to reach a settlement, and not have recourse to strikes on the one side or lockouts on the other.

Notwithstanding the severity of some great strikes in England and the reported success of the compulsory law in New Zealand, the writer could find little or no sentiment favoring arbitration by means of a statute. All previous legislation in respect to labor and wages has been ineffectual, and the opinion expressed more than twenty years ago by Mr. Compton that "the law and our tribunals, admirable and worthy of veneration as they often are, can not be the means of reconciling capital and labor," finds as hearty response as when first written. The prevailing opinion among the employers and employed favors conciliation first, arbitration rather than a strike, and then a referee or umpire to whom appeal can be made for final decision and settlement.

Such are the views expressed by representatives of capital and labor on the desirability and advantage of settling differences by conference, and, if necessary, by arbitration. Lest more testimony on so important a movement be regarded as necessary, it has been deemed wise and altogether fitting to give, in an abbreviated form, the opinions expressed by some of the men in England who have been longest identified with labor matters and the settlement of trade disputes. These sentiments were uttered at a conference called by the Bishop

of Durham in 1893 for the purpose of discussing the desirability of forming boards of conciliation and arbitration in Durham and Northumberland. The masters, the men's representatives, umpires, and referees all agreed that conciliatory measures ought always to be tried first and that a strike or lockout should never be ordered except as the very last resort.

Mr. T. Burt, M. P., a representative of the miners, in opening the discussion, said he wanted conciliation first of all, for it was best to settle their differences by reason and argument. It is better for employers and employed to agree without the intervention of third parties than to go to an arbitrator; but it is infinitely better that there should be arbitration in the background, so that if conciliation fails the differences can be settled by some more rational method than the strike or lockout.

Sir David Dale, an iron manufacturer, whose ability and fairness are so marked that the men are content to rest their interests in his hands, said that, notwithstanding some objections to arbitration, his conclusion was that of all risks attending the remitting of some important question affecting a whole district and a large number of men to the judgment of one person that was less than the risk of endeavoring to settle the question by strike or strife. He favored a provision for submission to arbitration after conciliatory methods had been first tried and had failed. The very existence of such provisions would tend to promote the coming to an agreement.

To make joint committees and conciliation and arbitration boards successful it is necessary to have represented the large preponderance of employers and employed. He deemed it desirable that the body of representatives should be implicitly trusted and that there should be put into their hands a very large amount of power to negotiate and even settle. Absence of such power had frequently led to a settlement less favorable to the men than one they could have secured had they possessed full power.

One of the chief advantages of conciliation is the fuller and more complete information of facts bearing on the condition of trade that the representatives of the men acquire. The disposition of the employers is to be candid and to lay facts very fully before the workmen. Mr. Dale's opinion is that the best method of dealing with trade differences is by conciliation, with arbitration as a last resort.

The chairman of the North of England Iron and Steel Conciliation Board declared, after 25 years' experience, that conciliation was one of the great principles that ought to guide employers and workmen in the settlement of disputes. The coming together of masters and men in discussion had almost eliminated partisan speeches, and the point had been reached where the two sides spoke with determination and justice, and the workmen's representatives were determined to do what was right in spite of the operatives who sent them.

The conciliation board has become an element of education. The two sides wanted to enlighten each other, to understand each other, believe each other, and to discuss matters and lay open their minds fully. The men sent to the iron and steel board are not only increasing in intelligence, but improving in character, as the years go on. The chairman said he sympathized with arbitration 25 years ago and he sympathized with it even more now, believing that it had in it the elements of wisdom, justice, and permanency.

Mr. Robert Knight, secretary of the Boiler Makers and Iron Shipbuilders' Society, said his experience with conciliation had been a very favorable one indeed. His society numbered 40,000, and though their work was complicated, they found they could adjust their differences much better by meeting the employers and talking and arguing the points of difference than they ever could by resorting to a strike. Wages were better, because of the way in which they had settled their differences, than they could have been if strikes had been ordered. No sacrifices had been made in arguing the questions with the masters, who met the representatives as gentlemen and treated them in an honorable fashion. To make a conciliation board successful it was necessary to have a strong association, both of employers and men. In his opinion it was easier to deal with an association than with individual employers. The latter exhibited more selfishness when looking after their own interests than they did when a large number acted together, and better wages were secured. He said further that conciliation should always precede a strike. Calling the men out always widened the breach and made it more difficult afterwards to settle the trouble. Then, there should be a close relationship between the two associations, and not cold indifference. One side should never try to take advantage of the other, and any agreement made should be faithfully carried out. Finally, the same men should be sent to deal with the employers time after time, for in that way the employers and the men's representatives grew to understand each other, and more satisfactory results followed.

Mr. Trow, of the iron and steel trade, said that with them no striking was allowed, and no support given to men who refused arbitration. He favored the meeting of the two sides on a perfect equality, and the giving of all necessary information to the men's representatives in every dispute. In his trade numerous advances had been secured by arbitration, they having gained more through that method than by strikes. The representatives should be selected by secret ballot, and when once elected, should have power to deal, while the men should be prepared to carry out whatever their representatives agree to. Arbitration should be voluntary and every award should be carried out faithfully, whether the workmen lose or win. Trade unions were the result of tyranny; arbitration is the result of strikes, and

the result of conciliation and arbitration together will be the success of productive cooperation.

Dr. R. Spence Watson, who officiated as an arbitrator on many occasions, in speaking of his experience said that conciliation was peace; but arbitration was a modified kind of war. In an arbitration there are two parties, each endeavoring to make the better case before a judge who is to give the decision; in conciliation the two parties meet without the judge and endeavor to convince each other by arguing across the table. Arbitration is impossible, either when the masters make a demand which, if granted, would not afford the men a living wage, or when the men make a demand which, if granted, would mean bankruptcy to the firm.

The moral value of conciliation is enormous. The fact that masters and men meet around the same table upon the same level and with the opportunity of ascertaining each other's standpoint, of giving and taking an argument, and of ultimately being swayed by reasonable considerations, is of great value. The men must trust their representatives and give them authority to settle.

In arbitration there is always the risk that through the ignorance of the arbitrator upon technical matters, some mistake may occur. In conciliation the men who know every detail of the business meet and try to convince each other. In arbitration these men, having failed to agree, go frequently to some man, as arbitrator, who knows nothing about the business, and ask him to decide the question at issue. Still, with all its dangers and difficulties, Mr. Watson regards arbitration as far better than a strike. The best way is to settle the case by mutual agreement and forbearance, but arbitration is always better than open warfare.

Mr. John Wilson, M. P., preferred any mode of settling disputes to the brute force of a strike, though strikes on some occasions have been useful. The men to be appointed to the conciliation board should be men above doubt and suspicion. Conciliation is a mode of machinery in advance of arbitration, and it should enter into an investigation of the cost of production. If the men on the board are trusted, then they should have cognizance of what it takes to produce a ton of coal; but they should not be expected to expose it in the press and on the platform.

A workman declared they all favored the principle of conciliation and revolted at the idea of a strike. The strong point and the real question in conciliation was facts and figures, and the men should be put in possession of them in order to deal with the various questions. They had experience with the joint committee for 22 years, and by it had settled local disputes satisfactorily. He believed if the powers of the joint committee were extended and the masters allowed the men's representatives to investigate matters fully the men would not ask

that the facts and figures be exposed. If the owners held back, as in the past, there could be no conciliation. The men had never been in position to defend their case as they desired, and jealousy arose. Formerly when the demand for an increase was made and the owners said the books showed facts which would not justify them in granting it no workman knew whether that was so or not. The workmen did not want more than they were entitled to. With a board organized and formed on truth and justice there would be no trouble.

This investigation will not have failed in its purpose if the publicity given to the facts and opinions here presented offers any suggestions for avoiding harsh measures, tends to establish more friendly relations between capital and labor, or helps in any way to spread throughout this vast country, rich in its manifold industries, those principles which have solved in a satisfactory manner many intricate and perplexing problems which have confronted the manufacturers and workmen of England during 40 years of constant change and growth.

SYSTEM OF ADJUSTING SCALE OF WAGES, ETC., IN CERTAIN ROLLING MILLS.

BY JAMES H. NUTT.

Having been employed in June, 1892, and continuously since, by certain mills manufacturing bar iron and steel as an adjuster of wage scales and other differences that have arisen between the manufacturers and the employees, it seems probable that an account of the system under which my duties have been performed and my experiences, together with some expression of opinion as to the results and benefits of such system, would be of interest to those whose attention has been directed toward the conditions of the labor interests of the country.

The concerns for which I have worked were all independent until recently, when they formed what is known as the "Labor Bureau Association." The mills contained therein are all situated west of Pittsburg, Pa., and include nearly all the bar-iron manufacturers doing business west and south of Pittsburg. These mills all negotiate with the Amalgamated Association of Iron, Steel, and Tin Workers.

The method by which differences between the parties are settled and adjusted may be described as follows: In June of each year the manufacturers meet in conference with a committee representing the workmen and make an agreement for the year beginning on the 1st day of July following, concerning the scale of wages, etc. The duties of the adjuster require him to be present and assist in the making of the scale of wages, which is based upon the sales and shipments of base sizes of bar iron. The price per pound received for material shipped during May and June will fix the price per ton that the workmen will receive for their labor during July and August, and so on for every two months during the year.

At the end of each bimonthly period the manufacturers make sworn statements to the adjuster and, together with a committee of 3, one of whom must be an officer of the National Lodge of the Amalgamated Association of Iron, Steel, and Tin Workers, he goes over these sworn statements and, according to what the price at which the material was sold is found to be, it is decided whether or not there shall be an advance or reduction in the wages of the workmen.

Under the agreement made in the annual June conference, if for any reason the committee of 3 are not satisfied with the sworn reports,

they have the right to examine the books and accounts from which these reports are made. In case of any disagreement in any of the mills as to the construction of the agreement made in the annual June conference, the matter is referred to the adjuster by the manufacturers, and it then becomes his duty to visit the works and endeavor to make a settlement with the parties interested. If a failure results from this attempt at adjustment, the proper officer or officers of the amalgamated association are brought in, and the question is taken up and discussed from a national standpoint, and, as a rule, a satisfactory adjustment is arrived at.

In addition to the question of the wage scale, the enforcement of rules and cases where workmen are discharged form the major part of the differences adjusted.

The contract with the amalgamated association under the agreement made at the annual conference expires on the 30th of June in each year, and sometimes it has proved impossible to reach an agreement upon the terms for the coming year by that date. In such a case the mills all close down pending negotiations, but a strike is not declared until the representatives of the manufacturers and of the workmen fail to agree and adjourn without date. Sometimes the negotiations have kept up for over a month after the mills have closed down, and still no strike takes place. This method preserves the funds of the union, as no strike benefits are paid until negotiations are broken off.

During the time that this system of adjustment of differences has been in operation—since 1892—in but one of the many differences which have arisen has there been a failure to arrive at an adjustment, and there has been but one strike through a disagreement where the negotiations have been conducted by the adjuster. He has been able to prevent many troubles for the men and many petty strikes which would otherwise have caused much annoyance to the manufacturers.

Being an ironworker himself the adjuster knows the difficulties with which the workmen have to contend, and from his position in the employ and the confidence of the manufacturers, he receives from them full explanations of their side of the question in dispute. On this account he is prepared to give the workmen the employer's side of the question, and, as he discusses it with them from a practical rather than a business standpoint, he can usually state it in a way that appeals to them more than if the employer himself were to lay it before them.

Many employers have not the patience to listen to and argue a point with an employee. They firmly believe themselves to be in the right and can not understand why the employee does not grasp the situation and see it as they do. The average workman only wants what is fair and right, but often it requires time and patience to demonstrate the right to him. In these adjustments the result of the deliberations are gen-

erally in the nature of a compromise, as there is almost always right on both sides which has to be respected.

Both the employers and the employees seem to be very well satisfied with this method of adjustment of differences. This is shown on the part of the employees by the fact that the officers of the union have often notified the adjuster that they have been called to a certain mill before he has been notified by the firm, and by the further fact that in certain instances the workmen have left it to his decision, in case of disputes, thereby putting him on his honor to deal fairly with both sides.

Experience in the methods employed to adjust disputes between the ironworkers and the manufacturers has brought me to the conclusion that this system, as here described, is by no means perfect, but is, at the same time, a great improvement upon the methods adopted by a good many labor organizations. When once the scale of wages as agreed on is signed, it is quite certain that the mills will run for the year without interruption, so far as labor difficulties are concerned, for if any difficulty arises the rules of the amalgamated association provide that work shall be continued pending an investigation by both parties to the controversy, and for this reason most of the disputes lose that bitterness which is caused by the sudden stoppage of the works. Such a stoppage seriously interferes with the plans of the employers, and always causes more or less serious financial loss to both parties to the controversy.

As has been stated, the contract between the manufacturers and the workmen expires on the 30th of June of each year, and if an agreement is not arrived at by that time, all mills controlled by the Amalgamated Association stop work until an agreement is reached. This plan has several faults, in that it often interferes with the placing of contracts that run past the 1st day of July, and in that way discriminates against the employer who recognizes organized labor and in favor of the one who does not. Again, by stopping work a large body of men who have no interest in the result of the negotiations, and will not be benefited, no matter what the result may be, are thrown out of work, and these very men are the poorest paid of all laborers in the mill, and can ill afford to live in enforced idleness.

It would be much better could work be continued until an agreement was reached or negotiations broken off. If this could be done, and then on the failure of negotiations the matter in dispute referred to arbitration, both parties to abide by the decision, it seems as though we should come about as near to a solution of the labor problem as we can expect to do so long as human beings are actuated by the same selfish motives that they are to-day.

FOREIGN LABOR LAWS. (*a*)

BY W. F. WILLOUGHBY.

AUSTRIA. (*b*)

The union of Austria and Hungary being chiefly for political purposes, each country regulates its own domestic affairs without reference to the other. In consequence of this independence each possesses its own system of industrial legislation. The accompanying description of the labor laws of Austria must therefore be understood as applying only to that country and not to the whole Austro-Hungarian Empire.

But little reference need be made to legislative enactments prior to the act of December 20, 1859, when, for the first time, the effort was made to provide a general scheme of industrial legislation. As in Germany, the earliest legal regulation of labor in Austria related to the formation and control of trade guilds, the protection of the handicrafts, and the fixing of the conditions of apprenticeship. The most important of the early regulations concerning apprentices was the

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a In Bulletin Nos. 25, 26, and 27 the labor laws of Great Britain, France, Belgium, Switzerland, and Germany have been considered. In the present Bulletin those of Austria are shown. In more summarized form the labor legislation of other countries will be given in a subsequent Bulletin.

b In the summary here given of the laws in Austria use has in all cases been made of copies of the laws themselves. These can easily be consulted in the two numbers of Manz'sche Gesetz-Ausgabe:

Die Gewerbeordnung. Mit den einschlägigen Gesetzen und Verordnungen, mit Erkenntnissen des Verwaltungsgerichtshofes, von Dr. Franz Müller. Seventh edition, Vienna, 1899.

Die Gesetze über das Vereinsrecht, vom 26 November, 1852, und vom 15 November, 1867; das Gesetz über das Versammlungsrecht, vom 15 November, 1867, nebst den zu diesen Gesetzen ergangenen Verordnungen, Erlässen und Entscheidungen, von Dr. Friedrich Tezner. Second edition, Vienna, 1894.

In the analysis, and especially in the statement of prior existing legislation, use has been made of other works, among which the following should be mentioned:

Conrad's Handwörterbuch der Staatswissenschaften, and the two supplemental volumes published in 1895 and 1897.

Royal Commission on Labor, Great Britain. Foreign Reports: Austria-Hungary, etc., 1894.

Report of the Chief Inspector of Factories and Workshops for the year 1895, Great Britain (contains a report by Miss A. M. Anderson on Protection of Labor in Industry, Austrian Empire).

Annuaire de la législation du travail. 1re année, 1897; 2e année, 1898. Office du Travail, Belgique, 1898 and 1899.

La législation du travail en Autriche, par Hugo Herz. A report made to the Congrès International de Législation du Travail, à Bruxelles, 1897.

royal order of 1786, which related to apprentices in factories, and required, among other things, that apprentices should have separate beds and be washed at least once a week; that the boys and girls should sleep in separate bedrooms; and that, except in cases of necessity, children under 9 years of age should not be employed in factories.

Between 1786 and 1859 various regulations were enacted concerning the protection of apprentices, the regulation of the employment of children in factories, Sunday work, etc. Of these the most important was the decree of June 11, 1842. This decree raised the general age limit at which children could be employed in factories to 12 years, with the proviso that the local authorities might permit children between the ages of 9 and 12 years to be employed if they had had 3 years' schooling. At the same time the duration of labor of children under 12 years of age was limited to a maximum of 10 hours per day, and of those from 12 to 16 years of age to 12 hours per day. Night work was prohibited for children under 16 years of age.

A penalty was fixed for the failure to comply with these regulations, and their enforcement was intrusted to the local school and ecclesiastical authorities.

These and other regulations promulgated during this period made numerous restrictions upon Sunday work, the motive for which, however, was religious rather than economic. It is interesting to note, also, that the evils of the truck system were apparent, and that as early as 1791 this system was legislated against. On the other hand, there appear to have been no regulations restricting the employment of women.

It was not until 1859 that these various orders and regulations were brought together and harmonized. On December 20 of that year there was promulgated (*a*) a general labor law which to-day constitutes the fundamental law of the country in relation to labor. This law has never been repealed. All subsequent legislation consists of laws either specifically amending it in certain features or filling gaps that had not been covered.

The enactment of this law had been rendered imperative by the changes that had taken place in industrial methods, the development of manufacturing upon a large scale, the decline in power of the old guilds, and the obsolete system of trade concessions. The chief purpose of the law of 1859 was, therefore, to relieve industry from the various restrictions with which it was burdened, to make necessary distinctions between regulations applying to factory work and the handicraft trades, and to unify and harmonize regulations applying to the conditions of employment of labor.

It will not be practicable to trace the various steps by which this code has been modified in the 40 years that have succeeded its enact-

a Kaiserliches Patent vom 20, XII, 1859.

ment. Instead there will first be given a list of the principal laws in relation to labor that have been passed since 1859, after which a description of the labor laws in force at the present time will be entered upon. The list of laws follows:

1. Law of November 15, 1867, concerning right of laborers to form organizations.
2. Law of November 15, 1867, concerning right of laborers to hold meetings.
3. Law of May 14, 1869, concerning industrial arbitration tribunals.
4. Law of April 7, 1870, concerning right of laborers to form organizations.
5. Law of March 15, 1883, amending the labor code of 1859.
6. Law of June 17, 1883, concerning inspection of factories.
7. Law of March 8, 1885, amending the labor code of 1859.
8. Law of January 16, 1895, concerning Sunday labor.
9. Law of November 27, 1896, concerning industrial arbitration.
10. Law of February 23, 1897, amending the labor code of 1859.
11. Imperial order of July 21, 1898, creating a bureau of labor statistics.

It should also be stated that to some extent labor is regulated by provisions in the civil code (*Allegemeines bürgerliches Gesetzbuch*) and in the commercial code (*Handelsgesetz*).

The scope of the industrial code of 1859 has been maintained in subsequent legislation down to the present time. Before entering upon the consideration of its particular provisions, it is essential that a general idea should be obtained of the principle according to which it is framed and the different classes of works to which it applies.

In general terms the labor code relates to all classes of industrial work carried on in establishments. It does not, therefore, relate to casual day laborers, persons engaged in the so-called household industries, in agriculture, forestry, mining, the fisheries, or railway transportation, nor to such highly skilled and highly paid employees as artists, chemists, etc.

All industrial establishments coming under the code are divided into three classes: (1) Handicraft trades (*handwerksmässige Gewerbe*); (2) licensed trades (*concessionirte Gewerbe*), and (3) free industries (*freie Gewerbe*).

In regard to the first, the law declares that those trades shall be considered as handicraft trades in which a considerable degree of manual skill is required, which skill can in general be acquired only by a special course of training and work in the trade itself. Until the law itself makes an enumeration of the trades which properly belong to this category, the minister of commerce, acting in conjunction with the minister of the interior, is empowered to do so by means of an official order. Such an order was duly issued September 15, 1883, and specifies 47 skilled trades which are to be regarded as handicraft trades.

Licensed trades are those industries which the public good requires

should be prosecuted only after a special permission has been obtained from the Government. This class, however, has been made a very comprehensive one. It not only includes such industries as the manufacture of explosives, fireworks, firearms, medicinal preparations, etc., which are usually in all countries subjected to special regulation, but embraces a large number of other trades not usually placed under special control. Among these may be mentioned all industries for reproducing literary and art products, either by mechanical or chemical processes, and all engaged in the sale of such products, master builders, master well diggers and master masons, stone cutting and carpentering trades, saloons and restaurants, plumbing, gas fitting, and lighting arrangements, dentistry, etc.

All industries not included in either of the two preceding categories are regarded as free industries. In this last class fall factories and commercial establishments other than those specially enumerated in the list of licensed trades.

The foregoing threefold division has as its main purpose the separation of work into classes according to the formalities that must be observed before any person can undertake its prosecution. From the standpoint of the present study the most important distinction is that which places the handicraft trades in a group separate from factory or commercial work proper. A further distinction that should be made is that between large industrial establishments (*Fabriken*) and small shops (*Kleingewerbe*), as many of the provisions of the code relate only to the first class. The essential principle of the classification is that only those establishments where over 20 persons are regularly employed are considered as factories. Other features, however, are taken into consideration, such as the way the work is carried on, the use of machinery, etc., so that it is not always an easy matter to determine to which class an establishment belongs.

RIGHT OF ASSOCIATION: TRADE UNIONS.

Freedom, such as exists in the United States on the part of workingmen to form organizations for the protection or advancement of their mutual interests, has always been considered in Austria as a privilege which can not be granted, except under rigid restrictions, without danger to the existing political and industrial organization of the country.

A general law relating to the formation of companies and associations of various kinds, such as those for gain or religious purposes, was enacted November 26, 1852, and subsequent laws were passed in relation to particular kinds of organizations. None of these, however, related to combinations of laborers, and such unions were therefore illegal. The right of workingmen to form organizations, moreover,

was absolutely prohibited by both the penal code of 1852 and the general labor code of 1859.

This prohibition was first removed by the passage on the same day, November 15, 1867, of two closely related laws, which are still in force—the one (*Gesetz über das Vereinsrecht*) relating to the right of forming unions and the other (*Gesetz über das Versammlungsrecht*) relating to the right of assembly or of holding meetings. These laws, while removing the absolute prohibition that had existed, subject the formation of unions or the assembling of workingmen to the performance of various requirements, and provide for a rigid governmental control. Each of these laws will be summarized in turn.

The law concerning association provides that unions (*Vereine*) can be formed by workingmen only in conformity with its provisions. Specially excepted from its provisions are all unions or associations organized for purposes of gain, banks, insurance companies, and the like, all religious orders or congregations, bodies such as guild and guild organizations created by virtue of the general labor code, and relief funds and other organizations provided for in the law relating to mines.

Persons desiring to form a union, as comprehended under this law, must file with the political authorities (*politische Landesstelle*) 5 copies of the constitution of their proposed union. This constitution must show: (1) The purpose of the union, its resources, and the manner of obtaining them; (2) the method of organizing and changing the union; (3) its location; (4) the rights and duties of members; (5) the scheme of government adopted; (6) the conditions under which proclamations, resolutions, etc., are made; (7) the method of deciding disputes regarding the affairs of the union; (8) the representation of the union by delegates, and (9) the provisions regarding the dissolution of the union.

In case the constitution is approved, one copy will be retained by the political authorities, one will be made use of for statistical purposes, one will be sent to the political authorities of the district in which the union is located, one will be turned over to the official having special charge of unions (*Vereinsreferent*), and the remaining copy, with the certificate of approval annexed, will be returned to the person filing it.

The copy of the constitution on file must be open to the inspection of all persons, and copies of it can be made when desired.

The authorities are allowed 4 weeks in which to take action upon the request that a constitution of a union be approved. Approval can be refused if the union relates to matters or comprehends action in violation of law, or that is believed to be dangerous to the security of the State. The applicants must be notified when a constitution is disapproved, and informed of the reasons for such action. In such cases an appeal can be taken within the next 60 days to the minister of the interior.

When an application has not been disapproved within the 4 weeks following the filing of copies of the constitution, or the applicants have earlier been informed that their application will not be disapproved, the union can begin operations. Whenever requested by a recognized union, the authorities must issue a certificate setting forth, according to the contents of the constitution, that the union is legally constituted.

The foregoing provisions apply equally to the formation of branch unions and federations of unions, except that those unions or federations which have branches in a number of countries must file their constitutions with, and make application for authorization to begin operations to, the minister of the interior instead of the political authorities of the State.

After a union is legally constituted, its governing board must send to the authorities a list of all members, indicating their addresses, and those who are deputed to represent the union in dealings with third parties, within 3 days after their admission. This information must be furnished by each branch of a federation of unions. The authorities must also be furnished with 3 copies of all reports, accounts, or similar documents which are distributed among the members. Compliance with the provision can be enforced by the authorities by the imposition of fines not exceeding 10 gulden ($4.06).

Unions can hold public meetings, but only members and guests specially invited by cards bearing their names can take part in the proceedings. No person, whether a member or an auditor, can be allowed to attend with arms. It is the duty of the president to enforce this provision. Not less than 24 hours' notice of the time and place of all public meetings must be given to the authorities.

It is the duty of the presiding officer to see that all legal requirements are complied with during the meeting. He must issue orders to that effect, and if they are not obeyed must close the meeting.

The local authorities have the right to send a representative (*Abgeordneter*) to any meeting of a union. Such representative must be provided with a suitable place, and must be furnished with the name of a speaker or person presenting a proposal, whenever he so requests. He also has the power to require that a record be kept of any transaction that takes place or conclusion that is reached. The authorities can use their discretion in regard to the exercise of this power. The Government can also inspect such record at any time.

The foregoing provisions regarding public meetings and the sending of a delegate by the authorities do not apply to business meetings of the governing bodies of unions.

It is the duty of the authorities to prohibit any meeting of a union where the conditions of this law are not complied with, and, if necessary, to close such a meeting after it is assembled. The same action

must be taken by the delegate of the Government, or in his absence by the authorities, in the case of a properly convened meeting, when illegal proceedings take place in the meeting, when matters are taken up which are outside of the powers of the union as defined by its constitution, or when the meeting assumes a character threatening the public order.

Immediately upon a meeting being declared closed the persons present must leave the meeting place and disperse. If they do not do so the authorities can use force, if necessary, in compelling such action.

Petitions or addresses emanating from the union can not be presented by more than 10 persons.

A union can be dissolved if it passes resolutions or takes action in any direction forbidden by law or outside of its powers, and especially when it no longer fulfills all the conditions upon which its legal existence rests. The engaging in political action by a union not organized for that purpose, and thus not having fulfilled the special conditions required for the formation of such a union, would be ground for its dissolution. The dissolution is, in general, declared by the superior authorities (*Landesstelle*), from whose action an appeal can be taken within 60 days to the minister of the interior, or directly by the latter officer in the case of unions with branches in a number of countries. The lower authorities (*Unterbehörde*), however, can prohibit all action on the part of a union until the above-mentioned authorities decide the matter definitely.

The superior authorities must be notified by the retiring officers of any union voluntarily dissolved, and this fact must be published by them in the official journal. The same publication must also be made when a union is dissolved by the authorities. In this case information must be added showing the action taken in reference to the disposition of the possessions of the union.

The responsibility for the enforcement of this law belongs in general to the authorities having charge of the public safety (*Sicherheitsbehörde*) where such a service exists, otherwise to the political authorities of the district. In cases where the public order or security is dangerously threatened, however, any other authority having the care of the public safety can prohibit or close any meeting of a union convened or held contrary to the provisions of this law, or prohibit all action on the part of a union formed without complying with all legal requirements or taking illegal action after formation. Notice of such action must be immediately given to the ordinarily competent authorities.

A special chapter of this law relates to unions of a political character and imposes upon such unions various other conditions additional to the foregoing which apply to nonpolitical organizations. The purpose of these provisions is to bring such unions under a still more

rigid governmental supervision. An examination of them, however, falls without the scope of the present paper.

Infractions of the law of association, in so far as they are not provided for by the general penal law, can be punished by imprisonment for not more than 6 weeks or fines not exceeding 200 gulden ($81.20) in amount. In the case of war or other disturbance the provisions of this law can be wholly or partially set aside, either generally or for a particular locality, by the Government.

The law concerning the right of assembly is very similar to that regarding the right to form permanent unions, and its provisions, therefore, need not be reproduced in detail. The Government retains the same rigid control over assemblies as over the meetings of unions. Notice of public meetings must be given to the authorities, who have the right to send delegates to see that the terms of the law are complied with. In case any illegal action is taken or the public order is threatened the meeting can be dissolved. Petitions or addresses can not be presented by more than 10 persons. While the Reichsrat or a provincial Landtag is in session no open-air public meeting can be held within 5 meilen (about 22½ miles) of the place where it is in session. The penalties for infractions of the law are the same as those in respect to the law concerning the right of association.

The temporary coalition on the part of employees for the purpose of raising wages or otherwise improving their conditions, or of employers for the purpose of lowering wages or making the conditions of their employees harder, is regulated by a special law enacted April 7, 1870. This law, which was passed chiefly as the result of the parliamentary demonstration of the Viennese workingmen of the previous year, repeals the sections of the penal code of May 27, 1852, by which strikes and lockouts were made penal offenses. In their place it substituted the following provisions:

All coalitions on the part of employers or employees, as above described, as well as all agreements for the support of those persisting in such action, or the damage of those departing from such coalitions, and agreements by employers to raise the price of their wares to the damage of the general public, shall not be considered as contracts that can be enforced at law. Furthermore, whoever, for the purpose of accomplishing the objects of such a coalition or agreement, by means of threats or force, hinders or attempts to hinder employers or employees in the free exercise of their will regarding the giving or accepting of work, so far as such action does not incur a severer penalty under the penal code, shall be punished by imprisonment for from 8 days to 3 months.

The effect of this law is that by the repeal of the sections of the penal code relating to the subject strikes and lockouts are no longer penal offenses. On the other hand, agreements having that object in

view do not constitute contracts that can be enforced at law, and any attempt at coercion or the use of violence are made offenses punishable by imprisonment.

Before leaving this subject it should be noted that the Austrian Government, through the right possessed by the authorities of forcibly transporting persons without visible means of support to their native communes, is able effectively to intervene in industrial disputes and break up strikes, a power which it has not hesitated to use as occasion seemed to require.

TRADE GUILDS.

As in Germany, the effort to restore the old trade guilds (*Innungen*) to a position of power, and to make of them an essential factor in the industrial organization of the country, constitutes a distinctive and important feature of labor legislation in Austria. The old guilds, for many years declining in importance, had at the time of the enactment of the industrial code of 1859 reached the last stages of decay. This code, as one of its main purposes, attempted to restore the power of these associations. It made it obligatory upon employers to maintain their relations with their guilds, or to restore them when they had been discontinued.

Further efforts to reorganize the guilds so as to bring them more in harmony with changed industrial conditions, and to make of them efficient organizations, were made in the laws of March 15, 1883, and February 23, 1897. The law of 1883 is of especial importance. It established the guilds upon a new basis, which exists at the present time, as the law of 1897 introduced but slight modifications. The most important feature of the law of 1883 is that whereby the fundamental difference is recognized between the conditions in the large industrial establishments or factories and those in the handicraft trades. The true sphere of activity for the guilds was seen to be in bringing together for purposes of mutual benefit the small independent employers and artisans. The law, therefore, exempted the heads of factories from the obligation of membership in the guilds. The powers and duties of the guilds as regards the small employers and handicraftsmen, however, were considerably enlarged. It was hoped through the guilds to enable these classes better to hold their own against the growing power of the large establishments. The whole legislation regarding guilds must be looked at in this light, as an effort to bolster up the individual artisan and small employer, who seemed on the point of becoming extinguished by the large establishment. With this explanation a statement of the legal regulations now in force concerning guilds will be given.

The principle of obligatory guilds is unreservedly accepted. The law provides that whoever carries on a trade on his own account or as

a contractor becomes by virtue of his undertaking such trade a member (*Mitglieder*) of the guild for his industry and district, and must fulfill all the duties incident to such membership. At the same time all the employees become associates (*Angehörige*) of such guild. This obligation applies only to the handicraft trades, and thus does not relate to factory owners and factory employees.

It is the especial duty of members to pay the required membership fees, and proof must be made of such payment when they report their establishments to the proper authorities or apply for licenses to conduct any of the licensed trades. When the same person carries on several trades he must be a member of the guild for each one.

Wherever there is a guild embracing the persons carrying on the same or related trades on their own account or as contractors in the same or adjoining communes (*Gemeinde*), its organization must be maintained. When such action is necessary, however, it must revise its constitution and regulations so as to bring them in conformity with the present law. When this is done the new constitution must be approved by the provincial authorities (*Landesstelle*). The customary local designation—Gilden, Innungen, Gremien, etc.—may be retained.

In case such an organization is not in existence, and local conditions do not make it impracticable, it is the duty of the industrial authorities (*Gewerbebehörde*), upon the approval of the existing guild union and the chamber of commerce and industry, who must give the persons interested an opportunity to be heard, to create one.

If necessary, a single guild may include persons in several districts or in several related industries. The boundaries or jurisdiction of a guild may be at any time fixed or changed by the political authorities, upon the advice of the chamber of commerce and industry, and after the persons interested have been heard. Where a number of separate guilds have hitherto existed in the same industry, they may, upon mutual consent being obtained, be united in a single guild by order of the authorities, upon the advice of the chamber of commerce and industry. In the same way an organization including different trades may, where the conditions are such as to permit it, be divided into a number of different guilds.

In all cases where a doubt exists whether particular trades should be incorporated in a guild, or regarding the guild to which they should be assigned, the matter will be decided by the authorities (*Behörde*) after hearing the chamber of commerce and industry and the interested guilds.

The purpose of guilds is declared to be the fostering of the esprit de corps, the maintenance of the professional pride of their members and associates in their work, the establishment of sick and provident funds for the benefit of their members and associates, the advancement of the general interests of their trades through the creation of

credit institutions, warehouses for storing raw materials, and sales rooms, and the introduction of improved methods of production. In no case shall the entry upon or prosecution of a trade be restricted by these guilds in any way further than as specifically set forth in the present law.

More particularly the functions of guilds are (1) to maintain harmonious relations between employers and their employees, especially in respect to the organization of the labor force, the provision of guild shelters or lodges, and the securing of employment for persons out of work; (2) to provide for a satisfactory apprenticeship system, by the preparation of regulations, subject to the approval of the authorities, regarding the technical and moral instruction of apprentices, the length of their terms of service, examinations, etc., and the watching over the compliance with these regulations, the ratification of the certificates granted to them, and the determination of the conditions to be required for the keeping of apprentices, and the number of apprentices in proportion to the number of other employees; (3) to create arbitration committees for the adjustment of disputes between members of the guilds and their employees arising out of their labor, apprenticeship, and wage relations, and to create arbitration institutions for the adjustment of disputes between members of a guild, for which purpose several guilds may unite; (4) to further the creation of and themselves to establish and maintain trade schools; (5) to care for sick employees through the creation of new or the support of existing sick funds; (6) to care for sick apprentices, and (7) to prepare an annual report of the work of the guild which may be of use in the preparation of trade statistics. In addition to this regular report, guilds must, whenever called upon, furnish the chambers of commerce and industry of their districts information or advice upon particular subjects within their province. They must also especially give their opinion to the industrial authorities, whenever it is requested, concerning the granting of a trade certificate (*Gewerbeschein*) authorizing the prosecution of a handicraft trade, or a license to carry on a licensed trade, when especial qualifications are necessary, and when the evidence concerning the competence of the applicant does not seem to be sufficient. The guilds may also make recommendations upon their own initiative to the chambers of commerce and industry.

The guilds have the right to impose and collect entrance fees or incorporation dues from their members, and apprenticeship fees to be paid by the apprentices after the completion of their terms of service. The amount of these dues is fixed by the political authorities after obtaining a decision of the general assembly of the guild. These authorities must, within 3 months after this law goes into effect, officially revise the constitutions of the guilds with reference to the amount of the above-mentioned dues, and whenever they consider them too high reduce them in the manner provided.

Of the annual receipts from incorporation fees not more than three-fourths may be used for the current expenses of the guild, the remaining one-fourth being placed at interest. Of the receipts from apprenticeship fees not more than one-half may be used for general expenses. The other half must be used for the purpose of educating or otherwise benefiting the apprentices. If a further sum in addition to that derived as mentioned above or from interest on invested funds is needed by the guilds for the prosecution of their work, it must be raised as provided for by their constitutions. The guild dues, as well as fines imposed by them, are collected through the administrative authorities.

If a guild includes among its associate members a large number of workingmen engaged in subordinate work in the industry, separate institutions, such as arbitration committees, workingmen's assemblies, and sick funds, may be created for their special benefit.

Guilds of one or of several communes or districts, and of either the same or of different industries, may form a union for the better guarding of their interests. Whenever such a union embraces all the guilds of a political district, its managing committee will be considered as a labor council (*gewerblicher Beirat*) for the purpose of assisting the authorities, and its powers and duties are determined by a ministerial decree.

Each guild must prepare its own constitution, which must be in harmony with the present law and be submitted to the political authorities of the district for approval. This constitution must contain provisions regarding (1) the name, location, objects, and jurisdiction of the guild and its legal standing (*Evidenzhaltung*); (2) the rights and duties of the members; (3) the guild assemblies and the matters intrusted to them; (4) the sphere of activity of the executive board and the president; (5) the composition of the executive board and the business to be considered and transacted by it; (6) the requirements necessary for the validity of acts passed by the guild assembly and the executive board; (7) the manner of fixing and collecting dues; (8) the amount of the incorporation dues that will be required of new members; (9) the manner of administering the guild property; (10) the creation of the arbitration committee for the settlement of disputes between guild members, and (11) the imposition of fines.

To this constitution there must be attached as an integral part of it the constitution of the arbitration committee, the constitution of the workingmen's assembly, and the constitution of the sick fund.

The affairs of a guild are managed by a guild assembly, an executive board, presided over by the president, and the organs provided for the management of the arbitration committee and the sick fund.

The guild assembly consists of all members who are eligible as voters or for election, and all members, including women, are so eligible, unless they fall in one of the following categories, viz.: (1) Per-

sons conducting a trade as long as they are excluded from the right of suffrage or eligibility for election in respect to communal elections on account of a conviction by a criminal court; (2) persons carrying on a trade, over whose estate a receiver has been appointed, during the continuance of the receivership; (3) persons carrying on a trade whose right to practice the trade has been withdrawn by the authorities, as long as such cancellation of the right is in force, and (4) persons carrying on a trade over whom a guardian has been appointed on account of their insanity or extravagance. These provisions regarding eligibility are equally applicable, according to circumstances, to the workingmen's assemblies, the organization of which is hereafter described. The workingmen, however, must be at least 18 years of age in order to be eligible as voters or for election.

In addition to the members duly qualified, as described in the preceding paragraph, each guild assembly must admit to its meetings from two to six delegates from the workingmen's assembly. These delegates have the right to be heard, in order to present their desires and complaints, but can not vote.

The members will be summoned to the first general assembly by the industrial authorities. Subsequent meetings are called by the president of the guild by notices sent to each member, stating the matters that will be considered. The guild assembly must meet at least once a year, and whenever the president or executive board considers it necessary, or one-fourth of the members request it. Notice of all meetings must show the time and place of the meetings, and the commissioner or officer appointed by the industrial authorities to supervise guilds must be duly notified.

The first meeting of the assembly is presided over by the representative of the industrial authorities until the election of a president, after which the latter, or in his absence, the vice-president, will preside. The constitution must specify the number of members required to constitute a quorum for the transaction of business. If at any meeting such a quorum is not present a second meeting must be called, at which business may be transacted without regard to the number of members present. Resolutions are decided by a majority vote.

The powers and duties of the guild assembly are (1) to discuss, protect, and, as far as they accord with the purposes of the guild, advance the interests of the members of the guild; (2) to elect the executive board, the representative of the members on the arbitration committee, and the employer members of the executive committee, committee of supervision, and general assembly of the guild sick fund; (3) to verify and approve the reports concerning the financial operations of the guild, the annual budget, and the means employed for accumulating funds; (4) to organize the paid employees of the guild; (5) to take action regarding the creation or alteration of educational institutions,

and the reorganization of an existing sick fund, in order to bring it in conformity with the present law; (6) to take action regarding the length of apprenticeship terms and the nature of apprenticeship examinations; (7) to create or change guild institutions for educational, labor, or business purposes; (8) to adopt or amend the guild constitution, and to consider other important matters as specified in the constitution, and (9) to determine the use to be made of the guild fund. This fund, as well as the income that may be derived from it, must not be used for general guild purposes.

The executive board consists of the president, vice-president, and a guild committee, who, as a rule, hold office for 3 years, and are reeligible. The president and vice-president are elected by a majority vote of the guild assembly. If a majority vote of the members present is not obtained on the first ballot for 1 person, the 2 persons receiving the most votes can only be voted for on the second ballot. In case of a tie vote the matter is decided by lot. The industrial authorities must be informed of the persons elected. These authorities can annul the election if the persons selected were not eligible to the office or the election was illegal. When this is done a new election must be immediately ordered. The president (or in his absence the vice-president) represents the guild in all business with outside parties, signs papers, and generally exercises a supervision over the affairs of the guild.

The guild committee consists of a certain number of members and alternates, as provided by the constitution. They are elected by the guild assembly in such a way that in guilds comprising a number of trades the different trades are suitably represented. The constitution must provide to what extent the workingmen or associates shall be represented on the committee.

The executive board has general power in relation to all matters which are not expressly reserved to the general assembly, to the arbitration committee, or the other bodies that may be created by the guild.

The associates must organize a workingmen's assembly, which must be composed of all eligible associates belonging to the guild. The conditions of eligibility have already been given. Those associates, however, who have been out of employment for 6 weeks can not take part in the assembly, and they lose the right to exercise any functions that may have been intrusted to them. The powers, rights, and duties of this workingmen's assembly must be determined by a special constitution, which must be approved by the political authorities.

This body must elect a governing council, to consist of a chairman and from 2 to 6 members selected from among their number, for a term of 3 years. The industrial authorities must be informed of the person selected as chairman, and he can be rejected by them if his elec-

tion was illegal or if he was ineligible to that office. When his election is thus annulled a new election must be immediately ordered.

The executive board of the guild has the right to appoint from 2 to 6 members as representatives of the members to these assemblies. They have a deliberative voice in the proceedings, but can not vote. The industrial authorities must be informed of all meetings, and have the right to send a commissioner to see that the proceedings are lawfully conducted.

The only powers possessed by these assemblies are those expressly conferred upon them by law or the constitutions of their guilds. Their essential functions are: (1) To discuss and protect the interests of the workingmen who are associates of the guilds, so far as these interests do not conflict with the objects of the guild; (2) to select representatives to serve on the arbitration committee, and on the executive committee, the supervisory committee, and to the general assembly of the sick fund, and (3) the selection of delegates to the general assembly of the guild, as above described, and their own managing councils.

Reference has frequently been made to the fact that the creation of institutions of various kinds for the benefit of the members and associates and the advancement of the general interests of the trade constitute the most important duty of the guilds. The establishment of such institutions as loan funds, warehouses for raw materials, salesrooms, members' aid and sick funds, as well as the official participation of the guilds in such work, can only be undertaken upon the favorable vote of three-fourths of the members present at the guild assembly at which the matter is discussed. Notice must also have been given in convoking the assembly that the matter would be discussed, and the action of the assembly must receive the approval of the industrial authorities. An assembly, moreover, can not take such action unless it is established by a count that there are present 50 per cent of the members in the case of guilds embracing not more than 100 members; 40 per cent, but not less than 50 members, in the case of guilds having over 100 but less than 500 members; 30 per cent, but not less than 200 members, in the case of guilds having over 500 but less than 1,000 members, and 20 per cent, but not less than 300 members, in the case of those having over 1,000 members.

In case a sufficient number of members is not obtained at the first meeting another meeting must be called for the consideration of the matter. The notice of the meeting must draw attention to the above requirements. At this meeting definite action may be taken regardless of the number of members present.

A guild may, in accordance with the above provisions and with the approval of the industrial authorities, create a special members' (masters') aid or sick fund, and, if created, may make membership in it

obligatory upon all members. It may also provide that members who discontinue their business may still remain members of the fund, and may also provide for the exemption of particular members from the obligations of membership upon grounds specifically set forth by the guild in its officially approved constitution. No member, however, can be compelled against his wish to take part in any business enterprises undertaken by the guild unless they are created for the public good.

Each guild must create a committee for the arbitration or settlement of disputes relating to labor conditions between members of the guild and their employees. The composition of this committee, the number of members, and the method of selecting its chairman and vice-chairman must be provided for by a special constitution, which must receive the approval of the political authorities of the district. This constitution must provide (1) that the arbitration committee shall consist of an equal number of members and associates, and this number must be sufficient to enable the committee properly to perform its duties. Only members and associates who are at least 24 years of age are eligible to serve on this committee. (2) That the chairman and vice-chairman shall be elected by the committee from among their number. They must be elected by a majority vote of all the members of the committee, and may be either members or associates. In case a majority vote can not be obtained, then both officers must be alternately selected from the member and associate classes. In this case the chairman and vice-chairman representing the member class must be elected by the associate members of the committee, and the chairman and vice-chairman representing the associate class by the member members of the committee.

An arbitration committee is only competent to act when both parties solicit its intervention in writing, or if one party makes such request and the other party, after being duly notified, voluntarily appears before the committee and consents to submit the case to it.

The committee can act either by way of conciliation or by trying the case and rendering a decision in much the same way as would a court. In order that a settlement by conciliation may be valid there must be present, besides the chairman or vice-chairman, two judges, one of whom must be a member and the other an associate of the guild. The agreement reached must be entered in the records of the committee, be signed by the parties, and if desired written copies be furnished to the parties.

If the matter goes to trial there must be present not less than 4 judges, 2 of whom must be guild members and 2 guild associates, in addition to the chairman or vice-chairman. The facts regarding the dispute must be clearly presented, and all available testimony be heard. The constitution of the committee must provide for the manner in which

the proceedings shall be conducted. It must specify whether and to what extent the associate members will receive a per diem from the guild.

The decisions of the committee may be executed in an administrative way (*Verwaltungswege*). Either party may appeal from the decision to an ordinary civil court within the 8 days following the announcement of the decision. If this is done the committee must be notified by the person taking such action.

All guilds must maintain employment registers for the purpose of facilitating the securing of workingmen for the members or employment by the associates. Such guilds as possess their own journeymen's or associates' lodges must keep these registers at those places.

Each guild must create and maintain a sick fund, or join an existing one, for the insurance of its associates against sickness. This fund must have its own constitution which must conform to the legal requirements concerning guild sick funds, and be approved by the political authorities of the district. It must contain provisions regarding (1) the name, purpose, location, and jurisdiction of the fund; (2) the amount of the dues to be paid by the guild members and associates and the manner of their payment; (3) the conditions concerning the manner of payment and the amount of benefits to be paid; (4) the organization of an executive board, the extent of its powers, and the representation of the members upon it; (5) the creation of a supervisory commission as an adjunct to the board, and the manner of managing the fund's affairs; (6) the composition, method of convoking, manner of conducting the business, and the qualification of members of a general assembly; (7) the representation of the fund with respect to outside affairs and the forms to be used in performing legal acts; (8) the forms for the publications of the fund, and (9) the manner and conditions that must be observed for amending the constitution.

It is compulsory upon all guild members and associates, except apprentices, to contribute to the sick fund. The contributions required of members must not exceed one-half of that required of the associates, and the latter's contributions must not exceed 3 per cent of their wages.

The sick benefits to be paid to members of the fund (associates) must be, in the case of men, at least one-half, and in the case of women one-third, of the usual daily wages. In cases of long-continued illness these benefits must be paid, at least, for 13 weeks.

If the associates fail to pay the dues required of them, their employers must pay them, in which case they can deduct them from the former's wages. The employers must report to the sick fund the names of all persons employed by them who should belong to the fund. If they fail to do so they are responsible for the payment of all dues that should have been paid by such employees from the time of their employment.

The fund may pay for the care of an associate in a hospital for a period of 4 weeks, the cost thus entailed being deducted from the sick benefit to which the patient was entitled.

The accounts and management of the sick fund must be absolutely independent of the other aid funds of the guild. In no case shall the funds be used for any other purpose than the payment of the sick benefits. Guilds and guild members who have fulfilled all their statutory obligations regarding the payment of dues to the sick fund can not be held liable for any further payment in case the fund can not meet its obligations.

The governing bodies of a guild consist of the general assembly, the executive board, and the supervising commission. The sphere of activity of each of these bodies must be accurately defined by the constitution. All general powers, such as the adoption and amendments of the constitution, the approval of the annual reports, etc., are reserved to the general assembly. All three of these governing bodies are so organized that the guild members represent one-third of the members, or can cast one-third of the votes, and the associates represent the remaining two-thirds, or can cast two-thirds of the votes. The general assembly may consist of all the guild members and associates, or may be composed of delegates, the latter composition being obligatory when the fund embraces more than 300 members.

The industrial authorities have the right to examine the books and accounts of a sick fund at any time, and it is their duty to see that the provisions of the law are complied with.

The executive board of the guild has the power to punish members or associates who violate any of the guild regulations by reprimands or the imposition of fines not exceeding 10 gulden ($4.06). The cases in which such punishment may be inflicted must be specified in the constitution.

The guilds must make an annual report to the industrial authorities showing the action taken by their general assemblies, the election of the executive board, and a properly prepared statement of all receipts and expenditures. The guilds are under the general supervision of the authorities who have the power to decide regarding complaints against the acts of the guild assemblies or executive boards after both parties are heard. They must appoint a special commissioner to have general charge or control over the guilds.

THE LABOR CONTRACT.

The general law regarding the making of labor contracts is that the parties can make such agreements as they desire, provided that no specific provision of law regulating labor is thereby broken. The code, however, goes further than this, and sets forth in considerable

detail the conditions that must be observed where no special contract is made, the notice that must be given in severing the labor contract, under what circumstances it can be terminated without notice, etc. These provisions apply only to industrial employees (*gewerbliche Hilfsarbeiter*), but this class is a very comprehensive one. It is defined to include all working people regularly employed in industrial establishments, regardless of age or sex, and specifically all journeymen, helpers, assistants in mercantile establishments, waiters, coachmen, drivers in wagon transportation work, all factory workers, apprentices, and such working people as are employed at inferior work in industry. It does not include persons employed in higher branches of work, usually receiving annual or monthly salaries, such as superintendents, technical experts, bookkeepers, cashiers, shipping clerks, draftsmen, chemists, etc. Without being absolutely exact, the definition can briefly be said to embrace wage-workers in contradistinction to those receiving regular salaries.

The general duties of employees are stated to be: To be faithful, obedient, and respectful toward their employers; to conduct themselves becomingly; to observe required or customary hours of labor; to perform industrial services intrusted to them according to the best of their ability; to maintain secrecy with regard to the manner in which industrial operations are prosecuted; to conduct themselves peaceably toward their fellow-workers or the members of the employer's family, and to treat the apprentices and children working under their supervision properly. Unless a special agreement is made to that effect, employees shall not be required to perform domestic labor not constituting a part of the industrial work.

Unless otherwise agreed upon, employment is presumed to be by the week, and a notice of 14 days must be given of intention to terminate the contract. Employees, however, who are paid by the piece or by the task may only leave when they have properly performed the work they have undertaken.

Before the expiration of an expressed or implied period of employment an employee may be summarily discharged without notice in the following cases: (1) If upon making the contract of employment he deceived his employer by presenting a false or counterfeited labor book or certificate, or withheld the fact that he was under an employment contract with another employer; (2) if he is found to be incompetent to perform the work which he contracted to do; (3) if he is addicted to drunkenness, notwithstanding repeated warnings; (4) if he is guilty of theft, embezzlement, or other criminal conduct which renders him unworthy of the confidence of his employer; (5) if he discloses a business or trade secret, or without the consent of his employer carries on another business relating to the trade; (6) if he leaves his work with-

out permission, or refuses to perform work assigned to him, grossly neglects his duties, or attempts to induce his fellow-workmen or members of the household to disobey or resist the employer, or to engage in disorderly conduct or immoral or illegal acts; (7) if he is guilty of gross insult, bodily injury, or threats of violence against his employer or a member of his household or his fellow-employees, or, notwithstanding previous warning, is careless in the handling of fire and light; (8) if he is afflicted with a loathsome disease or is disabled through his own fault, or is disabled, not through his fault, for a longer period at one time than 4 weeks, and (9) if he is imprisoned for more than 14 days.

The employee on his part may leave at any time without giving notice, in the following cases: (1) If he can not continue his work without evident injury to his health; (2) if the employer is guilty of violent illtreatment, or of gross insult toward him; (3) if the employer or a member of his family attempts to lead him into immoral acts or illegal transactions; (4) if the employer improperly withholds the wages agreed upon, or otherwise violates a material condition of the labor contract, and (5) if the employer is unable or refuses to pay the employee his wages.

The labor contract is dissolved ipso facto by the discontinuance of the business or the death of the employer. If an employee is prematurely dismissed as the result of the discontinuance of the business, or on account of the fault of the employer, or an accidental occurrence concerning the latter, he is entitled to an indemnification for loss on that account for the balance of the term of notice.

If, on the other hand, an employee prematurely leaves the service of his employer without legal justification, he becomes guilty of a violation of the industrial code, and is liable to punishment accordingly. The employer has the right, through the authorities, to compel the employee to return and serve out the balance of the term of notice agreed upon, and also to demand compensation for any damages he may have sustained.

The proprietor of an establishment who accepts the services of an employee knowing at the time that the latter has not legally severed his relations with a former employer, or who keeps such a person in his employ after he has been informed of such an illegal breaking of a contract, is guilty of a violation of the industrial code, and becomes jointly liable with the employee for the damages sustained by the former employer on account of such breach of contract by the employee. This same liability attaches to an employer who induces an employee to break his labor contract with another. In all such cases the former employer has the right to compel the employee to return and complete the unexpired term.

APPRENTICESHIP.

The regulations of the contract of apprenticeship constituted, as has been shown, one of the earliest forms of labor legislation. The important regulations of November 20, 1786, and June 11, 1842, have already been mentioned. The general labor code of 1859 regulated anew this matter without introducing any very important modifications. Subsequent changes were introduced by the laws of March 8, 1885, and February 23, 1897.

An apprentice is considered as anyone employed by the head of an industrial establishment for the particular purpose of acquiring a technical knowledge of the trade, whether or not an apprenticeship fee is agreed upon, or whether or not wages are paid to him for his services. Any person at the head of an industrial establishment or carrying on a trade on his own account may keep apprentices if he or his representative possesses the necessary technical knowledge to insure that the apprentices will receive an adequate industrial education and training. No person, however, may have minor apprentices who has been convicted of any crime or illegal conduct, whether for the purposes of gain or against public morals or otherwise, or who has forfeited his right to have apprentices. This forfeiture of the right to have apprentices must be declared, either permanently or for a fixed term, if the employer is guilty of a gross violation of his duty toward his apprentices or young persons in his employ, or if facts are known that make it improper for moral reasons for him to have apprentices or young persons in his employ, regardless of the penalties which may be imposed in virtue of the industrial or penal codes.

The right to have apprentices must especially be withdrawn—at first for a fixed time, and, in case of a repetition of the offense, permanently—from such employers who, after repeated notices, fail to fulfill their obligations toward their apprentices regarding the latter's scholastic industrial training. The right to have apprentices is only withdrawn after the guild to which the employer belongs has had an opportunity to be heard. The industrial authorities may in exceptional cases grant exemptions to particular persons from the prohibition to have apprentices, due to their failure to comply with the provisions regarding the latter's education, where it is believed that no harm or injury can result.

The engagement of an apprentice must be by an express contract, which must be definitely concluded at the end of the probationary period. This contract may be verbal or in writing. If verbal, it must be entered into before the executive board of the guild to which the employer belongs, or, when such an organization is not in existence, before the communal authorities. If the contract is in writing, it must be immediately transmitted to the guild or communal authorities.

Whether verbal or in writing, the guild or communal authorities must enter the contract in a register to be kept for that purpose.

The contract must contain (1) the name and age of the employer, the industry which he carries on, and the address of his place of business; (2) the name, age, and residence of the apprentice; (3) the name, residence, and occupation of his parent, guardian, or other legal representative; (4) the date and duration of the apprenticeship contract; (5) a clause stating that in addition to the other legal obligations of the parties the employer binds himself to instruct the apprentice in his trade, or to have it done by a competent representative, and the apprentice will be required to apply himself diligently to his trade; (6) clauses showing the conditions of the contract as regards apprenticeship fees or wages, board, lodging, and clothing, the duration of the apprenticeship term, and the guild fee for the certificate of indenture and release.

The more important features of the contract must be entered by the communal authorities in the labor book of the apprentice.

Except in the cases otherwise specially provided by law, the term of apprenticeship must be not less than 2 nor more than 4 years in nonfactory trades, and not more than 3 years in factory trades. When an apprentice has served a portion of his term with one employer and is regularly transferred to the service of another, the time so served must be included in the entire term.

The first 4 weeks of the apprenticeship term must be considered as a period of probation, during which the contract can be terminated by either party. This period may be extended, but must not be longer than 3 months.

The employer must interest himself in the industrial education of the apprentice, and must not deprive him of the time and opportunity necessary for this purpose by using him for other purposes. He or his representative must look after the morals and deportment of minor apprentices, both in and outside the workshop. He must require of the apprentice diligence, good manners, and the fulfillment of his religious duties. He must not illtreat the apprentice, and must protect him from illtreatment on the part of fellow-workmen or members of his household. He must see that the apprentice is not required to perform work, such as transporting burdens, etc., which is beyond his physical strength.

The employer or his representative is further required to allow apprentices who have not yet been absolved from the obligation to attend an industrial finishing school, or an institution of equal merit, the necessary time for attendance at the existing general industrial finishing schools (*gewerbliche Fortbildungsschulen*), as well as the technical finishing schools (*fachliche Fortbildungsschulen*), and also to see that they do attend such schools.

If an apprentice becomes sick or runs away, or any other important

event occurs, the employer must immediately notify the guild to which he belongs and the parent, guardian, or other representative of the apprentice.

The apprentice, on his part, must be obedient and faithful toward his employer, must conduct himself in an orderly manner, and must maintain secrecy regarding the work of his employer. He must fulfill his school obligations as above described. A minor apprentice may be subjected to paternal punishment by the employer under whose charge he lives. If an apprentice persistently neglects, through his own fault, to perform his school duties, the industrial authorities may, upon the report of the school authorities, extend the regular term of apprenticeship beyond the time specified in the contract. Such extension may also be made by the industrial authorities if the guild reports that the apprentice has failed to pass the apprenticeship examination prescribed by the constitution of the guild. In no case, however, can the extension be for more than 1 year.

The apprenticeship contract may be dissolved by the apprentice, upon giving 14 days' notice, if he shows, by means of a declaration through his legal representative, that he intends to change his occupation and take up an entirely different trade, or that on account of changes in the circumstances of his parents his services are needed by them for their support or for the management of their business or trade. The reasons for the severance of the apprenticeship contract must be recorded in the labor book of the apprentice.

Within a year after the dissolution of the apprenticeship the apprentice may not be employed in the same trade or in an analogous factory industry without the consent of his former employer. If this consent is refused the apprentice may appeal, through his legal representative, to the legally constituted tribunal for the settlement of disputes regarding wage conditions, which authority may. when it deems it proper, give the necessary consent.

In addition to the cases mentioned above the apprentice may, upon giving 14 days' notice, sever his contract, if he shows beyond a doubt before the proper arbitration tribunal that his employer has been guilty of continuous harsh and unjust treatment of him, even though this conduct may not be such ill treatment as would entitle him immediately to sever the contract. If the contract is severed on this account, the provision regarding the obtaining of the employer's consent before the apprentice may engage in the same trade does not apply.

The apprenticeship contract may be immediately broken without giving notice by the employer (1) if it is shown beyond a doubt that the apprentice is incapable of performing his duties; (2) if the apprentice is guilty of any gross offense, such as theft, improper or immoral conduct, the disclosing of business secrets, or any punishable conduct rendering him unworthy of his employer's confidence, gross neglect

of duty, carrying on another trade without the consent of his employer, etc.; (3) if the apprentice is afflicted with a loathsome disease or is prevented by sickness from performing his duties for over 3 months, and (4) if the apprentice is imprisoned for more than 1 month.

In the same way the apprentice may sever the contract without giving notice (1) if he can not continue in the work without injury to his health; (2) if his employer grossly neglects his duties towards him, attempts to lead him into immoral or unlawful conduct, abuses his right to inflict paternal punishment, or fails to protect him from ill treatment on the part of his fellow-workmen or members of his family; (3) if his employer is imprisoned for more than 1 month, or even for a shorter period, if no provision is made for his support; (4) if his employer, by way of punishment, has his right to carry on his trade temporarily suspended, and (5) if his employer removes with his business into another commune. In the last case the dissolution of the contract must take place within 2 months from the time of the removal.

The apprenticeship contract is ipso facto terminated by the death of the apprentice or the employer, by the retirement of the latter from the business followed, or by the inability of either of the parties to fulfill his contractual obligations. If the apprentice is connected with a guild, and his apprenticeship was terminated, through no fault of his own, before the expiration of the term, it is the duty of the guild to see that the apprentice is employed by another employer. It is also the duty of the guild to act in the place of the legal representative of the apprentice as regards the making of a declaration setting forth the grounds for breaking the contract when such declaration can not be obtained in time from such representative.

Upon the termination of the apprenticeship the employer must furnish the apprentice with a certificate (*Zeugniss*), showing the trade in which the apprenticeship was served, the conduct of the apprentice, and the technical education that he has received. In case the apprenticeship is regularly completed, and the employer is a member of a guild, this body must prepare a formal apprenticeship certificate (*Lehrbrief*). In both cases the material contents of the certificates must be entered in the labor book of the apprentice and be attested by the local police authorities.

PREVENTION OF ACCIDENTS AND PROTECTION OF HEALTH OF EMPLOYEES.

The industrial code only lays down in the most general terms the obligations that are placed upon employers in regard to the taking of measures for the protection of the lives and health of their employees.

Every employer must, at his own expense, provide and maintain all such arrangements regarding the workrooms, machinery, and appliances which, according to the nature of the industry, are necessary for

the protection of the lives and health of the employees. He must, in particular, see that machinery and appliances, such as fly wheels, means of transmitting power, axle arms, elevators, vats, boilers, pans, etc., are so guarded or provided with protective appliances that the working people, coming in contact with them in their work, are not subjected to danger. The employer must also, according to the nature of the work, see that the workrooms during working hours are kept well lighted, clean, and as free from dust as possible; that they are properly ventilated and provided with appliances for protecting the employees against injurious gases, particularly such as are generated in the chemical industries. These regulations apply as much to workingmen's houses that are furnished by the employer as to the factory buildings. Especial care must be taken when children under 18 years of age are employed that the conditions of work are not such as to lead to immorality.

The authorities have large powers in determining the conditions that must be observed in the prosecution of particular trades. From the standpoint of the present section, the protection of the health and lives of employees, but one order of importance, that of January 17, 1885, in relation to factories making use of phosphorus, issued by the ministers of the interior and commerce, has been issued. Its provisions follow:

In factories making use of ordinary (white or yellow) phosphorus, the following conditions must be observed:

1. All workrooms in such factories must be of a height and size commensurate with the requirements of the business. The arrangements for ventilation must be kept in working order, the exits must be easily accessible, and there must be no direct communication between the workrooms and any dwelling room, bedroom, or kitchen.

2. The rooms in which the processes of mixing, dipping, drying, and sulphuring are carried on must be well ventilated and distinct from one another.

3. Doors and windows must be kept open before the commencement of work, during the midday intermission, and after the close of work, so as to change the air thoroughly in the rooms. Rooms in which there is a possibility of phosphorus material being scattered on the floor must always be carefully cleaned at the close of the day's work. Walls must be lime washed at least once a year.

4. The sweepings from these rooms must not be placed in dust bins or ash pits, but be burned every day in a closed fire.

5. The drying rooms must be emptied only when all the fumes have disappeared.

6. The matches must be stored in a cool and airy room separate from any other room.

7. Only persons who are perfectly healthy may be employed in the processes of mixing, dipping, and drying. They shall be allowed to make a change in their work from time to time, and such change must be immediately made should the least symptom of toothache or jaw disease present itself.

8. The employer must provide special work clothes for those engaged in the processes of mixing, dipping, drying, and the removal of the matches. These clothes must be well aired and laid aside upon the conclusion of each day's work.

9. The employer must provide a special room in which the employees can lay aside their ordinary clothes, and these clothes must not be left in the workrooms. He must also provide a sufficient number of basins and glasses for enabling the employees to wash their faces and hands and rinse out their mouths before meals and before leaving the factory.

10. No food shall be taken into the workrooms, and the employer must warn his employees to wash their faces and hands, rinse out their mouths, and change their clothes before eating anything. The employees must not be allowed to remain in the workrooms during the noon intermission.

11. The employer must appoint a physician to look after the health of his employees. The physician must examine all employees before their employment and afterwards at suitable intervals of time. He must declare those persons who are tuberculous or have defective teeth as unfit for work in the processes of mixing, dipping, or drying, and must enter the details of his examination in a special register, which must be shown to the factory inspector on demand. He must also satisfy himself that the precautionary measures adopted for the protection of the health of the employees are observed, and advise the employer or his manager of defects in this respect and the way in which they may be remedied. The employer must immediately exclude from mixing, dipping, and drying work those persons reported by the physician as unfit for such work. The physician must immediately notify the factory inspector of every case of phosphorus necrosis coming under his notice.

12. The district health officers must, from time to time, visit the match factories and see whether the sanitary arrangements are satisfactory, and if their previous recommendations have been carried out.

In factories in which only red or amorphous phosphorus is used the following are the regulations:

1. Materials such as red phosphorus, chlorate of potash, sulphide of antimony, etc., must be kept in fireproof rooms, separate and distinct from the other workrooms, and the chlorate of potash must be kept apart from the other materials.

2. The preparation of the paste must be intrusted only to trustworthy and careful employees.

3. Chlorate of potash must only be mixed with the other materials, such as red phosphorus, sulphide of antimony, etc., when all are in a finely divided state and moist, and all jars, blows, or friction must be carefully avoided.

4. The preparation of the striking surfaces must be carried on in a separate room.

A copy of the foregoing order must be posted in all establishments to which it applies.

HOURS OF LABOR OF ADULT MALES.

In Austria the hours of labor of adult males, as well as of women and children, are regulated by law. Except in the cases which will be

mentioned, no employee in a factory is allowed to work more than 11 hours in each 24 hours, exclusive of periods of rest. Exceptions to this rule, however, are numerous and important.

The first is that the ministers of commerce and the interior, acting together, after consultation with the chambers of commerce and industry, may designate by order those industries in which, on account of the nature of the work, workingmen may be employed an extra hour, or not more than 12 hours per day. This list must be revised every 3 years. In pursuance of this authorization the ministers issued a general order, dated May 27, 1885, which, in its present form, provides as follows: A 12-hour workday is permitted in establishments where the work must be carried on uninterruptedly, especially in iron and steel and other metal works, lime, cement, and tile factories, paper mills, flour mills, sugar factories, breweries, malt factories, distilleries, vinegar and liqueur factories, with the exception of those where the products are made cold, yeast and artificial ice factories, and establishments for the manufacture of chemical products. The permission, however, only extends to the work and employees directly concerned with the operations that must be continuous. To facilitate the changing of shifts, where Sunday work is permitted, a shift can be employed for as many as 18 hours not oftener than once a week, provided that a reserve shift of 12 hours or two 6-hour shifts are introduced once a week.

In addition to this permanent permission, special authorization to work longer hours can be obtained by individual establishments when accidents have interrupted their work or special reasons exist why this favor should be granted. This permission, the maximum duration of which is 3 weeks, is given in the first instance by the industrial authorities. If an extension is desired application must be made to the political authorities. Individual establishments may also work longer hours for not exceeding 3 days in a month by simply giving notice to the industrial authorities. In all cases overtime work must be specially paid for.

The conditions which have been given above do not apply to collateral work preceding or following the regular work, such as lighting up, heating the boilers, etc., provided that this work is not done by young persons.

During working hours employees must be allowed not less than 1½ hours as intervals of rest, of which 1 hour must be for the midday meal. If the work period before or after this noon rest is not more than 5 hours in duration, the further allowance of time for rest may be dispensed with. These regulations apply to night work, and to small establishments as well as to factories.

When the circumstances of the case are such as to justify it, the minister of commerce, in conjunction with the minister of the interior,

after hearing the proper chambers of commerce and industry, may authorize reductions in the required periods of rest for particular classes of industries in which an interruption of work is impracticable. In accordance with this authorization a ministerial order has been issued modifying the general regulations concerning intervals of rest in 21 leading industries. This order is dated May 27, 1885, and may be summarized as follows:

In a first group of establishments, among which may be mentioned iron and steel works, brass and tin foundries, bell foundries, forges, wagon factories, lime furnaces, cement works, glass works, textile industries, bakeries and confectioneries, hotel keeping, etc., the interval of rest may be either at a determined hour or at variable times as the nature of the industry best permits.

In a second group, including flour and grist mills, breweries, malt factories, vinegar, sugar, and liqueur factories, artificial ice, gas works, commercial undertakings, barber shops, etc., the intervals of rest may be different for different groups of employees.

In a third group, including mechanical spinning and weaving works, flour and grist mills, breweries, malt factories, vinegar, liqueur, yeast, and artificial ice works, lighting by gas or oil, commercial enterprises, barber and hairdressing shops, and the work of tending machines and boilers, most, if not all of which are also included in the other two groups, the forenoon and afternoon intermissions may be dispensed with.

WORKINGMEN'S PASS BOOKS.

There exists in Austria a system requiring all workingmen to be provided with a personal identification book (*Arbeitsbuch*) that finds no counterpart in England or America. The possession of such a book, the form of which is determined by the ministers of commerce and the interior, is obligatory upon all industrial employees, and it is illegal for an employer to employ a workingman without such a book in due form.

This book must contain the name and address of the owner, the date and place of his birth, his religion, conjugal condition, and occupation. It must be signed by him and also be signed and sealed by the authority issuing it, and contain spaces for entries especially regarding the dates of entering and leaving employment. For young persons—that is, children under 16 years of age—it must also give the name and residence of the legal representative of the owner and the consent of such representative to the child engaging upon the work applied for or apprenticeship, and a statement regarding the school attendance and the education secured by the employee.

The labor books are furnished by the communal authorities of the place of residence of the applicant at cost price. When they are

issued to young persons the consent of the father or guardian must first be obtained, or, if this can not be done, that of the commune in which the person resides. An exact record of all books issued must be kept by the authorities.

The labor book must be presented to the employer by the workingman upon making application for employment. If the workingman is employed, his book is taken up by the employer and retained while he is in the latter's service. When he leaves it is returned after the dates of entering and leaving the service have been entered in it, and after it has been submitted to the president of the guild or the local authorities, in order that they may see that all the requirements of the law have been complied with. Any employer who, in violation of the law, fails promptly to surrender a labor book, or to make the required entries, or who makes improper entries or remarks, renders himself liable for damages to the employee. Whoever, also, counterfeits or copies a labor book, or knowingly permits the entry of false statements with reference to himself, or who uses the book of another, or loans his book to another for such a purpose, will be punished according to the provisions of the criminal code.

Workingmen employed in commercial establishments receive a certificate (*Arbeitsverzeichniss*) instead of a book, stating the nature and duration of their employment, and, if desired, the degree of skill and fidelity with which they have discharged their duties.

If desired by an employee regularly leaving the service of an employer, the latter must furnish him with a certificate (*Zeugniss*) setting forth the nature and duration of his employment and the conduct and degree of technical skill that he has displayed. The contents of this certificate may, if the employee so desires, be entered in the labor book and attested by the local police authorities. The refusal to furnish such a certificate or the willful making of a certificate which is untrue is a punishable offense.

EMPLOYMENT OF WOMEN AND CHILDREN.

The regulation of the employment of women and children constitutes one of the earliest and most important forms of protective labor legislation. The royal order of November 20, 1786, prohibited, except in cases of urgent necessity, the employment of children under 9 years of age in factories. The order, or decree, of June 11, 1842, made this restriction absolute, and further regulated the hours of labor of children over this age, and made it a condition of their employment that they should have had 3 years' schooling. The labor code of 1859 made the minimum age limit for employment 10 years, and regulated in considerable detail the conditions under which children under 16 years of age could be employed. These provisions were further modified by the law of March 8, 1885, amending the

labor code of 1859. The essential provisions of the law regulating the employment of women and children as now in force follows:

For the purpose of regulating the employment of children a distinction is made between factory operatives and other industrial workers subject to the provisions of the labor code. Certain conditions apply to all children comprehended under the code, and others, more strict in character, to factory workers only.

The regular employment of children under 12 years of age in industrial establishments is prohibited. Children 12 years of age, but less than 14 years, can be employed only when their labor is not detrimental to their health or physical development, and when such employment does not prevent their securing the amount of schooling required by law. The hours of labor of these children must not exceed 8 per day.

The minister of commerce, with the consent of the minister of the interior, can furthermore designate by order those industries of a dangerous or unhealthy character in which minors or women can not be employed at all, or only under certain specified conditions.

Women must not be regularly employed in industrial establishments during the 4 weeks immediately following their confinement.

Night work—that is, labor between the hours of 8 p. m. and 5 a. m.—is prohibited to children under 16 years of age. The minister of commerce in conjunction with the minister of the interior can, however, when climatic or other conditions are favorable, permit, by special order, certain exceptions to this rule. Advantage of this power has been taken by the ministers indicated by the promulgation of the order of May 27, 1885, the provisions of which follow:

In scythe works boys from 14 to 16 years of age who assist in work at the fires (*Feuerarbeiten*) may be employed at night or in the early hours of the morning, provided there are proper alternate day and night shifts.

In silk spinning mills in which, on account of climatic conditions, work begins before 5 a. m. and continues after 8 p. m. during June and July, and when a longer period of rest is allowed at noon, children from 14 to 16 years of age may be employed at night, provided the maximum working day does not exceed the daily limit prescribed by law.

In hotels and restaurants boys from 14 to 16 years of age may be employed as waiters, etc., after 8 p. m., but not later than midnight.

In wheat bread bakeries (*Weissbäckereien*), in which there is but one baking every 24 hours, boys from 14 to 16 years of age may be employed as apprentices at table work (*Tafelarbeit*) for not more than 4 successive hours between 8 p. m. and 5 a. m. The employer must in such cases indicate in the shop regulations, which must be conspicuously posted in the workrooms, the hours when such labor will be performed.

Persons or firms employing children under 16 years of age must keep a special register showing the names, addresses, and ages of such

children, the names and addresses of their parents or guardians, and the dates when the children enter and leave their service. This record must be open at all times to the inspection of the industrial authorities.

Considering now the regulations relating specifically to factories, the law provides that children under 14 years of age can not be regularly employed, and that those under 16 years of age can only be employed upon light work that is not detrimental to their health or bodily development, and that neither they nor women can be employed at night. As an exception to this general rule, however, the minister of commerce in conjunction with the minister of the interior can after consultation with the chambers of commerce, indicate certain categories of factories in which, on account of the necessity for prosecuting the work without interruption, the employment of children and women at night may be permitted. The total number of hours that they can be allowed to work in any one day can not exceed the legal workday of 11 hours. In pursuance of this authorization, an order was issued dated May 27, 1885. Following is a summary of its provisions:

In iron works boys between the ages of 14 and 16 years of age who work in regular shift-changing branches (smelting furnaces, coke ovens, rolling mills) as puddlers' helpers, greasers, or oilers, wheelers, or general helpers, etc., may be employed at night.

In glass works boys from 14 to 16 years of age may be employed at night in the work of opening and closing the forms in which the glass is blown, in the carrying away of the blown articles to the cooling ovens, and in similar light labor.

In bed feather cleaning and preparing women over 16 years of age may be employed at night.

In machine lace works women over 16 years of age may be employed at night in putting bobbins in the carriages when the work is organized in shifts.

In the manufacture of fez women over 16 years of age may be employed until 10 p. m., provided that the 11-hour working day is not exceeded.

In paper mills children from 14 to 16 years of age and women may be employed at night as far as they are engaged in continuous operations.

In sugar factories and refineries children from 14 to 16 years of age and women may be employed at night as far as they are engaged in continuous operations.

In preserving factories children from 14 to 16 years of age and women may be employed at night when the operations in which they are engaged can not be postponed without danger that the articles will be spoiled.

Generally, when overtime work is permitted on account of accidents, press of work, etc., with the result that the hours of labor extend into the night, children from 14 to 16 years of age and women may be employed in such work notwithstanding that it is at night.

The law further provides that all children under 18 years of age must be allowed time in which to attend existing industrial evening

and Sunday schools (preparatory, finishing, apprenticeship, and technical). A provision of law, which, however, is not embraced in the industrial code, furthermore provides that where children employed in factories and large establishments are thereby prevented from attending Government schools, that their employers, either alone or by uniting forces, shall establish schools of their own for the instruction of the employees in the regular branches taught in the public schools. In such schools at least 12 hours' instruction must be given weekly, and these hours must fall between 7 a. m. and 6 p. m., exclusive of the dinner hour at noon.

SUNDAY LABOR.

The labor code of 1859 restricted Sunday work within comparatively narrow limits. These provisions have since been superseded by the special Sunday labor law of January 16, 1895. The new law in the main reenacted the provisions already in force, but introduced a few changes. A brief summary of the existing law follows.

The general rule is first stated that no industrial or commercial work shall be performed on Sunday or on holidays unless special permission has been obtained from the Government. This cessation of work must begin not later than 6 o'clock in the morning and continue uninterruptedly for at least 24 hours. The remainder of the act is devoted to a specification of the cases in which permission to work on Sunday may be granted.

The first general exception is that of such necessary work as (1) the cleaning and maintenance of the interior of establishments and such preparatory work as can not be done during week days without materially interfering with the lives or health of the employees; (2) guarding the plant; (3) work required in making the annual inventory; (4) the performance of work of a temporary nature which does not admit of delay and which must be undertaken either for reasons of public safety, as when ordered by the police, or in cases of emergency, and (5) personal work performed by the employer without assistance and in a private manner.

In all but case (5) the manager making use of the foregoing exceptions must keep a written record showing for each Sunday separately the names of the persons thus employed and the place, character, and duration of their work. When an employer desires the privileges noted under (3) and (4), he must, furthermore, before beginning such work, report to the industrial authorities, unless the necessity for such work only becomes evident on a Sunday, in which case he must report immediately after the ending of such work. In both cases the industrial authorities must investigate in order to see if the work is justified according to legal requirements.

In all cases of Sunday labor, except those relating to the taking of

an annual inventory or the personal work of the employer, where workingmen are prevented from attending divine service they must be given an opportunity to do so on the following Sunday. If the work lasts more than 3 hours, the persons employed must be given 24 hours' rest on the following Sunday, or, if this is not practicable, a week day, or 6 hours' rest on 2 week days.

Secondly, permission may, by order, be given by the minister of commerce, acting in conjunction with such other ministers as may be interested, for the regular operation on Sunday of special categories of industries which, on account of their nature, must be prosecuted without interruption or in which a postponement of the work is impracticable, or which must be carried on on Sunday in order to satisfy important needs of the public. When Sunday work is authorized in accordance with the foregoing in establishments in which continuous work is required, such authorization must relate only to such continuous work, and in other industries only to such operations as are expressly permitted in the order, and other labor, such as preparatory or accessory work, must cease. The order must in all cases apply uniformly to all establishments in the same category, and the workingmen whose employment is thus permitted on Sunday must be given the same hours of rest during week days as are provided for in the preceding paragraph. The provisions of the order regarding Sunday labor, as far as they apply, must be included in the shop regulations which each industrial establishment is required to post in the workrooms.

The regulation of Sunday work in those productive establishments, the operation of which on that day may be deemed necessary in order to satisfy the daily needs of the public, may be transferred by the ministers to the political authorities of the provinces or states (*Landesbehörde*). This provision applies in particular to those cases where local customs may make such action desirable. Bukowina and Galicia are specially empowered by the law to permit productive industries to be operated on Sunday, on condition that all the employees of such establishments, on account of their religious beliefs, regularly observe some other day of the week as a day of rest and do not work publicly on Sunday.

In commercial establishments Sunday work is permitted for not more than 6 hours each day. In certain special cases, however, as will be seen below, this period can be extended. The determination of the hours during which these establishments may remain open on Sunday is intrusted to the provincial authorities, who, before taking action, must give the communes and guilds interested an opportunity to be heard. The guilds are specifically given the power of transmitting to the political authorities, with a view to their being sent to the industrial authorities, recommendations adopted by their general assemblies for the restriction of Sunday labor in their industries.

When business is unusually active, as immediately before Christmas and other holidays, work for not more than 10 hours may be permitted on Sunday by the provincial authorities after hearing the interested guilds and communes. In the same way permission to remain open 10 hours on Sunday may also be granted to certain kinds of commercial establishments for the whole year, or during certain seasons or periods in those cases where local customs require it; as, for example, the sale of articles of religious devotion in places to which pilgrims resort, or the sale of food and refreshments in railway stations, excursion places, etc.

Finally, the political authorities may permit Sunday work during the year or during certain determined seasons for not exceeding 8 hours in commercial establishments in localities having a population of less than 6,000, to which the surrounding inhabitants resort for the purchase of articles to satisfy their domestic needs.

The hours that are fixed during which commercial establishments may remain open on Sunday need not be the same for different trades or for different localities. During the hours when Sunday labor is not permitted the entrances to the establishments must be locked. The restrictions on the right of commercial establishments to be open on Sunday apply to places where the proprietors have no employees, and also to the sales departments of productive enterprises in so far as they are not already regulated by orders relating to such establishments generally.

Employees must be granted the time necessary for attendance upon divine service on Sunday morning in accordance with their religious beliefs. When no uninterrupted rest can be guaranteed to employees on Sunday from noon until the opening of the establishment on the next day, the employer must so organize his labor force that each employee will be free every other Sunday, or when this is not practicable, will have a half day's rest from work upon some week day.

The orders issued by the provinces, in virtue of the power conferred upon them to regulate commercial work on Sunday, must be reported at the end of each quarter to the minister of commerce, who, acting in conjunction with the other ministers who may be interested, may make changes in them. In virtue of the power conferred upon him, as above noted, the minister of commerce, acting in conjunction with the other interested ministers, issued an important order April 24, 1895, specifying the exceptions from the general prohibition of Sunday work permitted in the case of a large number of industries which, on account of the nature of the work performed, must be prosecuted without interruption, or which must be operated in order to satisfy important public needs. This order has received slight amendments from time to time. The different provinces have also issued a large number of orders concerning Sunday work in commercial establishments in their districts.

FACTORY AND WORKSHOP RULES.

The general code contains numerous regulations concerning the posting of notices where establishments are subjected to the provisions of a special order, employ children, etc. In addition to these special notices the law requires that in every factory or industrial undertaking in which 20 or more persons are employed a notice, signed by the employer, must be posted where it can easily be seen by all the employees, setting forth the time at which it enters into force and the following information: The special classes and kinds of employment of women and children; the manner in which the children are to receive the prescribed school instruction; the length of the work day, the times of beginning and ending work, and the periods allowed for rest; the frequency and times of payment of wages; the duties and obligations of overseers; the treatment of workingmen in cases of accident or sickness; the regular money fines that will be inflicted for infractions of the factory rules, and what use will be made of them, as well as all other deductions from wages; and the notices required in severing the labor contract, and the circumstances under which employees will be immediately discharged.

Two copies of these regulations must be sent to the industrial authorities at least 8 days before they are posted. One of these copies, if the regulations are found to conform to all legal requirements, is retained by the authorities and the other is indorsed and returned to the employer from whom it was received.

Another section provides that a record must be kept of all fines and of what use is made of them, which must at all times be open to the inspection of the industrial authorities and the workingmen. In case a workingman thinks that injustice has been done, either regarding the imposition or the application of a fine, he can appeal the matter to the industrial authorities for adjustment.

INSPECTION OF FACTORIES.

A system of factory inspection in the modern sense of the term was first created in Austria by virtue of the law of June 17, 1883. This law provides for a chief factory inspector and deputy inspectors. The number of the latter is not fixed by law, but is left to the discretion of the administration. Nine were at first appointed. This number was subsequently increased to 12, and in 1897 to 40, inclusive of the chief inspector.

These inspectors are appointed by the ministers of commerce and the interior acting in conjunction, and each one is generally assigned to one or more districts of a province (*Land*). These inspectors are under the political authorities of the province in whose jurisdiction

their district lies. The central government, however, can except the supervision of particular classes of establishments from the control of the ordinary inspectors and assign them to special officers. Special inspectors have thus been appointed for the inspection of inland water transportation and shipbuilding, and, in virtue of a law enacted August 27, 1892, a special inspector has been appointed for public works in Vienna. By virtue of agreements with the other ministers interested, the imperial tobacco factories, prison work in imperial prisons, and private powder works have also been brought under the inspection service.

The duties of the inspectors as regards the inspection of factories and the enforcement of the labor laws are grouped under the following four heads: (1) The enforcement of the provisions of the law requiring employers to take precautions for the protection of the health and lives of employees, not only in the workshops proper, but in the workingmen's dwellings provided by the employer, and in the grounds surrounding the buildings; (2) the enforcement of regulations concerning the character of employment, intervals of rest, hours of labor, etc.; (3) the enforcement of regulations concerning the keeping of the registers of employees, the posting of working rules, wage payments, and laborers' certificates, and (4) the supervision of regulations concerning the technical instruction of apprentices.

In the performance of these duties the inspectors are given the authority to enter all industrial establishments and all workingmen's homes belonging to the establishments at any time, except that at night the factories may only be entered while they are in operation. The proprietor or his agent may accompany the inspector while he is making his inspection. The inspectors have the right to question any person employed in the establishment, alone if necessary, including the proprietor or his agent. The inspector should, as far as possible, avoid interrupting the work in any way. The proprietor or his agent must show, whenever required by the inspector, the permit granted for the construction or operation of his establishment, and the accompanying plans and drawings.

If any of the persons mentioned above refuses to allow the inspector to enter the buildings or places to which he has the legal right of access, or refuses to answer proper questions, or attempts to induce others to make false statements, or refuses to show the permit, plans, and drawings of the establishment, he may be punished according to the provisions of the industrial code, if he does not lay himself liable to punishment according to the criminal code.

In case the inspectors find that the laws are not being complied with in any respect, they must order such compliance, and if the employers then fail to comply, they must report the matter to the industrial authorities (*Gewerbebehörde*), who will enforce obedience.

When requested by an inspector, the industrial authorities have the right to employ physicians, chemists, or other experts to make the necessary examinations in cases where it is believed that the health of employees is endangered by the manner of their employment or the system of work in force. If the alleged evil is shown to exist, the expense of this examination must be borne by the proprietor of the establishment at fault.

Inspectors while in the performance of their duties have the status of State officers. They must possess a technical knowledge of industrial matters, be able to speak the languages of their districts, and seek to perfect themselves for the peformance of their duties in every possible way. They must maintain secrecy regarding the conditions and methods of work in the nature of trade secrets which come to their knowledge. A violation of this provision renders them liable to imprisonment for from 3 months to 2 years in so far as the general criminal code does not provide for a severer penalty. They can not operate any factory or other industrial establishment either personally or through an agent, nor be connected in any manner with such an establishment, nor render any services, such as those of manager, expert, superintendent, etc. It is illegal for them to accept any compensation of any kind for their official services either from the employer or employees, or even acts of hospitality, and they must not be charged with any duties foreign to their sphere of action, and especially must their services not be used in any way in the financial operations of the Government.

Finally, the law contains an interesting provision directing that the inspectors, in the execution of their duties, must make it an object, by exercising their control in a kindly manner, to insure the beneficial operation of the law with regard to the employees, tactfully to aid the directors of industrial enterprises in the fulfillment of the legal requirements, to mediate between the employers and their employees and attempt to adjust their differences upon an equitable basis, and, generally, to gain the confidence of the employers as well as the employees, so as to place themselves in a position where they can assist in maintaining amicable relations between the two.

The inspectors must also assist the industrial authorities to the extent of their powers in the administration of the industrial code, by acting as supervisory, consultative, and technical officers. They may thus be required to give their opinion regarding requests for the approval of plans for industrial establishments so far as regards the safety and health of the employees.

The inspectors must make comprehensive annual reports, giving the results of their work and observations, to the minister of commerce, through the provincial authorities (*Landesbehörde*). These reports must also contain information concerning accidents to employees occur-

ring in the course of their work, and their causes, and recommendations regarding legislation or administrative orders in the interests of the industries over which they exercise control and their employees. These reports, properly compiled, must be placed before the Reichsrat annually.

As an aid to the enforcement of the industrial code, the law requires that in every industrial establishment a register must be kept in book form, showing for each employee his full name and age, the commune in which he has his home, the commune which furnished him with his labor book, the date of his employment in the establishment, the name of his last previous employer, the nature of the work upon which he is employed, the sick fund to which he belongs, and the date when he leaves the establishment. This register must at all times be open to the inspection of the authorities, and must preserve a record for a period of at least 3 years prior to the date of the last entry.

PAYMENT OF WAGES: TRUCK SYSTEM.

The evils of the truck system were recognized as early as 1791, and prohibited by a law enacted in that year. This prohibition has been continued in subsequent legislation. The provisions of the law now in force are reproduced in the paragraphs following. With the exceptions to be noted, employers must pay the wages of their employees in cash. They may, however, furnish and reckon as a part of wages dwelling accommodations, fuel, the use of ground, medicines and medical aid, and goods manufactured in their establishments, provided that an arrangement to that effect has been previously agreed upon by the parties. The furnishing of food or regular board as a part of the employee's remuneration can also be agreed upon, provided such food or board is furnished at not exceeding cost price.

In no case shall employees be required to trade at a particular store, nor shall the employer supply his employees with goods other than those above specified, and especially no beverages, upon credit, to be afterwards settled for through a deduction from the latter's wages. Wages also must not be paid in any place where intoxicating liquors are sold.

The foregoing provisions apply not only to employees working inside of establishments, but to those performing services outside or where the work is wholly or in part performed in the homes of the workingmen. They also apply to members of the families of employees, to managers, overseers, and agents of the employers, as well as to other directors of industrial enterprises in whose business any one of the persons above mentioned is directly or indirectly concerned.

All contracts in violation of the regulations concerning the payment of wages will be considered as null and void. Employees whose

claims are settled contrary to the provisions of this law may at any time demand full payment in cash for their services, without regard to what they may have received in kind. In such cases, however, any goods they have received in excess of their stipulated wages remaining undisposed of, or from the use of which they have profited, or their value, must be turned over to the sick fund of the establishment or of the guild of which the employer is a member, or, when there is no such fund, to the communal sick fund of the district in which the establishment is located. The employer is also deprived of all right of enforcing the collection of any claims that he may have against workingmen for goods furnished on credit in violation of this law, either by suing for them, or charging them up against wages, or in any other way. Such claims go to the credit of the sick funds above mentioned and may be collected by them.

ARBITRATION TRIBUNALS.

Provision has been made in various ways for the conciliation or arbitration of labor disputes in Austria. The inspectors of factories can act as mediators in certain classes of cases. The law, at least, expressly states that part of their duties are to hear complaints, give advice, and attempt to prevent open rupture between employers and their workingmen. The guilds, also, as has been shown, are required to create arbitration committees, with the function of adjusting disputes between guild members or guild members and their employees.

In addition to these provisions the effort was made by the law of May 14, 1869, to promote the establishment of arbitration tribunals of more general and extensive powers, after the model of the French councils of prudhommes. This law, however, on account of its non-obligatory character and for other reasons, proved to be an ineffective measure, and the results achieved under its provisions were unimportant. With the development of production upon a large scale, and the increasing severity of industrial disturbances, the need for effective arbitration courts became more acutely felt. After a discussion and agitation extending over a considerable number of years, the law of 1869 was repealed, and in its place was enacted the law of November 27, 1896, now in force. A summary of the provisions of this important law follows:

Special arbitration courts for the settlement of industrial disputes between employers and their employees and between employees in the same establishment will be created whenever deemed desirable by the order of the minister of justice, acting in conjunction with the other ministers who are concerned with the branches of industry to which the courts will specially relate. In general these courts will be created upon the recommendation of the provincial councils (*Land-*

tage). The law, however, further provides that not only the provincial councils, but the local authorities, boards of trade and industry, factory inspectors and all kinds of industrial organizations and unions can petition for their creation. In the case of all such requests an inquiry will be made concerning the local conditions and needs and decision will be made by the minister of justice in accordance with the results of this investigation. In all places where industrial courts had been created by virtue of the old law of 1869 these bodies must be reorganized so as to conform to the requirements of the new law.

The order by which an industrial court is created determines the district to which it relates and the industries over which its jurisdiction will extend. The district may correspond with a commune, may embrace only a part of a commune, or may comprise a number of communes. As regards the industries to which it relates, a court can be created for particular categories or for all classes of industrial establishments in the district.

In all cases the jurisdiction of industrial courts excludes that of the political authorities, the ordinary courts, and existing industrial courts; and parties to a dispute can not renounce this jurisdiction by mutual agreement. The jurisdiction and powers of the arbitration committees of the guilds, however, remain undisturbed.

As regards the class of subjects that may be brought before these courts, the law declares that they shall be competent to decide, without reference to the value of the matters in dispute, all questions relating to (1) disputes concerning wages; (2) disputes concerning the making, continuance, and breaking of labor or apprenticeship contracts; (3) disputes concerning the conditions under which labor is performed and claims for damages that may arise in connection therewith, and especially in respect to deductions from wages and conventional fines that have been agreed upon; (4) disputes concerning the deliverance or contents of labor books and certificates, and especially concerning claims for damages by employees on account of the books not being delivered at the proper time, the refusal of the employer to make the required entries, or the insertion of improper entries or remarks; (5) disputes concerning membership in the pension or other aid funds in so far as the arbitration tribunals of the accident insurance institutions or of the sick funds or other statutory arbitration tribunals do not have jurisdiction; (6) disputes concerning the giving of notice of intention to leave, vacating, and the rent of dwellings the use of which by the employees is authorized by the employer either with or without remuneration, and (7) disputes concerning claims which may arise between employees in the same establishment who have undertaken work in common.

The following classes of persons are considered as workingmen as understood by this law: (1) Superintendents and foremen; (2) all per-

sons, including day-laborers, working as employees in industrial establishments (*alle im gewerblichen Betriebe beschäftigten Hilfsarbeiter*); (3) all persons who work for wages outside of the establishment upon the raw materials or partly manufactured articles for the employer, and (4) all persons employed in mercantile services in commerce (*bei Handelsgewerben alle zu kaufmännischen Diensten verwendeten Personen*).

Each industrial court will be composed of a president, and, if necessary, a substitute, and not less than 10 associates representing the employers and 10 associates representing the employees, and the necessary number of substitutes. The president and his substitute are appointed by the minister of justice and must be men having the qualifications necessary for appointment to a judgeship. The associates are elected half by the employers and half by the workingmen organized as separate electoral bodies. These bodies in each case elect from among their own number.

Employer-electors consist of all owners of establishments in the trades for which the industrial court is created within the district of the court. Where an establishment is operated by a manager or is leased to another person, the manager or lessee, instead of the owner, will be deemed to be the elector. Women can vote by giving a power of attorney. Public trade associations, joint stock and similar companies, corporations, and unions can exercise their right to vote through a duly authorized representative. State establishments can in like manner be represented by properly designated officials.

Workingmen-electors consist of all workingmen and working women employed in the industries over which the industrial court has jurisdiction and situated within the district of the latter who have completed their twentieth year, and who, during at least the previous year, have been employed in the country. Apprentices do not have the right to vote. Equally excluded from the right to vote are persons placed under a guardian or whose property has been turned over to creditors, so long as this condition of affairs exists, or who are charged with, on trial for, or undergoing punishment on account of, a criminal offense, or who, as a result of a judgment according to law, are excluded from the suffrage in respect to the communal council.

Candidates for election must be males 30 years old, possessing the right of suffrage as above described, Austrian citizens, and enjoying their full rights. In State industries and in transportation and factory undertakings the officials in the establishments concerned are eligible for election. Those persons, however, are excluded from election who, according to existing law, are ineligible to serve on a court as the result of a criminal judgment.

An associate or substitute can decline election or resign after having entered office (1) if he is over 60 years old; (2) if physically incapacitated for performing the duties of the office; (3) if he has just served

a term as associate, and (4) if he does not live within the district over which the court has jurisdiction. In cases of doubt the civil court of the district in which the arbitration court is situated will decide as to whether the withdrawal is justifiable or not.

Associates and their alternates are elected for 4 years. After the first 2 years, however, one-half of their number, consisting of equal numbers of employer and employee representatives, as determined by lot, will retire from office, and a special election will be held to fill their places. Thereafter elections will be held every 2 years for the election of half the number of associates and alternates. The civil court of first instance can also order special elections to fill vacancies that may have been caused in any way when it deems such action desirable.

In order to provide for the contingency of either employers or employees collectively abstaining from taking part in the election of these members in order to prevent the constitution of a court, the law provides that when two attempts without success have been made to secure through elections associates from either of the electoral bodies, the political authorities shall transmit to the civil court of first instance a list of those persons who are held to be the most competent and worthy to serve as associates. From this list the court will select names of three times as many as are needed to fill the vacancies, and a selection of the necessary number will then be made by lot. It is the duty of the communes to prepare the lists of electors for both the employers and employees. In all cases where the right of a person to figure upon one of these lists is questioned a decision will be made by the industrial authorities, from whose action an appeal can be taken to the provincial authorities (*Landesstelle*).

The elections will be held under the supervision of the industrial authorities. Votes must be cast by the electors in person. The candidates receiving an absolute majority of the ballots cast are declared elected. In case of a tie vote a decision is reached by drawing lots. Administrative orders are promulgated determining the details of the electoral proceedings, the verification of the electoral lists, etc. When the jurisdiction of an industrial court relates to a number of different branches of industries, it can be provided that the election of associates shall be by industries, in order that each branch may have its proper number of representatives.

The names and addresses of all members of industrial courts must be publicly made known. Associates and their alternates receive no indemnity other than the reimbursement of their actual expenses, with the exception that the associates chosen from among the workingmen receive an indemnity for their loss of time for each day upon which they are engaged in court work, the amount of which is determined by special regulations. It is the duty of the communes in which the

courts are situated to provide and care for the quarters necessary for the courts, and to look after their other requirements. All other expenses will be defrayed by the State. The methods of work, division of duties, etc., of the courts will be determined by the president. The president and his substitutes are under the supervision of the civil courts of their districts.

Associates who, without good reasons, fail to attend the meetings of the court, or do not attend at the proper time, or are wanting in other respects in the performance of their duties, may be punished by the president by fines not exceeding 200 gulden ($81.20) in amount for each delinquency. The civil court of first instance can dismiss an associate whenever any circumstance arises or becomes known which renders the latter ineligible for his office, or whenever he is guilty of gross dereliction of duty, and especially when, in spite of the repeated imposition of fines, he absents himself from the meetings of the court. The civil court will also fix the time during which his incapacity to be reelected will continue.

An associate or alternate must be removed from office by the civil court if he ceases to be an employer in an undertaking in virtue of which he was elected, or if he ceases to be an employee through entrance into another calling permanently removing him from the employee class, or if for 3 months he has engaged in a business over which the court does not have jurisdiction. In all such cases the associates also have the right voluntarily to resign from their offices. An appeal from the action of the civil court in respect to the removal of an associate can be taken to the superior court (*Oberlandesgericht*).

For the purpose of transacting business and rendering decisions industrial courts will consist of their presidents or their alternates and two associates, one of whom must be an employer and the other an employee representative. The manner in which associates or their alternates will be summoned to the meetings by the president will be fixed by regulations for that purpose. An industrial court can be divided into permanent sections according to particular trades or allied branches of industry. In the case of those courts whose jurisdiction extends to commercial enterprises a special section must be formed for such undertakings, and associates for this section must be specially elected from electoral bodies consisting of persons concerned with such enterprises.

Where the methods of procedure are not fixed by the present law, the industrial courts will follow the practice of the civil courts in reference to minor matters. In the transaction of business concerning industrial disputes enumerated in the section setting forth the matters over which the industrial courts have jurisdiction, that court will have jurisdiction in whose district the establishment in which the dispute exists is situated. Where the employees who are parties to a dispute work outside of the establishment, that court will have jurisdiction

in whose district the work is performed or the wages are paid. It is the duty of the industrial courts to guard their jurisdictional rights. When the jurisdiction of an industrial court as regards the subject matter of a dispute has been affirmed by the civil court, or vice versa, the decision is binding upon the court declared to be competent.

Members of an industrial court are disqualified from taking part in proceedings in reference to matters in which they, their wives, or other persons closely related to them are interested, or where there are any circumstances that might prejudice their judgment. Parties to a dispute can be represented by an agent, foreman, or other employee when the latter is provided with the proper power of attorney. Representation by a fellow-employee is permitted where it is made evident that the party himself is hindered from appearing.

Industrial courts must, as necessity demands, establish and make known the days and hours when complainants and defendants can appear, without formally being summoned, in order to submit their differences. In general the first hearing of a dispute must be had within 3 days after a complaint has been entered. The first hearing can be had by the president, without summoning the associates, for the purpose of attempting an adjustment of the difficulty without a trial or for considering matters relating to the competence of the court. If the parties agree to forego their right of having the associates summoned, the matter can be forthwith decided. In all cases where an agreement is not reached at the first hearing, the matter must be brought before the court, and the president must inform the associates of what took place during the first meeting.

The judgment of an industrial court as regards matters of fact is final when the amount involved does not equal 50 gulden ($20.30). When the amount involved is 50 gulden ($20.30) or over, or an error of law or procedure is alleged, an appeal can be taken to the civil court of the district. In considering these appeals the civil court will be assisted by two associates of the industrial court. Judgments of an industrial court can be enforced by writs of execution in the civil court of the district in which the industrial court is situated or the defendant resides.

Decisions of the arbitration committees of the guilds in disputes, the subject-matter of which falls within the jurisdiction of the industrial courts, can only be called in question before the industrial courts if the guilds concerned are situated within the districts of the industrial courts.

In addition to providing for the creation of a system of special labor courts, the law of 1896 made what is considered as a very important change in the existing law regarding civil actions between employers and employees. This change is expressed in the following section:

All disputes arising between employers and their employees, or between different employees, in relation to labor, apprenticeship, or wage conditions, the settlement of which is provided for by section

87*c* of the law of March 8, 1885, shall, from the day upon which the present law enters into effect, belong to the civil courts of the district where industrial courts have not been created for their decision, without reference as to whether they were brought during the continuance or after the termination of the particular labor, apprenticeship, or wage conditions, and without reference to the value of the matter in dispute.

The significance of this section lies in the fact that prior to the going into force of the present law disputes between employers and employees, or different employees, regarding labor conditions were not treated as ordinary contentions, the settlement of which could be demanded in the civil courts. Instead, the law required that they should be referred to the political authorities, or, in the case of the small trades not under the control of guilds, to special tribunals (*schiedsgerichtlichen Kollegien*). This system, which gave rise to much complaint, is completely abolished by the present law, and such disputes may now be referred for settlement to the industrial courts, or, in their absence, to the civil courts. Workingmen are thus placed in a position of equality with other persons as regards their right to have disputes affecting the conditions of labor settled in the regularly constituted judicial bodies of the country.

Before leaving the consideration of this law, it should be noted that provision is made whereby the industrial courts can be intrusted with certain purely administrative duties. It is made their duty, whenever requested by the provincial authorities (*Landesbehörde*), to make reports concerning industrial questions. For this purpose the courts can appoint special sections to collect and prepare the material desired. Whenever the questions considered interest both employers and employees, these sections must be composed of equal numbers of employer and employee representatives. They meet under the direction of the president of the court. The courts also have the right upon their own initiative to submit propositions to the provincial authorities in reference to matters concerning trades over which their jurisdiction extends.

BUREAU OF LABOR STATISTICS.

Austria is the most recent European nation to create an official bureau for the collection of statistics of labor. Such an office was created by an order of the Emperor dated July 21, 1898, and was placed under the ministry of commerce.

The purpose of this bureau, as set forth in the resolution, is to make investigations and reports concerning the "condition of the laboring classes, especially those in manufactures and trade, mining, agriculture, and forestry, and commerce and transportation, and, further, concerning the working of institutions and laws for the advance-

ment of the welfare of the workingmen, and also concerning the extent and conditions of production in the industries which have been named."

In the prosecution of its work the bureau is directed to seek the cooperation of the State and communal authorities, the chambers of commerce and industry, and the workingmen's accident insurance institutions, and these bodies are directed to render all necessary assistance to the labor bureau in its work.

An important feature of the system created by this resolution is that providing for the creation of a permanent labor council, the duty of which is to act as an advisory body to the labor bureau, and especially to promote harmonious relations between the bureau and the manufacturers or other persons with whom the former comes in contact in the prosecution of its work. This council consists of 32 members, of whom 8 represent the labor bureau and other offices of the Government, and 24 are persons appointed for a term of 3 years by the minister of commerce. Of these 24 one-third must be employers of labor, one-third workingmen, and one-third persons whose technical knowledge makes their cooperation in the work of the council desirable. These members receive no salary, but those living outside of Vienna are paid a per diem of 8 gulden ($3.25) while in attendance at the council, in addition to traveling expenses, and the workingmen members resident in Vienna receive an allowance of 5 gulden ($2.03) per day's attendance.

This council was constituted on September 25, and the bureau of labor commenced operations October 1, 1898. The bureau issues a monthly bulletin in addition to regular reports.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

NORTH CAROLINA.

Twelfth Annual Report of the Bureau of Labor Statistics of North Carolina, for the year 1898. James Y. Hamrick, Commissioner. 452 pp.

The subjects treated in this report may be grouped as follows: Commerce of North Carolina, 8 pages; manufacturing industries, 175 pages; agricultural industries, 68 pages; live stock, 23 pages; fisheries, 11 pages; savings banks and insurance companies, 9 pages; newspapers, 13 pages; telephone companies, 1 page; chronology of bureaus, 10 pages; mining and quarrying, 56 pages; letters from manufacturers, 28 pages; railroads, 14 pages; miscellaneous data, 3 pages.

MANUFACTURING INDUSTRIES.—The manufacturing industries considered in the present report are tobacco, distilled spirits, furniture, tanneries and leather manufactories, flour, lumber, woolen, and cotton mills, and miscellaneous factories and trades. Each industry is considered in a separate chapter, and the data given consist, for the most part, of lists of firms engaged in the industries, their locality, the character of the products, wages of employees, and, in some cases, the capacity of the plant, number of employees, total production, etc.

The report shows that in 1898 207 tobacco factories in the State produced a total of 34,988,412½ pounds of plug and smoking tobacco, 7,963,771 cigars, and 309,164,000 cigarettes. During the busy season 16,900 men, 9,700 women, and 5,200 children were employed in this industry. The average daily wages paid were: For skilled labor, men $1.27, women $0.64; unskilled labor, men $0.64, women $0.37, children $0.26.

In the textile industries 15 woolen spinning and weaving mills, 21 woolen carding mills, and 220 cotton mills were reported. The woolen mills had a total capacity of 5,354 spindles and 208 looms, and the cotton mills 1,054,686 spindles and 24,535 looms. The average daily wages paid were: In woolen mills, for skilled labor, men $1.01½, women $0.56; unskilled labor, men $0.62, women $0.28½; in cotton mills, for skilled labor, men $1.07, women $0.63; unskilled labor, men $0.68, women $0.45, children $0.32.

In the other industries considered in the report the following average daily wages were paid: In lumber mills in the eastern part of the State, for engineers, $1.39; firemen, $0.95; sawyers, $1.91; laborers, $0.79. In the middle and western sections of the State, for engineers, $0.82; firemen, $0.70½; and sawyers, $1.08½. In distilleries, for skilled men, $1; unskilled men, $0.50. In furniture factories, skilled men,

$1.13; unskilled men, $0.64; children, $0.37½. In tanneries, skilled men, $1.09; unskilled men, $0.63½. In flour mills, skilled men, $1.17½; unskilled men, $0.63. The report also gives a list of 1,618 firms engaged in various kinds of factories and trades in the State.

AGRICULTURE, LIVE STOCK, AND FISHERIES.—A number of chapters are devoted to general agricultural statistics, truck farming, articles on tobacco and fruit culture, statistics showing the condition of the soil, farm acreage, timber lands, etc., of each county, and the live stock and fisheries industries.

MINING AND QUARRYING.—The chapters relating to this subject show the mineral resources of the State, containing a description of the various stone, ore, and coal deposits, lists of mines and quarries in operation, and in some cases, statistics of production.

RAILROADS.—There were 3 principal and 28 minor railroad systems in the State in 1898, employing 8,999 persons. Tables are given showing the mileage and assessed valuation of the railroads and the number and average daily wages of employees.

PENNSYLVANIA.

Annual Report of the Secretary of Internal Affairs of the Commonwealth of Pennsylvania. Vol. XXVI, 1898. Part III, Industrial Statistics. James M. Clark, Chief of Bureau. 466 pp.

The present report deals with the following subjects: An article on economics in the Philippines, 12 pages; an article on the silk industry, 52 pages; statistics of manufactures, 349 pages; silk manufacture, 8 pages; production of iron, steel, and tin plate, 20 pages; limestone production, 2 pages; analysis, 13 pages.

STATISTICS OF MANUFACTURES.—The first series of tables under this head consists of comparative statistics for 358 identical establishments representing 47 industries, for the years 1892 to 1898, inclusive. The data comprise average days in operation, persons employed, aggregate wages paid, average daily and yearly wages per employee, value of product, and average value per employee of the annual product. The following table gives a summary of the more important data:

PERSONS EMPLOYED, WAGES PAID, AND VALUE OF PRODUCT FOR 358 MANUFACTURING ESTABLISHMENTS, 1892 TO 1898.

Year.	Average persons employed.		Aggregate wages paid.		Average yearly earnings.		Value of product.	
	Number.	Per cent of increase.	Amount.	Per cent of increase.	Amount.	Per cent of increase.	Amount.	Per cent of increase.
1892	137,612	.....	$67,505,814	.....	$490.55	.....	$270,359,609	.....
1893	122,992	*a* 10.62	57,054,783	*a* 15.48	463.89	*a* 5.43	226,794,526	*a* 16.11
1894	110,071	*a* 10.51	45,459,013	*a* 20.32	413.00	*a* 10.97	186,386,247	*a* 17.82
1895	128,112	16.39	56,973,666	25.33	444.72	7.68	223,580,071	19.96
1896	118,792	*a* 7.27	52,343,792	*a* 8.13	440.63	*a* .92	212,052,158	*a* 5.16
1897	121,995	2.70	52,406,316	.12	429.58	*a* 2.51	223,889,449	5.58
1898	138,762	13.74	62,960,638	20.14	453.73	5.62	267,048,287	19.28

a Decrease.

The year 1898 marked a considerable improvement in manufacturing industries in the State, the value of the products and the aggregate wages paid being higher than during any year since 1892, while the number of persons employed in 1898 was even greater than in 1892, the year preceding the industrial depression. Compared with the year of greatest depression, 1894, the figures for 1898 show an increase of 26 per cent in the number of employees, 38 per cent in the aggregate wages paid, and 43 per cent in the value of the product. The average yearly earnings per employee show an increase of nearly 10 per cent in 1898 as compared with 1894.

The second series of tables presented comprises returns for 1896, 1897, and 1898 from 901 identical establishments, representing 101 industries, and shows the capital invested, value of basic material, average days in operation, persons employed, wages paid, market value of the product, and amount of production. These returns cover more ground than the preceding and enable a better comparison for the 3 years considered.

The following is a summary statement for 901 establishments reporting for the years 1896, 1897, and 1898:

STATISTICS OF 901 MANUFACTURING ESTABLISHMENTS, 1896, 1897, AND 1898.

Items.	1896.	1897.	1898.
Capital invested in plants and fixed working capital	$211,053,779	$214,614,083	$219,027,763
Value of basic material (*a*)	*b* $99,456,717	*b*$108,885,762	*b* $122,120,995
Average days in operation	268	276	286
Persons employed	133,660	150,078	165,333
Aggregate wages paid	$54,028,185	$56,497,999	$65,078,302
Market value of product	$202,410,382	$220,092,603	$254,683,443
Value of product per employee	$1,514.37	$1,466.52	$1,540.43
Average yearly earnings	$404.22	$376.46	$393.62
Average daily earnings	$1.51	$1.36	$1.38
Per cent of value of basic material of value of product	*c* 49.4	*c* 49.7	*c* 48.2
Per cent of wages of value of product	26.7	25.7	25.6

a By basic material is meant only the material out of which the product was made and does not include any of the materials used in its development.
b Figures for 898 establishments, 3 not reporting.
c Based on data for 898 establishments.

A comparison of the figures for 1898 with those for 1896 shows an increase of 3.78 per cent in the amount of capital invested, 22.79 per cent in the value of the basic material, 25.83 per cent in the value of the product, 20.45 per cent in the aggregate wages paid, and 23.70 per cent in the number of persons employed. There was a decrease of 2.62 per cent in the average yearly earnings per employee during this period. The establishments were in operation an average of 268 days in 1896, 276 days in 1897, and 286 days in 1898.

SILK MANUFACTURE.—Statistics of silk manufacture in Pennsylvania are given for 1898, and for the Federal and State census years 1890 and 1895, respectively. In 1898 there were 88 silk manufactur-

ing establishments in the State, containing 699,308 spindles, 177 hand looms, 9,238 power looms, and 3,401 knitting, lace, sewing, and braiding machines. They gave employment to 5,441 males and 10,998 females over 16 years of age, and 3,926 children between the ages of 13 and 16 years, or a total or 20,365 employees. The aggregate wages paid amounted to $4,866,851, and the total product was valued at $32,250,599. The average yearly earnings of male adults were $371.73; female adults, $215.61, and children, $120.48. The silk manufacturing establishments were in operation an average of 51 weeks during the year. Compared with the years 1890 and 1895, the returns for 1898 show a considerable increase of activity in the silk manufacturing industry of the State.

IRON, STEEL, AND TIN-PLATE PRODUCTION.—During 1898, 5,367,979 gross tons of pig iron were produced, having a total value of $53,331,228. The cost of basic materials, which means only the iron-producing materials—that is, the ore and scrap or cinder—was $29,377,657. There were 11,911 persons employed, receiving a total of $5,268,503 in wages, or $442.32 per employee. Each of these items, except the total cost of basic materials, shows an increase over the preceding year.

The steel production in 1898 was 3,357,684 gross tons of Bessemer steel, 1,848,732 gross tons of open hearth, and 69,568 gross tons of crucible steel, making a total of 5,275,984 gross tons.

The production of iron and steel rolled into finished form amounted to 5,537,249 net tons, valued at $136,820,442. This comprises bar, rods, strip, steel, skelp, shapes, rolled axles, structural iron, plates, sheets, cut nails, spikes, rails, etc., but does not include billets or muck bar. The value of the basic material used in this production was $79,924,581. There were 56,230 persons employed, receiving an aggregate of $27,879,202 in wages, or $495.81 per employee. The establishments were in operation an average of 278 days. In all of these items the returns for 1898 show an increase over the preceding year.

In 1898 black plate was produced in 18 establishments, 15 of which turned out tinned products. The total production of black plate was 344,064,000 pounds, of which 222,528,000 pounds were tinned in the establishments. The value of the tinned product was $6,697,921, and of the untinned black plate $2,646,314, making a total value of $9,344,235. The establishments were in operation 278 days, employed 5,036 persons, and paid an aggregate of $2,943,954 in wages, or $584.58 per employee. Each of these items, except the number of days in operation, shows an increase over the preceding year.

Seven tin-plate dipping works, which buy all their black plate, produced 40,406,000 pounds of tin and terne, valued at $1,747,176. They were in operation 259 days, employed 421 persons, and paid $127,236

in wages. The total production of tin and terneplate by the 22 black plate and dipping works was, therefore, 262,934,000 pounds, having a total value of $8,445,097. Compared with the preceding year there was an increase of 16.5 per cent in the total production and of 20.7 per cent in the total value of tin and terneplate produced.

LIMESTONE PRODUCTION.—The quarries for the production of limestone for iron manufacturing purposes were in operation an average of 269 days during 1898, producing a total of 4,200,523 tons of limestone, of a total value of $1,305,566. The quarries employed 2,481 persons, receiving an aggregate of $764,977 in wages, or $308.33 per employee.

TENNESSEE.

Eighth Annual Report of the Bureau of Labor, Statistics, and Mines of the State of Tennessee, for the year ending December 31, 1898. A. D. Hargis, Commissioner. viii, 248 pp.

This report, like those for preceding years, is mainly devoted to mining industries. The subjects treated may be grouped as follows: Statistics of mines and mine inspection, 162 pages; coke manufacture, 21 pages; the pig-iron industry, 6 pages; the phosphate industry, 33 pages; labor laws, 23 pages.

STATISTICS OF MINES AND MINE INSPECTION.—The statistics relate to the production of coal, iron, copper, lead, zinc, sulphur, and manganese, and show the amount and value of mine products, the names and location of mines, and in some cases comparative figures for a series of years and for Tennessee and other States. In the case of coal mining, the number of employees and the days in operation are also shown. Casualties in mines are extensively treated in this report. Following is a summary of the most important returns presented for 1898 with respect to mining and related industries in Tennessee:

Total number of coal mines		76
Coal mines in operation		61
Average number of days active		217
Coal produced	tons	3,084,748
Value of coal produced		$2,340,346
Average value of coal per ton at mine		$0.75
Average number of employees in coal mines		7,820
Average days worked in coal mines		197
Coke produced	tons	394,545
Value of coke produced		$710,181
Average number of employees engaged in coke making		375
Iron ore produced	tons	595,777
Pig iron produced	do	263,439
Copper ore produced	do	89,721
Zinc ore produced	do	454
Manganese ore produced	do	1,250
Sulphur pyrites produced	do	1,176

Sixty-three casualties were reported in the mines, 20 of which were fatal. Of the fatal accidents 19 occurred in coal mines and 1 in a copper mine.

THE PHOSPHATE INDUSTRY.—This part of the report consists of a contributed article on "Phosphate deposits of Tennessee," showing the character, location, and extent of the deposits and statistics of phosphate production. In 1898 272,191 tons of phosphate were produced in the State.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

BELGIUM.

Annuaire de la Législation du Travail. 2e Année, 1898. Office du Travail, Ministère de l'Industrie et du Travail. 1899. xi, 387 pp.

This publication is the second of a series of annual reports on labor legislation prepared by the Belgian labor bureau. It contains the text of laws enacted and important regulations, orders, and decrees issued concerning labor during the year 1898 in Germany, Austria, Belgium, Denmark, France, Great Britain and colonies, Hungary, Italy, Holland, Switzerland, the United States, and the States of Massachusetts, Mississippi, and Ohio. An appendix contains the text of labor laws enacted in 1897 in New Zealand and Norway which had been omitted from the first annual report.

DENMARK.

Statistisk Bureaus Historie et Omrids, udarbejdet i Anledning af Bureauets 50-aarige Bestaaen. Udgivet af Statens Statistiske Bureau. 1899. 184 pp.

The present work, which gives a history and outline of the Danish statistical bureau, was published on the occasion of the fiftieth anniversary of its organization. It also contains a brief outline of official statistical work in Denmark before the organization of a regular bureau. The work consists of two parts, the first relating to the creation of the bureau, its functions, expenditures, and personnel, and the second part describing the nature of its publications. An appendix contains a list of the principal officers of the bureau since its organization, a list of all its publications, and a digest of the present work in the French language.

GREAT BRITAIN.

First and Second Reports of Proceedings under the Conciliation (Trade Disputes) Act, 1896. First report, 1897, vi, 55 pp. Second report, 1899, 21 pp. (Published by the British Board of Trade.)

The first report deals with the proceedings under the conciliation act, 1896, (*a*) for the first ten months during which the act was in opera-

a For a copy of this act see Bulletin No. 25, p. 833.

tion, namely, from August, 1896, to the end of June, 1897, and the second report covers the period from July 1, 1897, to the end of June, 1899. The reports contain summary tables showing the occupation and locality of disputants, date and source of application for conciliation and arbitration, nature of the action taken by the board of trade, the result, etc., in each case coming before the board under the conciliation act, a summary of information supplied by boards of conciliation when applying for registration under the act, and an analysis of the summary tables. The first report also gives a detailed statement of each case, and the second report contains a list of conciliation boards registered and of disputes settled under the act since its passage.

The following table gives particulars of the action taken by the board of trade and the results during the periods covered by the two reports:

DISPUTES ACTED UPON BY THE BOARD OF TRADE UNDER THE CONCILIATION ACT, AUGUST, 1896, TO JUNE, 1899.

Items.	August, 1896, to June, 1897.	July, 1897, to June, 1899.	Total.
Disputes settled under the act:			
By conciliation	14	12	26
By arbitration	5	10	15
Total	19	22	41
Disputes settled between the parties during negotiations	4	3	7
Failures to effect settlements	5	2	7
Applications refused by the board of trade	7	5	12
Total	35	32	67

Report on the Money Wages of Indoor Domestic Servants. 1899. vii, 50 pp. (Published by the Labor Department of the British Board of Trade.)

The present report by Miss C. E. Collet, correspondent of the labor department of the British board of trade, is the first attempt at a serious investigation of the wages of domestic servants in Great Britain. The investigation was made by means of schedules of inquiry addressed to persons employing domestic servants. These schedules called for the occupation, age, rate of wages on entering service and at the time of the inquiry, money allowances for perquisites, and length of service with present employer.

The report is based on 2,067 schedules returned at various periods between 1894 and 1898. The schedules show the average yearly wages of 5,568 indoor domestic servants, of whom 230 were males and 5,338 were females. While the figures presented cover but a small proportion of all the domestic servants in the United Kingdom, it is believed that a sufficient number of returns for each age and occupation were received to give a fair idea of wage rates generally for the respective ages and occupations. The general averages for all occupations and

ages were determined by applying the average wages of servants at each age period, as shown in the returns, to the entire number of servants at these age periods as enumerated in the last census. The general result thus obtained showed an average yearly wage rate of £17 16s. ($86.62) in London, £15 10s. ($75.43) in the rest of England and Wales, and £17 6s. ($84.19) in the three principal Scottish towns. These rates are exclusive of perquisites and board and lodging.

The report deals mainly with female servants, as the number of males employed in domestic service is comparatively insignificant, while about one-third of the wage-earning female population of the United Kingdom are engaged in such service. The following table shows the average yearly wages in London, the rest of England and Wales, Scotland, and Ireland at different age periods of female servants for whom returns were made:

AVERAGE YEARLY WAGES OF FEMALE DOMESTIC SERVANTS, CLASSIFIED ACCORDING TO AGE.

Age.	London.	England and Wales (excluding London).	Scotland.	Ireland.
Under 16 years	$38.45	$34.55	$36.99	$38.93
16 years	45.26	43.80	50.61	49.64
17 years	51.58	51.58	55.96	36.99
18 years	62.29	59.37	65.70	46.72
19 years	68.62	61.80	67.16	51.58
20 years	76.40	70.08	75.92	62.29
21 or under 25 years	85.16	80.30	84.68	61.32
25 or under 30 years	100.25	94.90	96.36	73.48
30 or under 35 years	112.90	104.63	104.63	86.14
35 or under 40 years	131.40	112.42	110.96	82.24
40 years or over	135.29	120.20	114.36	87.60
Servants included in above	1,867	2,461	651	359

This table shows a steady rise in wages with each increasing age period, servants 40 years of age or over receiving the highest rates.

The following table shows the average yearly wages and the ages of female domestic servants, classified according to households, with each specified number of servants:

AVERAGE YEARLY WAGES AND AGES OF FEMALE DOMESTIC SERVANTS, CLASSIFIED ACCORDING TO NUMBER OF SERVANTS IN HOUSEHOLD.

Households employing—	Average yearly wages.				Average ages (years).			
	London.	England and Wales (excluding London).	Scotland.	Ireland.	London.	England and Wales (excluding London).	Scotland.	Ireland.
1 servant	$72.51	$64.24	$75.43	$54.99	25.2	23.1	23.6	29.1
2 servants	80.78	77.38	78.84	64.72	25.7	25.9	25.5	27.9
3 servants	91.49	86.62	90.03	75.43	27.5	27.9	28.6	30.7
4 servants	100.74	89.54	100.25	77.38	28.2	27.2	29.3	30.0
5 servants	103.66	92.95	100.25	89.54	28.0	27.5	27.8	29.4
6 servants	118.74	98.79	99.76	85.16	28.5	28.6	29.2	30.6
Over 6 servants	123.12	112.90	115.34	99.76	28.9	28.2	27.8	30.4

This table shows that the wages as well as the ages of female servants increase with the number of servants in a household, servants employed in households having but 1 servant receiving the lowest wages, while those employed in large households having 6 or more servants received the highest wages in each of the divisions given.

The report does not show the average wages of all female servants by occupations except for certain age periods, because the different proportions in which the age periods and occupations are represented would prevent such an average from being truly representative. The following table, however, shows the average yearly wages of the different classes of female servants at such selected age periods as include the largest number of each occupation. Thus the table, while fairly representative, covers but a portion of the total returns.

AVERAGE YEARLY WAGES OF FEMALE DOMESTIC SERVANTS, AT SELECTED AGE PERIODS, BY OCCUPATIONS.

Occupation.	Selected age period (years).	London.	England and Wales (excluding London).	Scotland.	Ireland.
Between maid	19	$60.34	$52.07	.....	.....
Scullery maid	19	66.67	63.26	.....	.....
Kitchenmaid	20	80.78	73.00	$73.00	$54.99
Nurse-housemaid	21 or under 25	72.51	77.86	68.13	.....
General servants	21 or under 25	72.51	71.05	74.46	50.12
Housemaid	21 or under 25	85.16	78.84	83.22	65.70
Nurse	25 or under 30	102.20	97.82	94.90	76.89
Parlor maid	25 or under 30	108.04	100.25	97.82	77.86
Laundry maid	25 or under 30	132.86	114.85	97.33	.....
Cook	25 or under 30	106.09	98.30	100.25	83.70
Lady's maid	30 or under 35	136.75	120.20	118.74	116.80
Cook-housekeeper	40 or upwards	202.45	173.25	107.06	.....
Housekeeper	40 or upwards	166.92	254.03	218.99	.....

With regard to length of service, it is shown that of 1,864 servants reported for London, 36 per cent had been in the service of their present employers less than 1 year; 45 per cent, 1 year or under 5 years; 11 per cent, 5 years or under 10 years, and 8 per cent, 10 years or over. In the rest of England and Wales and in Scotland and Ireland, the proportions are very nearly the same.

Of the 230 male servants whose wages are reported, the occupations and average yearly wages were as follows: 85 butlers, £58 12s. ($285.18); 84 footmen, £26 14s. ($129.94); 31 men servants of various kinds, £38 12s. ($187.85); 28 boys, £10 18s. ($53.04), and 2 cooks, £128 ($622.91).

Besides the more detailed presentation of the returns of the present investigation, the report also gives a comparative table showing the rates of wages received in large households in 1886 and at the time of the present investigation. This comparison shows that the average wages were nearly the same at the two periods.

DECISIONS OF COURTS AFFECTING LABOR.

[This subject, begun in Bulletin No. 2, has been continued in successive issues. 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 STATUTE—EXAMINATION OF COAL-MINE MANAGERS—*Woodruff et al. v. Kellyville Coal Co., 55 Northeastern Reporter, page 550.*—An action of debt was brought by Clara Bell Woodruff and others, as next of kin to one Ira B. Woodruff, deceased, against the above-named company, to recover damages for the death of said Woodruff, who, while in the employ of said company as a miner, was injured by a fall of coal from the roof, and died in consequence of said injury. At the trial of the case in the circuit court of Vermilion County, Ill., the defendant company demurred to the declaration, and, said demurrer being sustained, a judgment was rendered in its favor. The plaintiff then carried the case on writ of error to the supreme court of the State, which rendered its decision October 16, 1899, and affirmed the judgment of the lower court. A petition for a rehearing having then been filed by the plaintiff, the same was denied by the court December 13, 1899.

The opinion of the supreme court was delivered by Judge Phillips, and in the following, quoted therefrom, the important points of the decision are fully and clearly stated:

The act under which this suit is brought is entitled "An act to provide for the examination of mine managers and to regulate their employment," approved June 18, 1891, in force July 1, 1891. (Sections 20 to 24 of chapter 93, Annotated Statutes of 1896.)

Section 13 of article 4 of the constitution of this State contains, inter alia, the following provision: "No act hereafter passed shall embrace more than one subject, and that shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed."

While this act declares in its title that it is to provide for the examination of mine managers and to regulate their employment, the sections prior to section 5 of the act declare it to be unlawful to assume or attempt to discharge the duties of mine manager, where the output of the mine may be 25 or more tons per day, unless the person assuming to discharge such duties shall hold a certificate as to his qualifications for that position, as may be required by the act, from the board of mine examiners, and defines the term "mine manager." It is then

provided that the certificate provided for may be either a certificate of competency or of service, and any person may appear and submit to an examination as to his competency or length of service before the board of examiners.

By section 5 no owner, operator, or agent of any mine to which this act applies shall employ any mine manager who does not hold either a certificate of competency or of service herein provided for; and the last sentence of that section provides that any violation of the provisions of the act shall be deemed a misdemeanor on the part of such owner, operator, or agent, and punished accordingly. The further provision contained in section 5, that "if any accident shall occur in any mine in which a mine manager shall be employed who has no certificate, * * * by which any miner shall be killed or injured, he or his heirs shall have right of action against such operator, owner or agent, and shall recover the full value of the damages sustained," seeks to provide a recovery purely as a penalty, and in no way dependent upon any question of negligence on the part of the mine manager or pit boss resulting from his incompetency; nor is it made to rest upon any act of negligence upon the part of the owner, operator, or agent of the mine, other than by his employing a mine manager who does not hold such certificate as required. It is therefore an attempt on the part of the legislature to provide for a third person recovering a penalty equal to any damage sustained by reason of any miner being killed or injured by any accident in a mine in which the mine manager or pit boss has no certificate of competency or of service. To the extent, therefore, that the act directs and requires that the mine manager shall hold a certificate of competency or of service, to be issued by a board of examiners as directed in the act, and holds him guilty of a misdemeanor for so failing, and punishes him accordingly, it may be said the act provides for the examination of mine managers, and seeks to regulate their employment by declaring a violation of the statute a misdemeanor, and by punishing the owner, operator, or agent for employing one not holding such certificate, and this is the only subject mentioned in the title of the act.

An attempt to give a right of action to third persons by reason of any injury or death resulting from any accident in the mine where the mine manager does not hold such certificate of competency or service, with a recovery to the extent of damages sustained thereby, is not a provision which is included in the title of the act, and has no reference to the examination of mine managers and the regulating of their employment. Any other construction of this act would provide for a double punishment, one by reason of the last sentence of section 5, and the other by reason of the right of third persons to recover a penalty, not dependent on an injury sustained by reason of the want of a certificate of competency or service on the part of the mine manager, or by reason of any neglect of his. It may well be doubted whether such double punishment may be inflicted for the violation of the act, but we do not deem it necessary to at this time discuss that question. It is clear that nothing in the title of the act has reference to the right of third persons to recover for an injury received in a mine or damages for the death of a person in a mine, either case resulting from an accident in such mine where the mine manager holds no certificate as required by the act, and where the accident in no manner results by reason of the incompetency of the mine manager.

For the reason that the title of the act in no manner embraces the right of a third person to recover a penalty for its violation, we hold the act unconstitutional, so far as such right of recovery by such third person is sought to be given.

CONSTITUTIONALITY OF STATUTE—HOURS OF LABOR ON PUBLIC WORKS—*In re Dalton, 59 Pacific Reporter, page 336.*—The petition of one J. T. Dalton for a writ of habeas corpus was filed in the supreme court of the State of Kansas. It alleged, in effect, that he was unlawfully restrained of his liberty by the sheriff of Geary County, being held in custody by him under a warrant, in which he was charged with the violation of chapter 114, acts of Kansas of 1891, providing that eight hours shall constitute a day's work for all laborers, workmen, mechanics, and other persons employed by or on behalf of any county, city, township, or other municipality in the State, in that he permitted and required certain workmen employed by him to work over eight hours per day in building a county court-house and jail, for the building of which he and one J. C. Zeigler had contracted with the county commissioners of Geary County. He alleged that the statute, above referred to, was unconstitutional and void, but the supreme court, after a hearing, rendered its decision December 9, 1899, and affirmed the constitutionality of the statute and denied the writ.

Judge Smith delivered the opinion of the court and in the course of the same used the following language:

The law for a violation of which the petitioner is prosecuted is to be regarded as a direction by a principal to his agent—a matter of concern to the principal and agent alone. The State declares by this statute that all laborers, workmen, or mechanics engaged in its service shall not work thereunder more than eight hours per day; that it will make no contracts for longer hours. A by-law of a corporation might provide that none of its agents should employ persons to labor in its behalf more than eight hours in any one day. Such by-law would be a matter of private concern between the corporation and the persons who sought employment by it. Here the State has seen fit to declare (and for what reason it is unnecessary to inquire) that eight hours shall constitute a day's work for all persons employed by it or by any of its political subdivisions. A contractor, in bidding for work to be done by the State, county, city, or township, understands, in making his estimates, that under the law eight hours per day is the maximum time which his employees may work. He is in nowise prejudiced, for all other bidders for the same work have equal knowledge of the rule which the State has established governing the hours of labor to be performed in its behalf. The position which the State has taken in nowise differs from that of an individual who, in the employment of labor, refuses to permit his employees to labor more than eight hours. It is certainly lawful for one to refuse to employ men to work more than a given number of hours per day.

We see in this law no infringement of constitutional rights. There

can be no compulsion of a contractor to bid upon public work, nor is the laborer bound to take employment from a person having such contract. If the terms relating to the hours of labor do not suit either the contractor or the employee, there is no compulsion upon either the one or the other to take the contract, or to perform any labor for the State. The terms of employment are, by this statute, publicly proclaimed; and, if a person insists upon working more than eight hours a day, he must seek other employment. His liberty of choice is not interfered with, nor his right to labor infringed. Whatever orders the State may give directly to its own agents it may require of its political subdivisions, instrumentalities of said government, such as counties, cities, and townships. We conclude, therefore, that the statute under consideration is a mere direction of the State to its agents, and a proper exercise of its power in that respect.

CONSTITUTIONALITY OF STATUTE—PAYMENT OF WAGES, ETC.—*State v. Haun, 59 Pacific Reporter, page 340.*—In an inferior court of the State of Kansas one C. L. Haun (agent and cashier of the Kansas Commercial Coal Company) was convicted of paying his employees in other than lawful money in violation of chapter 145, acts of Kansas of 1897. Upon an appeal to the court of appeals of the State his conviction was affirmed and he then appealed to the supreme court of Kansas, which rendered its decision December 9, 1899, and reversed the decisions of the lower courts upon the ground that the act above referred to, for a violation of which the appellant had been convicted, "is unconstitutional and void, in that it violates the fourteenth amendment to the Constitution of the United States, which provides, 'nor shall any State deprive any person of life, liberty, or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.'" The act referred to reads, in part, as follows:

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.

The opinion of the supreme court, delivered by Judge Smith, contains the following language:

In sustaining the constitutionality of the act under consideration, the court of appeals held that it applied only to corporations and trusts severally employing ten or more persons, and, further, that the act is constitutional as a valid exercise of legislative authority to alter and amend corporate charters. While the State might prohibit a foreign corporation from doing business here, it can hardly be claimed that it could alter or amend a corporate charter granted by the laws of another State. We will proceed, however, by assuming that the coal company was a Kansas corporation. There is no suggestion in the title of the act that the provisions of corporate charters are to be in any wise affected. The title reads: "An act to secure to laborers and others the payment of their wages, and prescribing a penalty for the violation of this act, and repealing sections 2441, 2442, and 2443 of the General Statutes of 1889, and all acts and parts of acts in conflict herewith." The first section of the act makes it unlawful for any person, firm, company, corporation, or trust to give any scrip, token, check, or order to any employee. The application of this section to persons, firms, companies, and trusts makes it quite clear that the general scope and purpose of the law are defined in its title, and that the alteration or amendment of corporate charters was never intended by the legislature, and is not expressed in the body of the act, when the true rules of construction are applied thereto. Just how the court of appeals concluded that the act we are now considering did not apply to individuals, but to trusts and corporations only, when a trust may be composed of persons or firms associated together, we do not understand. A trust may or may not be endowed with corporate powers. If not, then it is a mere aggregation of individuals or partnerships, and could hardly be regulated under a law, the constitutionality of which can be sustained only upon the ground that it alters and amends corporate charters. We are clearly of the opinion that a construction of the act which attributes to it a purpose to alter or amend corporate charters is erroneous.

We have no hesitation in saying that if this statute had, without defect as to title, clearly and in express terms amended corporate charters, retaining the section classifying corporations to which it was applicable by the number of men in their employ, it would be obnoxious to the fourteenth amendment to the Constitution of the United States. The law is partial and unequal in its operation. The first section of the act makes it "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 do certain things. Section 2 declares that "all contracts to pay or accept wages in any other than lawful money, or by check or draft, as specified in section 1, 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." So far the act is general, and applies to all persons and aggregations of persons alike. In section 3 partiality commences. Any person, says that section, who "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 * * *" store or person shall be guilty of a misdemeanor. If, therefore, any person compels or attempts to compel or coerce any employee, other than an employee of a corporation or trust, he is guiltless of wrong, and may proceed with his compulsion without fear of prosecution. Section 4 provides that the act "shall apply only to corporations or trusts or other agents, lessees, or business managers that employ ten or more persons." Not only is the attempted act of compulsion or coercion denounced in section 3 made applicable only to corporations and trusts, but the denunciation of section 4 does not touch a corporation or trust that employs less than ten men. Thus an act of an agent or a corporation or trust of a given class is unlawful, while the same act of the same man is lawful if he works for an individual or another class of corporations or trusts. Again, the same act of the same man would be unlawful to-day if his employer was a corporation or trust and employed ten men, while to-morrow it would be lawful, provided in the meantime the corporation or trust had discharged one of its employees.

The obvious intent of the act is to protect the laborer, and not to benefit the corporation. Why should not the nine employees who work for one corporation be equally protected with the eleven engaged in the same line of employment for another corporation? If such law is beneficial to wage earners in the one instance, why not in the other? The nine men lawfully paid for their labor in goods at a truck store might with much reason complain that the protection of the law was unequal as to them, when they saw eleven men paid in money for the same service performed for another corporation engaged in a like business. Such inequality destroys the law. In the instance cited, two of the eleven men might quit the employment of the company for which they worked, and by this act alone make a method of payment by the corporation lawful which was unlawful while the eleven were employed. The criminality or innocence of an act done ought not to depend on the happening of such a circumstance. Equal protection of the laws means equal exemption with others of the same class from all charges and burdens of every kind.

If the classification attempted by this act is a constitutional one, it follows that the legislature might have made the law applicable only to corporations employing married men or persons over a certain age, or to corporations a portion of whose employees were women, or applied any other arbitrary or capricious means of distinction. In the language of Mr. Justice Brewer, "In all cases it must appear, not only that a classification has been made, but also that it is one based upon some reasonable ground,—some difference which bears a just and proper relation to the attempted classification." A classification of the

kind attempted makes a distinction between corporations identically alike in organization, capital, and all other powers and privileges conferred by law. It is arbitrary and wanting in reason. The act in question is class legislation of the most pronounced character.

However much the employed might profit by the necessities of the employer desiring to exchange property for labor at a value advantageous to the former, all such beneficial agreements are prohibited by this law. In short, such legislation infringes upon natural rights and constitution grants of liberty. It treats the laborer as a ward of the Government, and discourages the employment of those talents which lead to success in the fields of commercial enterprise. Persons sui juris need no guardians. Those who seek to put a protector over labor reflect upon the dignity and independence of the wage earner, and deceive him by the promise that legislation can cure all the ills of which he may complain. Such legislation suggests the handiwork of the politician rather than the political economist.

It has been sought by some judges to justify legislation of this kind upon the theory that, in the exercise of police power, a limitation necessary for the protection of one class of persons against the persecution of another class may be placed upon freedom of contract. As between persons sui juris, what right has the legislature to assume that one class has the need of protection against another? In this country the employee to-day may be the employer next year, and laws treating employees as subjects for such protective legislation belittle their intelligence, and reflect upon their standing as free citizens. It is our boast that no class distinctions exist in this country. An interference by the legislature with the freedom of the citizen in making contracts, denying to a part of the people, possessing sound minds and memory, the right to bargain concerning the equivalent they may desire to receive as compensation for their labor, is to create or carve out a class from the body of the people, and place that class within the pale of protective laws which invidiously distinguish them from other free citizens; thus dividing by arbitrary fiat equally free and intelligent people into distinctive classes or grades, the one marked by law as the object of legislative solicitude, the other not. This discrimination has been justified by writers defending the doctrine of paternalism, and by some judges, upon the asserted fact that labor is constantly engaged in an unequal contest with capital, and that the former must be reenforced by the legislative power of the State, to prevent its overthrow in the conflict.

Freedom of action—liberty—is the corner stone of our governmental fabric. Laws which infringe upon the free exercise of the right of a workingman to trade his labor for any commodity or species of property which he may see fit, and which he may consider to be the most advantageous, is an encroachment upon his constitutional rights, and an obstruction to his pursuit of happiness. Such laws as the one under consideration classify him among the incompetents, and degrade his calling. The proportion of lawful money in circulation is small, compared with the value of other property in the United States. Accumulated wealth, much or little, is represented in a very small part by money. To say that a free citizen can contract for or agree to receive in return for his labor one kind of property only, and that which represents the smallest part of the aggregate wealth of the country, is a clear restriction of the right to bargain and trade, a suppression of

individual effort, a denial of inalienable rights. In Tied. Lim., sec. 178, the author says: "Laws, therefore, which are designed to regulate the terms of hiring in strictly private employments, are unconstitutional, because they operate as an interference with one's natural liberty, in a case in which there is no trespass upon private right, and no threatening injury to the public. And this conclusion not only applies to laws regulating the rate of wages of private workmen, but also any other law whose object is to regulate any of the terms of hiring, such as the number of hours of labor per day, which the employer may demand. There can be no constitutional interference by the State in the private relation of master and servant, except for the purpose of preventing frauds and trespass."

In the case at bar the appellant did not urge or compel the employee Graves to take the order for merchandise. Graves voluntarily applied for and requested that the same be given to him between pay days. Had he been content to have waited until the regular pay day, he would have received his wages in money. It was his option to take the order, and for compliance with his request the appellant was convicted. Here was no force or compulsion on the part of the appellant, and he committed no fraud or trespass. We conclude, therefore: First, that chapter 145 of the laws of 1897 is not to be construed as altering or amending corporate charters; second, it is in violation of the fourteenth amendment to the Constitution of the United States, in that it denies to persons within this State the equal protection of the laws. The judgment of the court of appeals and of the district court is reversed, and the appellant discharged.

CONSTITUTIONALITY OF STATUTE—PAYMENT OF WAGES– LIEN FOR UNPAID WAGES—*Johnson v. Goodyear Mining Co., et al., 59 Pacific Reporter, page 304.*—This action was by Andrew Johnson against the above-named company and others to recover for labor performed for said company by him and by others whose claims have been assigned to him. In the superior court of Sierra County, Cal., a judgment was rendered for the plaintiff in the sum of $5,039.57 and $400 attorneys' fees, and declaring the same to be a first lien upon all the property of said company, as described in the complaint, and that all of said property, or so much thereof as might be necessary, should be sold to pay the judgment, costs, and attorneys' fees, as provided in chapter 170, acts of California of 1897, approved March 29, 1897.

The defendant company appealed the case to the supreme court of the State and a commissioners' decision was rendered therein November 20, 1899, reversing the decision of the lower court in part and declaring the above-named act to be unconstitutional and void

From the opinion of Commissioner Cooper, concurred in by Commissioners Haynes and Chipman, and approved by the court, the following is taken:

The plaintiff claims the benefit of the provisions of said act [chapter 170, acts of 1897, above referred to] applicable to this case, and the

defendants contest the said provisions and every part of said act as being unconstitutional. The statute is said to contravene the following provisions of the constitution of the State: (1) Subdivision 13, sec. 1, art. 1: "No person shall be deprived of life, liberty or property without due process of law." (2) Subdivision 21, id.: "Nor shall any citizen or class of citizens be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens." (3) Subdivision 11, id.: "All laws of a general nature shall have a uniform operation." (4) Section 25, art. 4, providing that the legislature shall not pass local or special laws in the following cases: "Third. Regulating the practice of courts of justice." "Twenty-fourth. Authorizing the creation, extension or impairing of liens." "Thirty-third. In all other cases where a general law can be made applicable." (5) Fourteenth amendment to the Constitution of the United States: "Nor shall any State deny to any person within its jurisdiction the equal protection of the laws."

It will be observed that the act in question applies only to two classes of persons: First, corporations doing business in this State, and not to corporations of any other class; second, to laborers performing labor for such corporations. It does not apply to the thousands of laborers who may be employed by individuals or copartnerships in the many and varied industries of the State. The word "corporation" in the act means those artificial persons created and existing under the laws of this or some other State; but the word "corporation," as to the rights of defendants, must be treated as though it means the name of all the individuals who are members of the corporation. It has long been settled that the word "person," within the meaning of the fourteenth amendment to the Constitution of the United States, applies to a corporation. In Cooley on Constitutional Limitations (6th ed., p. 483) it is said: "But everyone has a right to demand that he be governed by general rules; and a special statute which, without his consent, singles his case out as one to be regulated by a different law from that which is applied in all similar cases, would not be legitimate legislation, but would be such an arbitrary mandate as is not within the province of free governments. Those who make the laws are to govern by promulgated established laws, not to be varied in particular cases, but to have one rule for rich and poor, for the favorite at court and the countryman at plow. This is a maxim in constitutional law, and by it we may test the authority and binding force of legislative enactment." In Wally's Heirs *v.* Kennedy, 2 Yerg., 554, it is said: "The rights of every individual must stand or fall by the same rule or law that governs every other member of the body politic, or land, under similar circumstances; and every partial or private law which directly proposes to destroy or affect individual rights, or does the same thing by affording remedies leading to similar consequences, is unconstitutional and void. Were it otherwise, odious individuals and corporations would be governed by one law, the mass of the community and those who made the law by another, whereas the like general law affecting the whole community equally could not have been passed." Applying these principles to this act, it is clearly unconstitutional. It gives a first lien to laborers for the amount due them from corporations doing business in this State upon all the real and personal property of such corporations, and does not even require any description of the property, or notice in any manner, in order to make such lien

valid. It seems to give the laborer the right to an attachment against the property of the corporation without requiring him to make the affidavit and file the undertaking required of all other persons in order to procure such attachment. It does not give this lien to any other class of laborers.

The lien attaches to the property of such corporation, but not to the property of an individual under precisely the same circumstances. Under general law liens are given to all mechanics, artisans, laborers, or material men, and against all persons and corporations. Under the present statute a lien is given to laborers performing labor for the particular corporations named. All other persons in the State, after obtaining an ordinary money judgment, must enforce it by the writ of execution; but laborers for such corporations under this statute have the right to have the court declare the amount found due them a lien on all the property of the corporation, which shall take preference over all other liens except recorded mortgages and deeds of trust.

The statute gives the laborer a right, in case he recovers judgment, to recover attorneys' fees, which become a part of the judgment. No other class of laborers or persons are given the right to recover attorney's fees except by virtue of a contract or by virtue of a general statute. The corporation is prohibited from setting up any defense to the action except some two or three. Matters which might be pleaded as a defense by all other persons in the State are not allowed to be so pleaded by the corporation. If the legislature could deprive the corporation of some of the defenses which other litigants on like terms are allowed, it could, by a Draconian edict, deprive it of all of them, and say at once that the corporation should make no defense whatever to the action. The corporation and the laborer are prohibited from making any contract whereby wages are to become due for a longer period than 1 month as a condition of employment, or by which the laborer is to be paid in anything except money or negotiable checks. The workingman of intelligence is treated as an imbecile. Being over 21 years of age, and not a lunatic or insane, he is deprived of the right to make a contract as to the time when his wages shall become due. Being of sound mind, and knowing the value of a horse, he is not allowed to make an agreement with the corporation that he will work 60 days and take the horse in payment. Business might be such that a corporation could not possibly pay wages without getting laborers who were willing to wait for their wages until the corporation could get money with which to pay them by marketing its products. The laborer might be interested in the corporation, or for some reason willing to wait until the corporation could pay him. Yet the parties, being able to contract and willing to contract, and desiring for the good of each other to contract, are by this statute forbidden to do so. Not only this, but the corporation shall be subject to a fine of not less than $50 for each violation of the statute. A corporation employing 1,000 men, and sued by each, could not defend the suits without being limited in its defense to those named in the statute, and being subject to a reasonable attorney's fee in each case. In case it made a contract with the 1,000 men by which they agreed to work for it 3 months for $100 each, they could bring suit, and recover, before the end of the 3 months, and each recover an attorney's fee, making 1,000 attorney's fees, and the corporation would be subject to 1,000 fines of $100 each, making the modest sum of $100,000 in fines; or perhaps the

magistrate might, in his discretion, make the fine $50 in each case, and thus reduce it to $50,000. We might enumerate many other infirmities in the statute, but the above are sufficient to destroy it.

It is claimed that corporations are a class, and that classifications can be made, and that a law is not unconstitutional if it affects all of a class. While this is true, yet the classification must be founded upon differences either defined by the Constitution or natural, or which will suggest a reason which might naturally be held to justify the diversity of legislation. In this case there can be no reason why a corporation doing business in this State should have its property subjected to a lien unless the property of other persons in the State under like circumstances is subjected to the same kind of a lien; or why such corporations should be prohibited from making defenses which all other persons in the State may make; or why such corporations should pay attorneys' fees or fines in an ordinary action at law, while all other persons under like circumstances are exempt from such attorneys' fees and fines; or why such corporations can not create valid liens upon its property other than by a deed or mortgage duly recorded, while all other persons in the State may do so; or why such corporations shall be denied the privilege of making a contract as to the manner of payment of its employees, while all other persons in the State who are over 21 years of age, and not incompetent, may do so; or why laborers can not make a valid contract as to the time when their wages shall become due, or the kind of property or money in which they shall be paid. It is said that, corporations being creatures of the State, and deriving their powers from their charters, the same power that created them may alter or amend their charters, or deprive them of rights originally given them. This is true as to certain purposes, but the legislature can not, after creating a corporation, and while it exists, deprive it of the rights guaranteed to it by the Federal Constitution, nor deprive it of its right to resort to the courts of law, nor take its property without due process of law, nor subject it to unequal and oppressive burdens, nor deprive it of the equal protection of the laws.

But the act in question applies not only to the corporations existing under the laws of this State, but to all other corporations doing business in this State, and in nowise indebted to the State for their charters. Surely, the legislature of this State could not alter, amend, or repeal the charter of a corporation existing under the laws of another State.

That portion of the judgment in favor of plaintiff and against the defendant corporation for $5,039.57, with costs, should be affirmed. The portion awarding the plaintiff $400 attorney's fees, and declaring that the plaintiff is entitled to a lien upon the property of defendant corporation, and to have a commissioner appointed to sell the property, should be reversed.

EMPLOYERS' LIABILITY — RAILROAD COMPANIES — FELLOW-SERVANTS — NEGLIGENCE — CONSTRUCTION OF STATUTE — *Linck's Administrator v. Louisville and Nashville Railroad Co., 54 Southwestern Reporter, page 184.*—This was an action for damages for causing the death of Edward B. Linck, brought in the circuit court of Todd County, Ky. Linck was a conductor in the employ of the above-

named railroad company, and at the time of the accident he was making a coupling of some cars in the train in place of the brakeman, who was temporarily and necessarily absent. The alleged negligence was that of the engineer of the train in backing the engine with great and unnecessary violence, so that the coupling link broke, and Linck was knocked down and run over by the backing train and killed. A judgment was rendered for the defendant company and the plaintiff appealed the case to the court of appeals of the State, which rendered its decision December 8, 1899, and reversed the decision of the lower court.

In the course of the opinion of the court, delivered by Judge White, the following language was used:

Beginning with the case of Railroad Co. *v.* Collins, 2 Duv. 118, this court, by a long and unbroken line of decisions, including Railway Co. *v.* Palmer, 98 Ky. 382, 33 S. W. 199, and Edmonson *v.* Railway Co., 49 S. W. 200, 448, has repeatedly held that where two servants of the same master are equal, and neither superior to the other, no recovery can be had, as against the master, by one servant for the negligence of the other. It has also been held that where two servants are in the same field of labor, but are not of the same rank, the master is not liable for an injury to the subordinate by the ordinary negligence of the superior, but is liable only in case of gross negligence of the superior. It is contended that if the rule laid down in the Edmonson case, and other cases to the same effect, were [was?] the law as to the cases there decided, it has no application to this; that by the adoption of section 241 of our present constitution the rule of law as to fellow-servants was changed. Section 241 of the constitution reads: "Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then, in every such case, damages may be recovered for such death, from the corporation and persons so causing same." There follows a provision as to who may prosecute an action to recover.

It is insisted that by the use of the term, "then, in every such case, damages may be recovered for such death, from the corporation and persons so causing same," it is meant to provide that a recovery may be had for a death resulting from the negligence of a fellow-servant, regardless of grade or degree of negligence. In considering this section, it may be well to consider the condition of the law as laid down by this court at the time of the adoption of the constitution. Under section 1 of chapter 57 of the General Statutes, it had been held, as in the Collins case, 2 Duv. 118, that damages were not recoverable by an employee of a railroad for an injury inflicted by the negligence of a fellow-servant. And a fellow-servant was held to be a servant of the same master, in the same field of labor, and of an equal grade with the one injured. It was also held that no recovery could be had for the ordinary negligence of a superior servant of the same master engaged in the same field of labor. Under section 3 of chapter 57 of the General Statutes it had been held that no recovery could be had for death unless the deceased left a widow or child. The debates of the constitutional convention (pages 5749–5752) show that it was intended to place in the organic law, and beyond the control of the legislature, that

an action for damages resulting in death survived, and might be recovered by the personal representative, regardless of whether widow or children survived. It was intended to provide, also, that the right of action could be maintained against both the servant who was negligent and the company he represented. The framers of the constitution intended to so fix the law that the legislature could not release either the servant who was negligent or the company.

It is true that, as the statute then stood, the changes made by the constitution amounted, as we see it, to but two things: It provided for a survival of the action, regardless of the fact whether decedent left a widow or child, and also provided for a recovery by a servant against his master for the ordinary negligence of a superior servant; whereas, in the first there was no survival of the action without a widow or child, and in the second the negligence of the superior servant must have been gross. But, to be plain that this is the law as intended, by the first legislature that assembled after the adoption of the constitution, and which contained many members of the convention, section 6 of the Kentucky statutes was enacted. It provides: "Whenever the death of a person shall result from an injury inflicted by negligence or wrongful act, then in every such case, damages may be recovered for such death from the person or persons, company or companies, corporation or corporations, their agents or servants causing the same, and when the act is willful or the negligence gross, punitive damages may be recovered and the action to recover such damages shall be prosecuted by the personal representative of the deceased."

This statute clearly provides that, where death is caused by negligence or wrongful act, the cause of action survives; where the negligence is ordinary, compensatory damages may be recovered; where the negligence is gross, or the act willful, punitive damages may be recovered; that such action may be maintained against the immediate person guilty of the wrongful act or of the negligence, as well as against any person, company, or corporation represented by such person inflicting the injury. It is insisted in the case at bar that, under the constitution and the above statute, appellant has shown a right to recover. If this action was against the engineer whose alleged negligence caused the injury, counsel would be correct; but as to appellee company such is not the law, for the reason that, as between the defendant and the engineer, the engineer did not represent the company. If it be conceded that the engineer was the equal in service with decedent, then as to decedent the engineer could not represent the common principal. The fact that decedent at the time was performing the duties of brakeman did not change his character or position as conductor. Although the brakeman, if injured under the same circumstances, might have recovered of appellee, yet decedent can not, because as to him there was no agent of the company guilty, or charged to be guilty, of negligence.

DECISIONS UNDER COMMON LAW.

EMPLOYERS' LIABILITY—ASSUMPTION OF RISK BY EMPLOYEES—*Van Duzen Gas and Gasoline Engine Co. v. Schelies, 55 Northeastern Reporter, page 998.*—Action was brought against the above-named company by one Schelies for the recovery of damages arising from a

personal injury averred to have been caused by the negligence of the defendant, the plaintiff at the time being in the employ of said defendant as a servant. In the circuit court of Hamilton County, Ohio, a judgment was rendered for the plaintiff, and the defendant company carried the case upon a writ of error to the supreme court of the State, which rendered its decision December 19, 1899, and affirmed the judgment of the lower court.

The opinion of the supreme court was delivered by Judge Minshall, and the syllabus of the same, prepared by the court, reads as follows:

1. A servant assumes only such risks incident to his employment as will happen in the ordinarily careful management of the business of the master. Such as arise from the fault of the master are not assumed, and the servant may recover for injuries therefrom unless his own fault contributed to the accident.

2. One who, as a servant, does that in his employment which he is ordered to do by his master, and is injured by the culpable negligence of the latter, is not deprived of a right to recover for the injury by the fact that it was apparently dangerous, if a person of ordinary prudence would, under the circumstances, have obeyed the order, provided he used ordinary care in obeying it.

3. In such a case the question is one of fact for the jury, under proper instructions from the court.

4. A servant was called by the foreman of a common master to assist him in the adjustment of a machine, and was ordered to do a certain thing in connection with the work. This, to the knowledge of the servant, was dangerous; but he had a short time before done substantially the same thing under the foreman's order without accident. The danger arose from the proximity of a revolving saw that, by the culpable negligence of the master, was not protected. The servant obeyed the order, using ordinary care, but his clothing was caught by the saw and he was seriously injured. The court left it to the jury to say whether, under all the circumstances, the risk of injury was so great that no ordinarily prudent man would have obeyed the order, and that, if they found that it was, they should return a verdict for the defendant, and, if not, they should return a verdict for the plaintiff. *Held*, that the jury was properly instructed.

EMPLOYERS' LIABILITY — RAILROAD COMPANIES — VALIDITY AND EFFECT OF A RELEASE FROM LIABILITY—*Jossey v. Georgia Southern and Florida Ry. Co., 34 Southeastern Reporter, page 664.*—R. M. Jossey brought suit against the above-named railway company, in which he sought to rescind a contract signed by him, releasing such company from liability for a personal injury sustained by him, and to recover damages from the defendant for such injury. In the superior court of Dooly County, Ga., where the suit was heard, a judgment was rendered in favor of the defendant company and the plaintiff took the case upon a writ of error before the supreme court of the State,

which rendered its decision December 8, 1899, and sustained the action of the lower court.

The opinion of the court was delivered by Judge Fish, and the syllabus of the same, which was prepared by the court, reads as follows:

One who signs a contract, which recites that, in consideration of a stated sum paid him by a railroad company, he releases it from all liability for a personal injury, which he contends was caused by its negligence, will be estopped from claiming that the release is not binding upon him, because he thought, when he signed the contract, that it related only to the time he lost in consequence of the injury, and did not cover damages caused thereby, when it appears that no fraud of any kind was practiced upon him, and that, having ample opportunity and capacity to read and understand the contract before he signed it, he negligently failed to do so.

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

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

ILLINOIS.

ACTS OF 1899.

Arbitration of labor disputes.

(Page 75.)

SECTION 1. Section 3 of "An act to create a State board of arbitration for the investigation or settlement of differences between employers and their employees, and to define the powers and duties of said board," approved August 2, 1895, [shall] be amended so as to read as follows:

§ 3. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place of the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board in all cases shall have power to summon as witnesses any operative or expert in the department of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the records of wages paid and such other books and papers as may be deemed necessary to a full and fair investigation of the matter in controversy. The board shall have power to issue subpœnas, and oaths may be administered by the chairman of the board. If any person, having been served with a subpœna or other process issued by such board, shall willfully fail or refuse to obey the same, or to answer such questions as may be propounded touching the subject matter of the inquiry or investigation, it shall be the duty of the circuit court or the county court of the county in which the hearing is being conducted, or of the judge thereof, if in vacation, upon application by such board, duly attested by the chairman and secretary thereof, to issue an attachment for such witness and compel him to appear before such board and give his testimony or to produce such books and papers as may be lawfully required by said board; and the said court, or the judge thereof, shall have power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

SEC. 2. There [shall] be inserted after section 5 of said act the following sections:

§ 5a. In the event of a failure to abide by the decision of said board in any case in which both employer and employees shall have joined in the application, any person or persons aggrieved thereby may file with the clerk of the circuit court or the county court of the county in which the offending party resides, or in the case of an employer in the county in which the place of employment is located, a duly authenticated copy of such decision, accompanied by a verified petition reciting the fact that such decision has not been complied with and stating by whom and in what respects it has been disregarded. Thereupon the circuit court or the county court (as the case may be) or the judge thereof, if in vacation, shall grant a rule against the party

or parties so charged to show cause within ten days why such decision has not been complied with, which shall be served by the sheriff as other process. Upon return made to the rule, the court, or the judge thereof if in vacation, shall hear and determine the questions presented, and to secure a compliance with such decision, may punish the offending party or parties for contempt, but such punishment shall in no case extend to imprisonment.

§5b. Whenever two or more employers engaged in the same general line of business, employing in the aggregate not less than twenty-five persons, and having a common difference with their employees, shall, cooperating together, make application for arbitration, or whenever such application shall be made by the employees of two or more employers engaged in the same general line of business, such employees being not less than twenty-five in number, and having a common difference with their employers, or whenever the application shall be made jointly by the employers and employees in such a case, the board shall have the same powers and proceed in the same manner as if the application had been made by one employer, or by the employees of one employer, or by both.

SEC. 3. There [shall] be inserted after section 6 of said act, the following section:

§6a. It shall be the duty of the mayor of every city, and the president of every incorporated town or village, whenever a strike or lockout involving more than twenty-five employees shall be threatened, or has actually occurred within or near such city, incorporated town or village, to immediately communicate the fact to the State board of arbitration, stating the name or names of the employer or employers and of one or more employees, with their post-office addresses, the nature of the controversy or difference existing, the number of employees involved and such other information as may be required by the said board. It shall be the duty of the president or chief executive officer of every labor organization, in case of a strike or lockout, actual or threatened, involving the members of the organization of which he is an officer, to immediately communicate the fact of such strike or lockout to the said board with such information as he may possess touching the differences or controversy, and the number of employees involved.

SEC. 4. Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage.

Approved, April 12, 1899.

Deception, unlawful force, etc., in procuring employees.

(Page 139.)

SECTION 1. It shall be unlawful for any person, persons, company, corporation, society, association or organization of any kind doing business in this State, by himself, themselves, his, its or their agents or attorneys, to induce, influence, persuade or engage workmen to change from one place to another in this State, or to bring workmen of any class or calling into this State to work in any of the departments of labor in this State, through or by means of false or deceptive representations, false advertising or false pretenses concerning the kind and character of the work to be done, or amount and character of the compensation to be paid for such work, or the sanitary or other conditions of the employment, or as to the existence or nonexistence of a strike or other trouble pending between employer and employees, at the time of or prior to such engagement. Failure to state in any advertisement, proposal or contract for the employment of workmen that there is a strike, lockout or other labor troubles at the place of the proposed employment, when in fact such strike, lockout or other labor trouble then actually exists at such place, shall be deemed as false advertisement and misrepresentation for the purposes of this act.

SEC. 2. Any person or persons, company, corporation, society, association or organization of any kind doing business in this State, as well as his, their or its agents, attorneys, servants or associates, found guilty of violating section 1 of this act, or any part thereof, shall be fined not exceeding two thousand dollars or confined in the county jail not exceeding one year, or both, where the defendant or defendants is or are a natural person or persons.

SEC. 3. Any person or persons who shall, in this or another State, hire, aid, abet or assist in hiring, through agencies or otherwise, persons to guard with arms or deadly weapons of any kind other persons or property in this State, or any person or persons who shall come into this State armed with deadly weapons of any kind for any such purpose, without a permit in writing from the governor of this State, shall be guilty of a felony, and on conviction thereof shall be imprisoned in the penitentiary not less than one year nor more than five years: *Provided*, That nothing contained in this act shall be construed to interfere with the right of any person, persons, or company, corporation, society, association or organization in guarding or protect-

ing their private property or private interests as is now provided by law; but this act shall be construed only to apply in cases where workmen are brought into this State, or induced to go from one place to another in this State, by any false pretenses, false advertising or deceptive representations, or brought into this State under arms, or removed from one place to another in this State under arms.

SEC. 4. Any workman of this State, or any workman of another State who has or shall be influenced, induced or persuaded to engage with any persons mentioned in section 1 of this act, through or by means of any of the things therein prohibited, each of such workmen shall have a right of action for recovery of all damages that each of such workmen has sustained in consequence of the false or deceptive representations, false advertising and false pretenses used to induce him to change his place of employment, against any person or persons, corporations, companies or associations directly or indirectly causing such damages; and, in addition to all actual damages such workmen may have sustained, shall be entitled to recover such reasonable attorney's fees as the court shall fix, to be taxed as costs in any judgment recovered.

Approved April 24, 1899.

Free employment agencies.

(Page 268.)

[NOTE.—This act, approved April 11, 1899, was published in the Department of Labor Bulletin No. 22, page 491, and is therefore omitted here.]

Coal-mine regulations.

(Page 300.)

MAPS OR PLANS OF MINES.

SECTION 1. MAPS NECESSARY. (*a*) The operator of every coal mine in this State shall make, or cause to be made, an accurate map or plan of such mine, drawn to a scale not smaller than two hundred feet to the inch, and as much larger as practicable, on which shall appear the name of the State, county, and township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

SURFACE SURVEY. (*b*) Every such map or plan shall correctly show the surface boundary lines of the coal rights pertaining to each mine, and all section or quarter-section lines or corners within the same; the lines of town lots and streets; the tracks and side tracks of all railroads, and the location of all wagon roads, rivers, streams, ponds, buildings, landmarks and principal objects on the surface.

UNDERGROUND SURVEY. (*c*) For the underground workings said maps shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine; all excavations, entries, rooms and crosscuts; the location of the fan or furnace and the direction of the air currents; the location of pumps, hauling engines, engine planes, abandoned works, fire walls and standing water; and the boundary line of any surface outcrop of the seam.

MAP FOR EVERY SEAM. (*d*) A separate and similar map, drawn to the same scale in all cases, shall be made of each and every seam, which, after the passage of this act, shall be worked in any mine, and the maps of all such seams shall show all shafts, inclined planes, or other passageways connecting the same.

SEPARATE MAP FOR THE SURFACE. (*e*) A separate map shall also be made of the surface whenever the surface buildings, lines or objects are so numerous as to obscure the details of the mine workings if drawn upon the same sheet with them, and in such case the surface map shall be drawn on transparent cloth or paper, so that it can be laid upon the map of the underground workings, and thus truly indicate the local relation of lines and objects on the surface to the excavations of the mine.

THE DIP. (*f*) Each map shall also show by profile drawing and measurements, in feet and decimals thereof, the rise and dip of the seam from the bottom of the shaft in either direction to the face of the workings.

COPIES FOR INSPECTORS AND RECORDERS. (*g*) The originals or true copies of all such maps shall be kept in the office at the mine, and true copies thereof shall be furnished to the State inspector of mines for the district in which said mine is located, and shall be filed in the office of the recorder of the county in which the mine is located, within thirty days after the completion of the same. The maps so delivered to the inspector shall be the property of the State and shall remain in the custody of said inspector during his term of office, and be delivered by him to his successor in office; they shall be kept at the office of the inspector and be open to

the examination of all persons interested in the same, but such examination shall only be made in the presence of the inspector, and he shall not permit any copies of the same to be made without the written consent of the operator or the owner of the property.

ANNUAL SURVEYS. (*h*) An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months prior to July 1, of every year, and the results of said survey, with the date thereof, shall be promptly and accurately entered upon the original maps and all copies of the same, so as to show all changes in plan or new work in the mine, and all extensions of the old workings to the most advanced face or boundary of said workings, which have been made since the last preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the said inspector and recorder, within thirty days after the last survey is made.

ABANDONED MINES. (*i*) When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a final survey of all parts of such mine, and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations and the most advanced workings of the mine and their exact relation to the boundary or section lines on the surface.

SPECIAL SURVEY. (*j*) The State inspector of mines may order a survey to be made of the workings of any mine, and the results to be extended on the maps of the same and the copies thereof, whenever, in his judgment, the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine requires it.

PENALTY FOR FAILURE. (*k*) Whenever the operator of any mine shall neglect or refuse, or, for any cause not satisfactory to the mine inspector, fail, for the period of three months, to furnish to the said inspector and recorder, the map or plan of such mine or a copy thereof, or of the extensions thereto, as provided for in this act, the inspector is hereby authorized to make or cause to be made, an accurate map or plan of such mine at the expense of the owner thereof, and the cost of the same may be recovered by law from the said operator in the same manner as other debts by suit in the name of the inspector and for his use, and a copy of the same shall be filed by him with said recorder.

THE MAIN SHAFT.

SEC. 2. SINKING SUBJECT TO INSPECTION. (*a*) Any shaft in process of sinking, and any opening projected for the purpose of mining coal, shall be subject to the inspection of the State inspector of mines for the district in which said shaft or opening is located.

PASSAGEWAY AROUND THE BOTTOM. (*b*) At the bottom of every shaft and at every caging place therein, a safe and commodious passageway must be cut around said landing place to serve as a traveling way by which men or animals may pass from one side of the shaft to the other without passing under or on the cage.

GATES AT THE TOP. (*c*) The upper and lower landings at the top of each shaft, and the opening of each intermediate seam from or to the shaft, shall be kept clear and free from loose materials, and shall be securely fenced with automatic or other gates, so as to prevent either men or materials from falling into the shaft.

GENERAL EQUIPMENT. (*d*) Every hoisting shaft must be equipped with substantial cages fitted to guide rails running from the top to the bottom. Said cages must be safely constructed; they must be furnished with suitable boiler-iron covers to protect persons riding thereon from falling objects; they must be equipped with safety catches. Every cage on which persons are carried must be fitted up with iron bars or rings in proper place and sufficient number to furnish a secure hand-hold for every person permitted to ride thereon. At the top landing cage supports, where necessary, must be carefully set and adjusted so as to act automatically and securely hold the cages when at rest.

THE ESCAPEMENT SHAFT.

SEC. 3. TWO PLACES OF EGRESS. (*a*) For every coal mine in this State, whether worked by shaft, slope or drift, there shall be provided and maintained, in addition to the hoisting shaft, or other place of delivery, a separate escapement shaft or opening to the surface, or an underground communicating passageway between every such mine and some other contiguous mine, such as shall constitute two distinct and available means of egress to all persons employed in such coal mine.

The time allowed for completing such escapement shaft or making such connec-

tions with an adjacent mine, as is required by the terms of this act, shall be three months for shafts 200 feet or less in depth, and six months for shafts less than 500 feet and more than 200 feet, and nine months for all other mines, slopes or drifts or connections with adjacent mines. The time to date in all cases from the hoisting of coal from the main shaft.

UNLAWFUL TO EMPLOY MORE THAN TEN MEN. (*b*) It shall be unlawful to employ at any one time more men than in the judgment of the inspector is absolutely necessary, for speedily completing the connections with the escapement shaft or adjacent mine; and said number must not exceed ten men at any one time for any purpose in said mine until such escapement or connection is completed.

PASSAGEWAYS TO ESCAPEMENT. (*c*) Such escapement shaft or opening, or communication with a contiguous mine as aforesaid, shall be constructed in connection with every seam of coal worked in such mine, and all passageways communicating with the escapement shaft or place of exit, from the main hauling ways to said place of exit, shall be maintained free of obstruction at least five feet high and five feet wide. Such passageways must be so graded and drained that it will be impossible for water to accumulate in any depression or dip of the same, in quantities sufficient to obstruct the free and safe passage of men. At all points where the passageway to the escapement shaft, or other place of exit, is intersected by other roadways or entries, conspicuous signboards shall be placed, indicating the direction it is necessary to take in order to reach such place of exit.

DISTANCE FROM MAIN SHAFT. (*d*) Every escapement shaft shall be separated from the main shaft by such extent of natural strata as may be agreed upon by the inspector of the district and the owner of the property, but the distance between the main shaft and escapement shaft shall not be less than 300 feet without the consent of the inspector, nor more than 300 feet without the consent of the owner.

BUILDINGS ON THE SURFACE. (*e*) It shall be unlawful to erect any inflammable structure or building in the space intervening between the main shaft and the escapement shaft on the surface, or any powder magazine, in such location or manner as to jeopardize the free and safe exit of the men from the mine, by said escapement shaft, in case of fire in the main shaft buildings.

STAIRWAYS OR CAGES. (*f*) The escapement shaft at every mine shall be equipped with safe and ready means for the prompt removal of men from the mine in time of danger, and such means shall be a substantial stairway set at an angle not greater than forty-five degrees, which shall be provided with hand-rails and with platforms or landings at each turn of the stairway.

In any escapement shaft which may, at the time of the passage of this act, be equipped with a cage for hoisting men, such cage must be suspended between guides and be so constructed that falling objects can not strike persons being hoisted upon it. Such cage must also be operated by a steam hoisting engine, which shall be kept available for use at all times, and the equipment of said hoisting apparatus shall include a depth indicator, a brake on the drum, a steel or iron cable, and safety catches on the cage.

OBSTRUCTIONS IN SHAFT. (*g*) No accumulations of ice nor obstructions of any kind shall be permitted in any escapement shaft, nor shall any steam or heated or vitiated air be discharged into said shaft; and all surface or other water which flows therein shall be conducted by rings or otherwise to receptacles for the same, so as to keep the stairways free from falling water.

WEEKLY INSPECTIONS. (*h*) All escapement shafts and the passageways leading thereto, or to the works of a contiguous mine, must be carefully examined at least once a week by the mine manager, or a man specially delegated by him for that purpose, and the date and findings of such inspections must be duly entered in the record book in the offices at the mine. If obstructions are found, their location and nature must be stated, together with the date at which they are removed.

COMMUNICATION WITH ADJACENT MINE. (*i*) When operators of adjacent mines have, by agreement, established underground communication between said mines, as an escapement outlet for the men employed in both, the roadways to the boundary on either side shall be regularly patrolled and kept clear of every obstruction to travel by the respective operators, and the intervening door shall remain unlocked and ready at all times for immediate use.

When such communication has been established between contiguous mines, it shall be unlawful for the operator of either mine to close the same without the consent both of the contiguous operator and of the State inspector for the district: *Provided*, That when either operator desires to abandon mining operations, the expense and duty of maintaining such communication shall devolve upon the party continuing operations and using the same.

THE ENGINE AND BOILER HOUSE.

SEC. 4. LOCATION. (*a*) Any building erected after the passage of this act, for the purpose of housing the hoisting engine or boilers at any shaft, shall be substantially fireproof, and no boiler house shall be nearer than 60 feet to the main shaft or opening or to any building or inflammable structure connecting therewith.

BRAKE ON DRUM. (*b*) Every hoisting engine shall be provided with a good and sufficient brake on the drum, so adjusted that it may be operated by the engineer without leaving his post at the levers.

FLANGES. (*c*) Flanges shall be attached to the sides of the drum of any engine used for hoisting men, with a clearance of not less than four inches when the whole rope is wound on the drum.

CABLE FASTENINGS. (*d*) The ends of the hoisting cables shall be well secured on the drum, and at least two and a half laps of the same shall remain on the drum when the cage is at rest at the lowest caging place in the shaft.

INDICATOR. (*e*) An index dial or indicator, to show at all times the true position of the cages in the shaft, shall be attached to every hoisting engine for the constant information and guidance of the engineer.

SIGNALS. (*f*) The code of signals as provided for in this act shall be displayed in conspicuous letters at some point in front of the engineer when standing at his post.

GAUGES. (*g*) Every boiler shall be provided with a steam gauge, except where two or more boilers are equipped and connected with a steam drum, properly connected with the boilers to indicate the steam pressure, and another steam gauge shall be attached to the steam pipe in the engine house, the two to be placed in such positions that both the engineer and fireman can readily see what pressure is being carried. Such steam gauges shall be kept in good order and adjusted and be tested as often at least as every six months.

SAFETY VALVES. (*h*) Every boiler or battery of boilers shall be provided with a safety valve of sufficient area for the escape of steam, and with weights and springs properly adjusted.

INSPECTION OF BOILERS. (*i*) All boilers used in generating steam in and about coal mines shall be kept in good order, and the operator of every coal mine where steam boilers are in use shall have said boilers thoroughly examined and inspected by a competent boiler maker or other qualified person, not an employee of said operator, as often as once in every six months, and oftener if the inspector shall deem it necessary, and the result of every such inspection shall be reported on suitable blanks to said inspector.

THE POWDER HOUSE.

SEC. 5. All blasting powder and explosive material must be stored in a fireproof building on the surface, located at a safe distance from all other buildings.

THE STATE MINING BOARD.

SEC. 6. MANNER AND PURPOSE OF APPOINTMENT. (*a*) For the purpose of securing efficiency in the mine inspection service, and a high standard of qualification in those who have the management and operation of coal mines, the State commissioners of labor shall appoint a board of examiners, to be known as the State mining board, whose duty it shall be to make formal inquiry into and pass upon the practical and technical qualifications and personal fitness of men seeking appointments as State inspectors of mines, and of those seeking certificates of competency as mine managers, as hoisting engineers and as mine examiners. This board shall be composed of five members, two of whom shall be practical coal miners; one an expert mining engineer, and who shall, when practicable, be also a hoisting engineer, and two shall be coal operators.

DATE AND TERM OF APPOINTMENT. (*b*) Their appointment shall date from July 1, 1899, and they shall serve for a term of two years, or until their successors are appointed and qualified; they shall organize by the election of one of their number as president, and some suitable person, not a member, as secretary, after which they shall all be sworn to a faithful performance of their duties.

SUPPLIES FURNISHED BY SECRETARY OF STATE. (*c*) The secretary of state shall assign to the use of the board suitably furnished rooms in the Statehouse for such meetings as are held at the capitol, and shall also furnish whatever blanks, blank books, printing and stationery the board may require in the discharge of its duties.

FREQUENCY OF MEETINGS. (*d*) The board shall meet at the capitol in regular session on the second Tuesday in September of the year 1899, and biennially thereafter, for the examination of candidates for appointment as State inspectors of mines. For the

examination of persons seeking certificates of competency as mine managers, hoisting engineers and mine examiners, the board shall hold meetings at such times and places within the State as shall, in the judgment of the members, afford the best facilities to the greatest number of probable candidates. Special meetings may also be called by the commissioners of labor, whenever, for any reason, it may become necessary to appoint one or more inspectors. Public notice shall be given through the press or otherwise, announcing the time and place at which examinations are to be held.

RULES OF PROCEDURE. (*e*) The examinations herein provided for shall be conducted under such rules, conditions and regulations as the members of the board shall deem most efficient for carrying into effect the spirit and intent of this act. Such rules, when formulated, shall be made a part of the permanent record of the board, and such of them as relate to candidates shall be published for their information and governance prior to each examination; they shall also be of uniform application to all candidates.

EXAMINATIONS.

SEC. 7. FOR INSPECTORS. (*a*) Persons coming before the State mining board as candidates for appointment as State inspectors of mines must produce evidence satisfactory to the board that they are citizens of this State, at least thirty years of age, that they have had a practical mining experience of ten years, and they are men of good repute and temperate habits; they must also submit to and satisfactorily pass an examination as to their practical and technical knowledge of mining engineering and mining machinery and appliances, of the proper development and operation of coal mines, of ventilation in mines, of the nature and properties of mine gases, of the geology of the coal measures in this State and of the laws of this State relating to coal mines.

NAMES CERTIFIED TO THE GOVERNOR. (*b*) At the close of each examination for inspectors the board shall certify to the governor the names of all candidates who have received a rating above the minium fixed by the rules of the board as properly qualified for the duties of inspectors.

INSPECTORS APPOINTED. (*c*) From those so named the governor shall select and appoint seven State inspectors of mines, that is to say, one inspector for each of the seven inspection districts provided for in this act, or more, if, in the future, additional inspection districts shall be created, and their commissions shall be for a term of two years from October first: *Provided*, That any one who has satisfactorily passed two of the State examinations for inspectors and who has served acceptably as State inspector for two full terms, upon making written application to the board setting forth the facts, shall also be certified to the governor as a person properly qualified for appointment. But no man shall be eligible for appointment as a State inspector of mines who has any pecuniary interest in any coal mine, either as owner or employee.

FOR MINE MANAGERS. (*d*) Persons coming before the board for certificates of competency as mine managers must produce evidence satisfactory to the board that they are citizens of this State, at least twenty-four years of age, that they have had at least four years' practical mining experience, and that they are men of good repute and temperate habits; they must also submit to and satisfactorily pass such an examination as to their experience in mines and in the management of men, their knowledge of mine machinery and appliances, the use of surveying and other instruments, the properties of mine gases, the principles of ventilation and the specific duties and responsibilities of mine managers, as the board shall see fit to impose.

FOR HOISTING ENGINEERS. (*e*) Persons seeking certificates of competency as hoisting engineers must produce evidence satisfactory to the board that they are citizens of the United States, at least twenty-one years of age, that they have had at least two years' experience as fireman or engineer of a hoisting plant, and are of good repute and temperate habits. They must be prepared to submit to and satisfactorily pass an examination as to their experience in handling hoisting machinery, and as to their practical and technical knowledge of the construction, cleaning and care of steam boilers, the care and adjustment of hoisting engines, the management and efficiency of pumps, ropes and winding apparatus, and their knowledge of the laws of this State in relation to signals and the hoisting and lowering of men at mines.

FOR MINE EXAMINERS. (*f*) Persons seeking certificates of competency as mine examiners must produce evidence satisfactory to the board that they are citizens of this State, at least twenty-one years of age, and of good repute and temperate habits. They must be prepared to submit to and satisfactorily pass an examination as to their experience in mines generating dangerous gases, their practical and technical knowledge of the nature and properties of fire damp, the laws of ventilation, the structure and uses of the safety lamps, and the laws of this State relating to safeguards against fires from any source in mines.

CERTIFICATES.

SEC. 8. ISSUED BY THE BOARD. (*a*) The certificates provided for in this act shall be issued under the signatures and seal of the State mining board, to all those who receive a rating above the minimum fixed by the rules of the board; such certificates shall contain the full name, age and place of birth of the recipient, and the length and nature of his previous service in or about coal mines.

REGISTER TO BE PRESERVED. (*b*) The board shall make and preserve a record of the names and addresses of all persons to whom certificates are issued, and at the close of each examination shall make report of the same to the commissioners of labor, who shall cause a permanent register of all certificated persons to be made and kept for public inspection in the office of the State bureau of labor statistics in the State capitol.

EFFECT OF CERTIFICATES. (*c*) The certificates provided for in this act shall entitle the holders thereof to accept and discharge the duties for which they are thereby declared qualified, at any mine in this State, where their services may be desired.

FOREIGN CERTIFICATES. (*d*) The board may exercise its discretion in issuing certificates of any class, but not without examination, to persons presenting, with proper credentials, certificates issued by competent authority in other States.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE MANAGERS. (*e*) It shall be unlawful for the operator of any coal mine to employ, or suffer to serve, as mine manager at his mine, any person who does not hold a certificate of competency issued by a duly authorized board of examiners of this State: *Provided*, That whenever an exigency arises by which it is impossible for any operator to secure the immediate services of a certificated mine manager, he may place any trustworthy and experienced man, subject to the approval of the State inspector of the district, in charge of his mine, to act as temporary mine manager for a period not exceeding thirty days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED HOISTING ENGINEER. (*f*) It shall be unlawful for the operator of any mine to employ, or suffer to serve, as hoisting engineer for said mine, any person who does not hold a certificate of competency issued by a duly authorized board of examiners of this State, or to permit any other to operate his hoisting engine except for the purpose of learning to operate it, and then only in the presence of the certificated engineer in charge, and when men are not being hoisted or lowered: *Provided*, That whenever any exigency arises by which it is impossible for any operator to secure the immediate services of a certificated hoisting engineer, he may place any trustworthy and experienced man, subject to the approval of the State inspector of the district, in charge of his engines, to act as temporary engineer, for a period not to exceed thirty days.

UNLAWFUL TO EMPLOY OTHER THAN CERTIFICATED MINE EXAMINERS. (*g*) It shall be unlawful for the operator of any mine to employ, or suffer to serve, as mine examiner, any person who does not hold a certificate of competency issued by the State mining board: *Provided*, That anyone holding a mine manager's certificate may serve as mine examiner. Anyone holding a certificate as fire boss, on presentation of the same to the State mining board, may have it exchanged for a mine examiner's certificate.

CANCELLATION OF CERTIFICATES. (*h*) The certificate of any mine manager, hoisting engineer or mine examiner, may be cancelled and revoked by the State mining board whenever it shall be established to the satisfaction of said board that the holder thereof has become unworthy of official indorsement, by reason of violations of the law, intemperate habits, manifest incapacity, abuse of authority, or for other causes satisfactory to said board: *Provided*, That any person against whom charges or complaints are made shall have an opportunity to be heard in his own behalf. And he shall have thirty days' notice in writing of such charges.

FEES FOR EXAMINATIONS.

SEC. 9. An applicant for any certificate herein provided for, before being examined, shall register his name with the secretary of the board, and file with him the credentials required by this act, to wit: An affidavit as to all matters of fact establishing his right to receive the examination, and a certificate of good character and temperate habits signed by at least ten of the citizens who know him best in the place in which he lives.

Each candidate, before receiving the examination, shall pay to the secretary of the board the sum of one dollar as an examination fee, and those who pass the examination for which they are entered, before receiving their certificates, shall also pay to the secretary the further sum of two dollars each as a certificate fee. All such fees shall be duly accounted for by the board, and covered into the State treasury at the close of each fiscal year.

PAY FOR THE BOARD.

SEC. 10. The members of the State mining board shall receive as compensation for their services the sum of five dollars each per day, for a term not exceeding one hundred days in any one year, and whatever sums are necessary to reimburse them for such traveling expenses as may be incurred in the discharge of their duties.

The salary of the secretary shall be determined by the board, but shall in no case exceed the sum of one thousand dollars per annum, and he shall be reimbursed for any amounts expended for actual and necessary traveling expenses in the discharge of his duties. All such salaries and expenses of the board and of its secretary shall be paid upon vouchers duly sworn to by each and approved by the president of the board and by the governor, and the auditor of public accounts is hereby authorized to draw his warrants on the State treasurer for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

INSPECTION DISTRICTS.

SEC. 11. BOUNDARIES DEFINED. (*a*) The State shall be divided into seven inspection districts, as follows:

The first district shall be composed of the counties of Boone, McHenry, Lake, Dekalb, Kane, Dupage, Cook, Lasalle, Kendall, Grundy, Will, Livingston, and Kankakee.

The second district shall be composed of the counties of Jo Daviess, Stephenson, Winnebago, Carroll, Ogle, Whiteside, Lee, Rock Island, Henry, Bureau, Mercer, Stark, Putnam, Marshall, Peoria, and Woodford.

The third district shall be composed of the counties of Henderson, Warren, Knox, Hancock, McDonough, Schuyler, Fulton, Adams, and Brown.

The fourth district shall be composed of the counties of Tazewell, McLean, Ford, Iroquois, Vermilion, Champaign, Piatt, Dewitt, Macon, Logan, Menard, Mason, and Cass.

The fifth district shall be composed of the counties of Pike, Scott, Morgan, Sangamon, Christian, Shelby, Moultrie, Douglas, Coles, Cumberland, Clark, Edgar, Montgomery, Macoupin, Greene, Jersey, and Calhoun.

The sixth district shall be composed of the counties of Monroe, St. Clair, Madison, Bond, Clinton, Fayette, Marion, Effingham, Clay, Jasper, Richland, Crawford, and Lawrence.

The seventh district shall be composed of the counties of Washington, Jefferson, Wayne, Edwards, Wabash, White, Hamilton, Franklin, Perry, Randolph, Jackson, Williamson, Saline, Gallatin, Hardin, Pope, Johnson, Massac, Union, Alexander, and Pulaski.

HOW CHANGES MAY BE MADE. (*b*) *Provided*, That the commissioners of labor, may, from time to time, make such changes in the boundaries of said districts as may, in their judgment, be required in order to distribute more evenly the labors and expenses of the several inspectors of mines, but this provision shall not be construed as authorizing the board to increase the number of districts.

DUTIES OF INSPECTORS.

SEC. 12. BOND. (*a*) Those who receive appointment as State inspectors of mines must, before entering upon their duties as such, take an oath of office, as provided for by the constitution, and enter into a bond to the State in the sum of five thousand dollars, with sureties to be approved by the governor, conditioned upon the faithful performance of their duties in every particular, as required by this act; said bond, with the approval of the governor indorsed thereon, together with the oath of office, shall be deposited with the secretary of state.

INSTRUMENTS. (*b*) For the efficient discharge of the duties herein imposed upon them, each inspector shall be furnished at the expense of the State with an anemometer, a safety lamp, and whatever other instruments may be required in order to carry into effect the provisions of this act.

EXAMINATIONS OF MINES. (*c*) State inspectors of mines shall devote their whole time and attention to the duties of their office, and make personal examination of every mine within their respective districts, and shall see that every necessary precaution is taken to insure the health and safety of the workmen employed in such mines, and that the provisions and requirements of all mining laws of this State are faithfully observed and obeyed, and the penalties for the violation of the same promptly enforced.

AUTHORITY TO ENTER. (*d*) It shall be lawful for State inspectors to enter, examine and inspect any and all coal mines and the machinery belonging thereto, at all rea-

sonable times, by day or by night, but so as not to obstruct or hinder the necessary workings of such coal mine, and the operator of every such coal mine is hereby required to furnish all necessary facilities for making such examinations and inspection.

PROCEDURE IN CASE OF OBJECTION. (*e*) If any operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the inspector shall file his affidavit, setting forth such refusal, with the judge of the circuit court of said county in which said mine in situated, either in term time or vacation, or, in the absence of said judge, with the master in chancery in said county in which said mine is situated, and obtain an order on such owner, agent or operator so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

NOTICES TO BE POSTED. (*f*) The State inspector of mines shall post up in some conspicuous place at the top of each mine visited and inspected by him, a plain statement of the condition of said mine, showing what in his judgment is necessary for the better protection of the lives and health of persons employed in said mine; such statement shall give the date of inspection and be signed by the inspector. He shall also post a notice at the landing used by the men, stating what number of men will be permitted to ride on the cage at one time, and at what rate of speed men may be hoisted and lowered on the cages. He must observe especially that a proper code of signals between the engineer and top man and bottom man is established and conspicuously posted for the information of all employees.

SEALER OF WEIGHTS. (*g*)—State inspectors of mines are hereby made ex officio sealer of weights and measures in their respective districts, and as such are empowered to test all scales used to weigh coal at coal mines. Upon the written request of any mine owner or operator, or of ten coal miners employed at any one mine, it shall be his duty to try and prove any scale or scales at such mine against which complaint is directed, and if he shall find that they or any of them do not weigh correctly he shall call the attention of the mine owner or operator to the fact, and direct that said scale or scales be at once overhauled and readjusted so as to indicate only true and exact weights, and he shall forbid the further operation of such mine until such scales are adjusted. In the event that such tests shall conflict with any test made by any county sealer of weights, or under and by virtue of any municipal ordinance or regulation, then the test by such mine inspector shall prevail.

TEST WEIGHTS. (*h*) For the purpose of carrying out the provisions of this act each inspector shall be furnished by the State with a complete set of standard weights suitable for testing the accuracy of track scales, and of all smaller scales at mines; said test weights to be paid for on bills of particulars, certified by the secretary of state and approved by the governor. Such test weights shall remain in the custody of the inspector for use at any point within his district, and for any amounts expended by him for the storage, transportation or handling of the same, he shall be fully reimbursed upon making entry of the proper items in his quarterly expense voucher.

INSPECTORS' ANNUAL REPORTS. (*i*) Each State inspector of mines shall, at the close of the official year, to wit: after June 30, of every year, prepare and forward to the secretary of the bureau of labor statistics a formal report of his acts during the year in the discharge of his duties, with any recommedations as to legislation he may deem necessary on the subject of mining, and shall collect and tabulate upon blanks furnished by said secretary all desired statistics of mines and miners within his district to accompany said annual report.

REPORTS TO BE PUBLISHED. (*j*) On the receipt of said inspectors' reports the secretary of the bureau of labor statistics shall proceed to compile and summarize the same as a report of said bureau, to be known as the Annual Coal Report, which shall be duly transmitted to the governor for the information of the general assembly and the public. The printing and binding of said reports shall be provided for by the commissioners of State contracts in like manner and in like number as they provide for the publication of other official reports to the governor.

The secretary of state shall furnish to said inspectors, upon the requisition of the secretary of the State bureau of labor statistics, whatever instruments, blanks, blank books, stationery, printing and supplies may be required by said inspectors in the discharge of their official duties; said instruments to be paid for on bills of particulars, certified by the secretary of state and approved by the governor.

It shall be the duty of every coal operator and every employer of labor in this State to afford to the State commissioners of labor, or their representatives, every facility for procuring statistics of the wages and condition of their employees for the purpose of compiling and publishing statistics of labor and of social and industrial conditions within the State as required by law. Any person who shall hinder or obstruct the investigation of the agents of the commissioners, or shall neglect or

refuse, for a period of ten days, to furnish the information called for by the schedules of the commissioners as provided above, shall be adjudged guilty of a misdemeanor and be subjected to a fine of one hundred dollars.

PAY OF INSPECTORS.

SEC. 13. Each State inspector of mines shall receive as compensation for his services, the sum of one thousand eight hundred dollars per annum, and for his traveling expenses the sum actually expended for that purpose, in the discharge of his official duties, both to be paid quarterly by the State treasurer, on warrants of the auditor of public accounts, from the funds in the treasury not otherwise appropriated; said expense vouchers shall show the items of expenditures in detail, with subvouchers for the same so far as it is practicable to obtain them. Said voucher shall be sworn to by the inspector and be approved by the secretary of the bureau of labor statistics and the governor.

REMOVAL OF INSPECTORS.

SEC. 14. Upon a petition signed by not less than three coal operators, or ten coal miners, setting forth that any State inspector of mines neglects his duties, or that he is incompetent, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, it will be lawful for the commissioners of labor of this State to issue a citation to the said inspector to appear, at not less than fifteen days' notice on a day fixed, before them, when the said commissioners shall proceed to inquire into and investigate the allegations of the petitioners; and if the said commissioners find that the said inspector is neglectful of his duty, or that he is incompetent to perform the duties of said office, or that he is guilty of malfeasance in office, or guilty of any act tending to the injury of miners or operators of mines, the said commissioners shall declare the office of inspector of the said district vacant, and a properly qualified person shall be duly appointed, in the manner provided for in this act, to fill said vacancy.

COUNTY INSPECTORS.

SEC. 15. The county board of supervisors, or of commissioners in counties not under township organization, of any county in which coal is produced, upon the written request of the State inspector of mines for the district in which said county is located, shall appoint a county inspector of mines as assistant to such State inspector; but no person shall be eligible for appointment as county inspector who does not hold a State certificate of competency as mine manager, and the compensation of such county inspector shall be fixed by the county board at not less than three dollars per day, to be paid out of the county treasury.

The State inspector may authorize any county inspector in his district to assume and discharge all the duties and exercise all the powers of a State inspector in the county for which he is appointed, in the absence of the State inspector; but such authority must be conferred in writing and the county inspector must produce the same as evidence of his powers upon the demand of any person affected by his acts; and the bond of said State inspector shall be holden for the faithful performance of the duties of such assistant inspector.

DUTIES OF MINE MANAGERS AND MINERS.

SEC. 16. (*a*) The mine managers shall instruct employees as to their respective duties, and shall visit and examine the various working places in the mine as often as practicable. He shall always provide a sufficient supply of props, caps and timber delivered on the miners' cars at the usual place when demanded, as nearly as possible, in suitable lengths and dimensions for the securing of the roof by the miners, and it shall be the duty of the miner to properly prop and secure his place with materials provided therefor.

VENTILATION. (*b*) It shall be the duty of the mine manager to see that crosscuts are made at proper distances apart to secure the best ventilation at the face of all working places, and that all stoppings along air ways are properly and promptly built. He shall keep careful watch over all ventilating apparatus and the air currents in the mine, and in case of accident to fan or machinery by which the currents are obstructed or stopped, he shall at once order the withdrawal of the men and prohibit their return until thorough ventilation has been reestablished.

AIR CURRENTS AND OUTLET PASSAGEWAYS. (*c*) He shall measure or cause to be measured the air current with an anemometer at least once a week at the inlet and

outlet, and shall keep a record of such measurements for the information of the inspector. Once a week he shall make a special examination of the roadways leading to the escapement shaft or other opening for the safe exit of men to the surface, and shall make a record of any obstructions to travel he may encounter therein, together with the date of their removal.

HANDLING EXPLOSIVES. (*d*) He shall give special attention to and instructions concerning the proper storage and handling of explosives in the mine, and concerning the time and manner of placing and discharging the blasting shots, and it shall be unlawful for any miner to fire shots except according to the rules of the mine. In dusty mines he must see that all hauling roads are frequently and thoroughly sprinkled. He must also see that all dangerous places above and below are properly marked, and that danger signals are displayed wherever they are required.

CARE OF ROPES, CAGES, ETC. (*e*) The mine manager or superintendent must have special attention given to the condition of the hoisting ropes; they must be carefully and frequently scrutinized. Before the men are lowered in the morning the soundness of the ropes must be tested by hoisting the cages. He must also have the cages, safety catches, pumps, sumps and stables examined frequently; he must have the mine examined every morning by the mine examiner before the men are allowed to go to work, and know that the top man and bottom man are on duty, and that sufficient lights are maintained at the top and bottom landings when the men are being hoisted and lowered.

EARLY AND LATE DUTY. (*f*) The mine manager or his agent shall be at his post at the mine when the men are lowered into the mine in the morning for work; he shall by some device keep a record of the number of men lowered either for a day or night shift, and he or his agent shall remain at night until all the men employed during the day shall have been hoisted out.

MAY HAVE ASSISTANTS. (*g*) In mines in which the works are so extensive that all the duties devolving on the mine manager can not be discharged by one man, competent persons may be designated and appointed as assistants to the mine manager who shall exercise his functions, under his instructions.

DUTIES OF HOISTING ENGINEERS.

SEC. 17. CONSTANT ATTENDANCE. (*a*) The hoisting engineer at any mine shall be in constant attendance at his engine or boilers at all times when there are workmen underground.

OUTSIDERS EXCLUDED. (*b*) The engineer shall not permit anyone to enter or to loiter in the engine room, except those authorized by their position or duties to do so, and he shall hold no conversation with any officer of the company or other person while the engine is in motion or while his attention is occupied with the signals. A notice to this effect shall be posted on the door of the engine house.

CARE OF ENGINE AND BOILERS. (*c*) The engineer or some other properly authorized employee must keep a careful watch over the engines, boilers, pumps, ropes and winding apparatus. He must see that his boilers are properly supplied with water, cleaned and inspected at frequent intervals, and that the steam pressure does not exceed the limit established by the boiler inspector; he shall frequently try the safety valves and shall not increase the weights on the same; he shall observe that the steam and water gauges are always in good order, and if any of the pumps, valves or gauges become deranged or fail to act he shall promptly report the fact to the proper authority.

SIGNALS. (*d*) The engineer must thoroughly understand the established code of signals, and these must be delivered in the engine room in a clear and unmistakable manner, and when he has the signal that men are on the cage he must work his engine only at the rate of speed hereafter specified in this act.

HANDLING OF ENGINES. (*e*) The engineer shall permit no one to handle or meddle with any machinery under his charge, nor suffer anyone who is not a certificated engineer to operate his engine, except for the purpose of learning to operate it, and then only in the presence of the engineer in charge, and when men are not on the cage.

DUTIES OF MINE EXAMINERS.

SEC. 18. TO ENTER AND EXAMINE ALL PLACES. (*a*) A mine examiner shall be required at all mines. His duty shall be to visit the mine before the men are permitted to enter it, and, first, he shall see that the air current is traveling in its proper course and in proper quantity. He shall then inspect all places where men are expected to pass or to work, and observe whether there are any recent falls or obstructions in rooms or roadways, or accumulations of gas or other unsafe conditions. He

shall especially examine the edges and accessible parts of recent falls and old gobs and air-courses. As evidence of his examination of all working places, he shall inscribe on the walls of each, with chalk, the month and the day of the month of his visit.

To Post Danger Notices. (*b*) When working places are discovered in which accumulations of gas, or recent falls, or any dangerous conditions exist, he shall place a conspicuous mark thereat as notice to all men to keep out, and at once report his finding to the mine manager.

No one shall be allowed to remain in any part of the mine through which gas is being carried into the ventilating current, nor to enter the mine to work therein, except under the direction of the mine manager, until all conditions shall have been made safe.

To Make Daily Record. (*c*) The mine examiner shall make a daily record of the conditions of the mine, as he has found it, in a book kept for that purpose, which shall be preserved in the office for the information of the company, the inspector and all other persons interested, and this record shall be made each morning before the miners are permitted to descend into the mine.

VENTILATION.

Sec. 19. Throughout every coal mine there shall be maintained currents of fresh air sufficient for the health and safety of all men and animals employed therein, and such ventilation shall be produced by a fan, or some other artificial means.

Amount of Air Required. (*a*) The quantity of air required to be kept in circulation and passing a given point shall be not less than 100 cubic feet per minute for each person, and not less than 600 cubic feet per minute for each animal in the mine, measured at the foot of the downcast, and this quantity may be increased at the discretion of the inspector whenever, in his judgment, unusual conditions make a stronger current necessary. Said currents shall be forced into every working place throughout the mine, so that all parts of the same shall be reasonably free from standing powder smoke and deleterious air of every kind.

Measurements. (*b*) The measurement of the currents of air shall be taken with an anemometer at the foot of the downcast, at the foot of the upcast, and at the working face of each division or split of the air current. And a record of such measurements shall be made and preserved in the office, as elsewhere provided for in this act.

Air Currents to be Split. (*c*) The main current of air shall be so split, or subdivided, as to give a separate current of reasonably pure air to every 100 men at work, and the inspector shall have authority to order separate currents for smaller groups of men, if, in his judgment, special conditions make it necessary.

Ventilation of Stable. (*d*) The air current for ventilating the stable shall not pass into the intake air current for ventilating the working parts of the mine.

Self-closing Doors. (*e*) All permanent doors in mines, used in guiding and directing the ventilating currents, shall be so hung and adjusted as to close automatically.

Trappers. (*f*) At all principal doorways, through which cars are hauled, an attendant shall be employed for the purpose of opening and closing said doors when trips of cars are passing to and from the workings. Places for shelter shall be provided at such doorways to protect the attendants, from being injured by the cars, while attending to their duties.

Crosscuts. (*g*) Crosscuts shall be made not more than 60 feet apart, and no room shall be opened in advance of the air current.

Stoppings. (*h*) When it becomes necessary to close crosscuts connecting the inlet and outlet air courses in mines generating dangerous gases, the stoppings shall be built in a substantial manner with brick or other suitable building material laid in mortar or cement, if practicable, but in no case shall they be built of lumber, except for temporary purposes.

Authority of Inspector. (*i*) Whenever the inspector shall find men working without sufficient air, he shall at once give the mine manager or operator notice and a reasonable time in which to restore the current, and upon his or their refusal or neglect to act promptly, the inspector may order the endangered men out of the mine.

POWDER AND BLASTING.

Sec. 20. No blasting powder or other explosives shall be stored in any coal mine, and no workman shall have at any time more than one 25 pound keg of black powder in the mine, nor more than 3 pounds of high explosives.

Place and Manner of Storing. (*a*) Every person who has powder or other

explosives in a mine, shall keep it or them in a wooden or metallic box or boxes securely locked, and said boxes shall be kept at least 10 feet from the track, and no two powder boxes shall be kept within 50 feet of each other, nor shall black powder and high explosives be kept in the same box.

MANNER OF HANDLING. (*b*) Whenever a workman is about to open a box or keg containing powder or other explosive, and while handling the same, he shall place and keep his lamp at least 5 feet distant from said explosive and in such position that the air current can not convey sparks to it, and no person shall approach nearer than 5 feet to any open box containing powder or other explosive with a lighted lamp, lighted pipe or other thing containing fire.

COPPER TOOLS. (*c*) In the process of charging and tamping a hole no person shall use any iron or steel pointed needle. The needle used in preparing a blast shall be made of copper and the tamping bar shall be tipped with at least 5 inches of copper. No coal dust nor any material that is inflammable or that may create a spark shall be used for tamping, and some soft material must always be placed next to the cartridge or explosive.

USE OF SQUIBS. (*d*) A miner who is about to explode a blast with a manufactured squib shall not shorten the match, saturate it with mineral oil nor ignite it except at the extreme end; he shall see that all persons are out of danger from the probable effects of such shot, and shall take measures to prevent any one approaching, by shouting "fire!" immediately before lighting the fuse.

NOT MORE THAN ONE SHOT AT A TIME. (*e*) Not more than one shot shall be ignited at the same time in any one working place, unless the firing is done by electricity or by fuses of such length that neither of the shots will explode in less than three minutes from the time they are lighted. When successive shots are to be fired in any working place in which the roof is broken or faulty, the smoke must be allowed to clear away and the roof must be examined and made secure between shots.

MISSED SHOTS. (*f*) No person shall return to a missed shot until five minutes shall have elapsed, unless the firing is done by electricity, and then only when the wires are disconnected from the battery.

DUSTY MINES. (*g*) In case the galleries, roadways, or entries of any mine are so dry that the air becomes charged with dust, the operator of such mine must have such roadways regularly and thoroughly sprayed, sprinkled or cleaned, and it shall be the duty of the inspector to see that all possible precautions are taken against the occurrence of explosions which may be occasioned or aggravated by the presence of dust.

PLACES OF REFUGE.

SEC. 21. ENGINE PLANES. (*a*) On all single-track hauling roads wherever hauling is done by machinery, and on all gravity or inclined planes in mines, upon which the persons employed in the mine must travel on foot to and from their work, places of refuge must be cut in the side wall not less than 3 feet in depth and 4 feet wide, and not more than 20 yards apart, unless there is a clear space of at least 3 feet between the side of the car and the side of the road, which space shall be deemed sufficient for the safe passage of men.

On every such road which is more than 100 feet in length a code of signals shall be established between the hauling engineer and all points on the road.

A conspicuous light must be carried on the front car of every trip or train of pit cars moved by machinery, except when such trip is on an inclined plane.

MULE ROADS. (*b*) On all hauling roads or gangways on which the hauling is done by draft animals, or gangways whereon men have to pass to and from their work, places of refuge must be cut in the sidewall at least 2½ feet deep, and not more than 20 yards apart; but such places shall not be required in entries from which rooms are driven at regular intervals not exceeding 20 yards, and wherever there is a clear space of 2½ feet between the car and the rib, such space shall be deemed sufficient for the safe passage of men.

All places of refuge must be kept clear of obstructions, and no material shall be stored nor be allowed to accumulate therein.

BOYS AND WOMEN.

SEC. 22. No boy under the age of 14 years, and no woman or girl of any age shall be permitted to do any manual labor in or about any mine, and before any boy can be permitted to work in any mine he must produce to the mine manager or operator thereof an affidavit from his parent or guardian or next of kin, sworn and subscribed to before a justice of the peace or notary public, that he, the said boy, is 14 years of age.

SIGNALS.

SEC. 23. At every mine operated by shaft and by steam power, means must be provided for communicating distinct and separate signals to and from the bottom man, the top man and the engineer. The following signals are prescribed for use at mines where signals are required:

From the bottom to the top. One bell shall signify to hoist coal or the empty cage, and also to stop either when in motion.

Two bells shall signify to lower cage.

Three bells shall signify that men are coming up; when return signal is received from the engineer, men will get on the cage and the cager shall ring one bell to start.

Four bells shall signify to hoist slowly, implying danger.

Five bells shall signify accident in the mine and a call for a stretcher.

Six bells shall call for a reversal of the fan.

From the top to the bottom. One bell shall signify: All ready, get on cage.

Two bells shall signify: Send away empty cage.

Provided, That the operator of any mine may, with the consent of the inspector, add to this code of signals in his discretion, for the purpose of increasing its efficiency or of promoting the safety of the men in said mine, but whatever code may be established and in use at any mine, must be conspicuously posted at the top and at the bottom and in the engine room for the information and instruction of all persons concerned.

WEIGHING AND WEIGHMAN.

SEC. 24. SCALES. (*a*) The operator of every coal mine where miners are paid by the weight of their output, shall provide at such mine suitable and accurate scales of standard manufacture for the weighing of such coal, and a correct record shall be kept of all coal so weighed, and said record shall be open at all reasonable hours to the inspection of miners and others interested in the product of said mine.

WEIGHMAN. (*b*) The person authorized to weigh the coal and keep the record as aforesaid shall, before entering upon his duties, make and subscribe to an oath before some person duly authorized to administer oaths, that he will accurately weigh and carefully keep a true record of all coal weighed, and such affidavit shall be kept conspicuously posted at the place of weighing.

CHECK WEIGHMAN. (*c*) It shall be permitted to the miners at work in any coal mine to employ a check weighman at their option and at their own expense, whose duty it shall be to balance the scales and see that the coal is properly weighed, and that a correct account of the same is kept, and for this purpose he shall have access at all times to the beam box of said scales, and be afforded every facility for verifying the weights while the weighing is being done. The check weighman so employed by the miners, before entering upon his duties, shall make and subscribe to an oath before some person duly authorized to administer oaths, that he will faithfully discharge his duties as check weighman, and such oath shall be kept conspicuously posted at the place of weighing.

BOUNDARIES.

SEC. 25. TEN-FOOT LIMIT. (*a*) In no case shall the workings of any mine be driven nearer than ten feet to the boundary line of the coal rights pertaining to said mine, except for the purpose of establishing an underground communication between contiguous mines, as provided for elsewhere in this act.

APPROACHING OLD WORKS. (*b*) Whenever the workings of any part of a mine are approaching old workings, believed to contain dangerous accumulations of water or of gas, the operator of said mine must conduct the advances with narrow work, and maintain bore holes at least twenty feet in advance of the face of the work, and such side holes as may be deemed prudent or necessary.

NOTICE TO INSPECTORS.

SEC. 26. Immediate notice must be conveyed to the inspector of the proper district by the operator interested:

1. Whenever an accident occurs whereby any person receives serious or fatal injury.

2. Whenever it is intended to sink a shaft, either for hoisting or escapement purposes, or to open a new mine by any process.

3. Whenever it is intended to abandon any mine or to reopen any abandoned mine.

4. Upon the appearance of any large body of fire damp in any mine, whether accompanied by explosion or not, and upon the occurrence of any serious fire within the mine or on the surface.

5. When the workings of any mine are approaching dangerously near any abandoned mine, believed to contain accumulations of water or of gas.

6. Upon the accidental closing or intended abandonment of any passageway to an escapement outlet.

ACCIDENTS.

SEC. 27. DUTY OF INSPECTOR. (*a*) Whenever loss of life or serious personal injury shall occur by reason of any explosion, or of any accident whatsoever, in or connected with any coal mine, it shall be the duty of the person having charge of said mine to report that fact, without delay, to the inspector of the district in which the mine is located, and the said inspector shall, if he deem necessary from the facts reported, and in all cases of loss of life, immediately go to the scene of said accident and render every possible assistance to those in need.

It shall moreover be the duty of every operator of a coal mine to make and preserve for the information of the inspector, and upon uniform blanks furnished by said inspector, a record of all injuries sustained by any of his employees in the pursuance of their regular occupations.

CORONER'S INQUEST. (*b*) If any person is killed by any explosion, or other accident, the operator must also notify the coroner of the county, or in his absence or inability to act, any justice of the peace of said county, for the purpose of holding an inquest concerning the cause of such death. At such inquest the inspector shall offer such testimony as he may be possessed of, and may question or cross-question any witness appearing in the case.

INVESTIGATION BY INSPECTOR. (*c*) The inspector may also make any original or supplemental investigation which he may deem necessary, as to the nature and cause of any accident within his jurisdiction, and shall make a record of the circumstances attending the same, and of the result of his investigations, for preservation in the files of his office. To enable him to make such investigations he shall have the power to compel the attendance of witnesses, and to administer oaths or affirmations to them, and the cost of such investigations shall be paid by the county in which such accident has occurred, in the same manner as the costs of coroners' inquest are paid.

MEN ON CAGES.

SEC. 28. TOP MAN AND BOTTOM MAN. (*a*) At every shaft operated by steam power, the operator must station at the top and at the bottom of such shaft, a competent man charged with the duty of attending to signals, preserving order, and enforcing the rules governing the carriage of men on cages. Said top man and bottom man shall be at their respective posts of duty at least a half hour before the hoisting of coal begins in the morning, and remain for half an hour after hoisting ceases for the day.

LIGHTS ON LANDINGS. (*b*) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men take or leave the cage is at all obscured by steam or otherwise, there must always be maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Likewise, as long as there are men underground in any mine, the operator shall maintain a good and sufficient light at the bottom of the shaft thereof, so that persons coming to the bottom may clearly discern the cage and objects in the vicinity.

SPEED OF CAGES AND OTHER REGULATIONS. (*c*) Cages on which men are riding shall not be lifted nor lowered at a rate of speed greater than six hundred feet per minute, except with the written consent of the inspector. No person shall carry any tools, timber or other materials with him on a cage in motion, except for use in repairing the shaft, and no one shall ride on a cage containing either a loaded or empty car. No cage having an unstable or self-dumping platform shall be used for the carriage of men or materials, unless the same is provided with some convenient device by which said platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon. No coal shall be hoisted in any shaft while men are being lowered therein.

RIGHTS OF MEN TO COME OUT. (*d*) Whenever men who have finished their day's work, or have been prevented from further work, shall come to the bottom to be hoisted out, an empty cage shall be given them for that purpose, unless there is an available exit, by slope or by stairway in an escapement shaft, and providing there is no coal at the bottom ready to be hoisted.

SAFETY LAMPS.

SEC. 29. OPERATOR MUST FURNISH. (*a*) At any mine where the inspector shall find that fire damp is being generated so as to require the use of a safety lamp in any part thereof, the operator of such mine, upon receiving notice from the inspector that one or more such lamps are necsssary to the safety of the men in such mine, shall at once procure and keep for use such number of safety lamps as may be necessary.

MINE MANAGER MUST CARE FOR. (*b*) All safety lamps used for examining mines or for working therein shall be the property of the operator, and shall remain in the custody of the mine manager, or other competent person, who shall clean, fill, trim, examine and deliver the same, locked and in a safe condition, to the men, upon their request, when entering the mine, and shall receive the same from the men at the end of their shift. But miners shall be responsible for the condition and proper use of safety lamps when in their possession.

STRETCHERS AND BLANKETS.

SEC. 30. At every mine where fifty men are employed undeground it shall be the duty of the operator thereof to keep always on hand, and at some readily accessible place, a properly constructed stretcher, a woolen and waterproof blanket, and a roll of bandages in good condition and ready for immediate use for binding, covering and carrying anyone who may be injured at the mine. When two hundred or more men are employed in any mine, two stretchers and two woolen and two waterproof blankets, with a corresponding supply of bandages, shall be provided and kept on hand. At mines where fire damp is generated there shall also be provided and kept in store, a suitable supply of linseed or olive oil, for use in case men are burned by an explosion.

CAUTION TO MINERS.

SEC. 31. It shall be unlawful for any miner, workman or other person knowingly or carelessly to injure any shaft, safety lamp, instrument, air course or brattice, or to obstruct or throw open any air way, or carry any open lamp or lighted pipe or fire in any form into any place worked by the light of safety lamps, or within five feet of any open powder, or to handle or disturb any part of the hoisting machinery, or open any door regulating an air current and not close the same, or to enter any part of the mine against caution, or to use other than copper needles and copper-tipped tamping bars, or to disobey any order given in pursuance of this act, or to do any willful act whereby the lives or health of persons working in mines or the security of the mine or the machinery thereof is endangered.

SEC. 32. It shall be the duty of every operator to post, on the engine house and at the pit top of his mine, in such manner that the employees in the mine can read them, rules not inconsistent with this act, plainly printed in the English language, which shall govern all persons working in the mine. And the posting of such notice, as provided, shall charge all employees of such mine with legal notice of the contents thereof.

PENALTIES.

SEC. 33. Any willful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this act, on the part of the person or persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any inspector in the discharge of the duties herein imposed upon him, or any refusal to comply with the instructions of an inspector given by authority of this act, shall be deemed a misdemeanor punishable by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for a period not exceeding six months or both, at the discretion of the court: *Provided*, That in addition to the above penalties, in case of the failure of any operator to comply with the provisions of this act in relation to the sinking of escapement shafts and the ventilation of mines, the State's attorney for the county in which such failure occurs, or any other attorney, in case of his neglect to act promptly, shall proceed against such operator by injunction without bond, to restrain him from continuing to operate such mine until all legal requirements shall have been fully complied with.

Any inspector who shall discover that any section of this act, or part thereof, is being neglected or violated, shall order immediate compliance therewith, and in case of continued failure to comply, shall, through the State's attorney, or any other attorney, in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith through the penalties herein prescribed.

If it becomes necessary, through the refusal or failure of the State's attorney to act, for any other attorney to appear for the State in any suit involving the enforcement of any provision of this act, reasonable fees for the services of such attorney shall be allowed by the board of supervisors, or county commissioners, in and for the county in which such proceedings are instituted.

For any injury to person or property, occasioned by any willful violations of this act, or willful failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby; and, in case of loss of life by reason of such willful violation or willful failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs or adopted children, or to any other person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives, not to exceed the sum of five thousand dollars.

DEFINITIONS.

SEC. 34. MINE. (*a*) In this act the words "mine" and "coal mine," used in their general sense, are intended to signify any and all parts of the property of a mining plant, on the surface or underground, which contribute, directly or indirectly, under one management, to the mining or handling of coal.

EXCAVATIONS OR WORKINGS. (*b*) The words "excavations" and "workings" signify any or all parts of a mine excavated or being excavated, including shafts, tunnels, entries, rooms and working places, whether abandoned or in use.

SHAFT. (*c*) The term "shaft" means any vertical opening through the strata which is or may be used for purposes of ventilation or escapement, or for the hoisting or lowering of men and material in connection with the mining of coal.

SLOPE OR DRIFT. (*d*) The term "slope" or "drift" means any inclined or horizontal way, opening or tunnel to a seam of coal to be used for the same purposes as a shaft.

OPERATOR. (*e*) The term "operator" as applied to the party in control of a mine in this act, signifies the person, firm or body corporate who is the immediate proprietor as owner or lessee of the plant, and, as such, responsible for the condition and management thereof.

INSPECTOR. (*f*) The term "inspector" in this act signifies the State inspector of mines, within and for the district to which he is appointed.

MINE MANAGER. (*g*) The "mine manager" is the person who is charged with the general direction of the underground work, or both the underground and outside work of any coal mine, and who is commonly known and designated as "mine boss," or "foreman," or "pit boss."

MINE EXAMINER. (*h*) The "mine examiner" is the person charged with the examination of the condition of the mine before the miners are permitted to enter it, and who is commonly known, and has been designated in former enactments as the "fire boss."

Approved April 18, 1899.

INDIANA.

ACTS OF 1899.

CHAPTER 27.—*Convict labor.*

SECTION 1. It shall be the duty of the board of control of the Indiana State prison to institute such instruction of an educational and technical nature, as, in their judgment, shall be to the best interest of the inmates.

SEC. 2. The board of control of the Indiana State prison are hereby authorized to contract for the labor of four hundred of the convicts of said prison, and should the population of said prison exceed eight hundred, then said board of control are also authorized to contract and let out, in addition to the labor of said four hundred, the labor of not exceeding 50 per cent of the number of said convicts over and above eight hundred. Such convict labor shall be employed at such trades and industries as may be selected by the said board of control, and such board are also authorized to establish the piece-price system at said prison, giving the said board of control full control of the labor of said convicts, if the same shall be, in the opinion of said board of control, expedient and practicable: *Providing, however,* That whether said labor of the said prisoners to be employed upon the contract system or upon the piece-price system, the number of convicts employed in any single trade or industry shall not exceed one hundred.

SEC. 3. The said board of control are hereby authorized to lease lands within a reasonable distance from said prison, to be selected by them, to be employed and used in raising and cultivating farm products, the same to be used to supply the wants and needs of said prison, and should there remain any surplus, the same may be sold in the open market, and said board of control may employ, upon said lands so leased, all prisoners in said prison, not employed in prison duties. Such prisoners shall be employed only at hand labor while working said leased land. The control and superintendency of said leased lands and the convicts employed upon the same shall be under the direct control of the officers of said prison.

SEC. 4. No contract for the labor of the convicts of said prison shall be made for a longer period than up to October 1, 1904. Such contracts, whether made for the labor of said convicts, or on the piece-price system, shall be awarded to the highest bidder for the same. The regular hours for the day's work in said prison shall not exceed eight hours, subject to temporary changes under necessity, or to fit special cases, to be sanctioned by the board of control.

SEC. 7. It is the intent and purpose of this act, that all work done by the prisoners of the Indiana State prison, under the State account system, shall be hand work, as far as practicable or remunerative to the State.

Approved February 10, 1899.

CHAPTER 124.—*Payment of wages, etc.*

SECTION 1. Every person, company, corporation or association employing any person to labor, or in any other service for hire, shall make weekly payments for the full amount due for such labor or service, in lawful money of the United States to within six days or less of the time of such payment; but if, at any time of stated payment, any employee as aforesaid shall be absent from his regular place of labor or service, he shall be paid in like manner thereafter on demand: *Provided*, That this act shall not apply to any employee engaged by a common carrier in interstate commerce: and, *Provided*, That the labor commissioners of the State, after notice and hearing may exempt any of the aforesaid parties whose employees prefer a less frequent payment, from paying any of its employees weekly, if, in the opinion of the said commissioners, the interests of the public and of such employees will not suffer thereby.

SEC. 2. The chief inspector of the department of inspection of this State, or any person interested, may bring suit in the name of the State in any court of competent jurisdiction, and the prosecuting attorney of any county wherein such suit is brought, shall prosecute the same against any person, company, corporation or association that neglects or refuses to comply with section 1 of this act, within ten days after such payment is due and left unpaid; and in case judgment is rendered in favor of said employee and against said defendant for the sum alleged to be due or any part thereof, 6 per centum of such sum shall be added to such judgment from the time when payment was due; and a penalty of 50 per centum of the amount of such judgment shall be assessed and collected from said defendant by said court and paid into the school fund of the State.

SEC. 3. It shall be unlawful for any employer to assess a fine on any pretext against any employee and retain the same or any part thereof from the wages of said employee at the time of payment fixed in this act, or at any other time, and a change in the current rate of wages paid is prohibited without a written notice given to each employee so affected twenty-four hours before such change shall take place.

SEC. 4. The assignment of future wages, to become due to employees from persons, companies, corporations or associations affected by this act, is hereby prohibited, nor shall any agreement be valid that relieves said persons, companies, corporations or associations from the obligation to pay weekly, the full amount due, or to become due, to any employee in accordance with the provisions of this act: *Provided*, That nothing in this act shall be construed to prevent employers advancing money to their employees.

SEC. 5. Any person, company, corporation or association, found guilty by a court of competent jurisdiction of having violated the third and fourth sections of this act, shall be deemed guilty of having committed a misdemeanor, and shall be fined by such court in any sum not exceeding $200.

SEC. 7. All laws or parts of laws in conflict with the provisions of this act are hereby repealed.

Approved February 28, 1899.

CHAPTER 128.—*Establishment of labor commission and arbitration of labor disputes.*

SECTION 1. There shall be, and is hereby created a commission to be composed of two electors of the State, which shall be designated the labor commission, and

which shall be charged with the duties and vested with the powers hereinafter enumerated.

SEC. 2. The members of said commission shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for four years and until their successors shall have been appointed and qualified. One of said commissioners shall have been for not less than ten years of his life an employee for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the labor interest, as distinguished from the capitalist or employing interest. The other of said commissioners shall have been for not less than ten years an employer of labor for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the employing interest as distinguished from the labor interest. Neither of said commissioners shall be less than 40 years of age; they shall not be members of the same political party, and neither of them shall hold any other State, county, or city office in Indiana during the term for which he shall have been appointed. Each of said commissioners shall take and subscribe an oath, to be indorsed upon his commission, to the effect that he will punctually, honestly and faithfully discharge his duties as such commissioner.

SEC. 3. Said commission shall have a seal and shall be provided with an office at Indianapolis, and may appoint a secretary who shall be a skillful stenographer and typewriter, and shall receive a salary of six hundred dollars per annum and traveling expenses for every day spent in the discharge of duty away from Indianapolis.

SEC. 4. It shall be the duty of said commissioners upon receiving creditable information in any manner of the existence of any strike, lockout, boycott, or other labor complication in this State, to go to the place where such complication exists, put themselves into communication with the parties to the controversy and offer their services as mediators between them. If they shall not succeed in effecting an amicable adjustment of the controversy in that way they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this act or otherwise, as they may elect.

SEC. 5. For the purpose of arbitration under this act, the labor commissioners and the judge of the circuit court of the county in which the business in relation to which the controversy shall arise, shall have been carried on, shall constitute a board of arbitrators, to which may be added, if the parties so agree, two other members, one to be named by the employer and the other by the employees in the arbitration agreement. If the parties to the controversy are a railroad company and employees of the company engaged in the running of trains, any terminal, within this State, of the road, or of any division thereof, may be taken and treated as the location of the business within the terms of this section for the purpose of giving jurisdiction to the judge of the circuit court to act as a member of the board of arbitration.

SEC. 6. An agreement to enter into arbitration under this act shall be in writing, and shall state the issue to be submitted and decided, and shall have the effect of an agreement by the parties to abide by and perform the award. Such agreement may be signed by the employer as an individual, firm or corporation, as the case may be, and execution of the agreement in the name of the employer by any agent or representative of such employer then and therefore in control or management of the business or department of business in relation to which the controversy shall have arisen, shall bind the employer. On the part of the employees, the agreement may be signed by them in their own person, not less than two-thirds of those concerned in the controversy signing, or it may be signed by a committee by them appointed. Such committee may be created by election at a meeting of the employees concerned in the controversy at which not less than two-thirds of all such employees shall be present, which election and the fact of the presence of the required number of employees at the meeting shall be evidenced by the affidavit of the chairman and secretary of such meeting attached to the arbitration agreement, but any employee concerned in any such controversy shall be accorded a hearing before such board. If the employees concerned in the controversy, or any of them, shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it in any manner conformable to its usual methods of transacting business, and others of the employees represented by committee as hereinbefore provided.

SEC. 7. If upon any occasion calling for the presence and intervention of the labor commissioners under the provisions of this act, one of said commissioners shall be present and the other absent, the judge of the circuit court of the county in which the dispute shall have arisen, as defined in section 5, shall, upon the application of

the commissioners present, appoint a commissioner pro tem. in the place of the absent commissioner, and such commissioner pro tem. shall exercise all the powers of a commissioner under this act until the termination of the duties of the commission with respect to the particular controversy upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this act for the other commissioners. Such commissioner pro tem. shall represent and be affiliated with the same interests as the absent commissioner.

SEC. 8. Before entering upon their duties the arbitrators shall take and subscribe an oath or affirmation to the effect that they will honestly and impartially perform their duties as arbitrators and a just and fair award render to the best of their ability. The sittings of the arbitrators shall be in the court room of the circuit court, or such other place as shall be provided by the county commissioners of the county in which the hearing is had. The circuit judge shall be the presiding member of the board. He shall have power to issue subpœnas for witnesses who do not appear voluntarily, directed to the sheriff of the county, whose duty it shall be to serve the same without delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations. The proceedings shall be informal in character, but in general accordance with the practice governing the circuit courts in the trial of civil causes. All questions of practice, or questions relating to the admission of evidence shall be decided by the presiding member of the board summarily and without extended argument. The sittings shall be open and public or with closed doors, as the board shall direct. If five members are sitting as such board three members of the board agreeing shall have power to make an award, otherwise two. The secretary of the commission shall attend the sittings and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the commission shall direct.

SEC. 9. The arbitrators shall make their award in writing and deliver the same with the arbitration agreement and their oath as arbitrators to the clerk of the circuit court of the county in which the hearing was had, and deliver a copy of the award to the employer and a copy to the first signer of the arbitration agreement on the part of the employees. A copy of all the papers shall also be preserved in the office of the commission at Indianapolis.

SEC. 10. The clerk of the circuit court shall record the papers delivered to him as directed in the last preceding section, in the order book of the circuit court. Any person who was a party to the arbitration proceedings may present to the circuit court of the county in which the hearing was had, or the judge thereof in vacation, a verified petition referring to the proceedings and the record of them in the order book and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed. And thereupon the court or judge thereof in vacation, shall grant a rule against the party or parties so charged, to show cause within five days why said award has not been obeyed, which shall be served by the sheriff as other process. Upon return made to the rule the judge or court, if in session, shall hear and determine the questions presented and make such order or orders directed to the parties before him in personam, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made shall be deemed a contempt of the court and may be punished accordingly. But such punishment shall not extend to imprisonment except in case of willful and contumacious disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employees who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing before the commencement of the hearing.

SEC. 11. The labor commission, with the advice and assistance of the attorney-general of the State, which he is hereby required to render, shall make rules and regulations respecting proceedings in arbitrations under this act not inconsistent with this act or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor, and all arbitration proceedings under this act shall thereafter conform to such rules and regulations.

SEC. 12. Any employer and his employees, between whom differences exist which have not resulted in any open rupture or strike, may of their own motion apply to the labor commission for arbitration of their differences, and upon the execution of an arbitration agreement as hereinbefore provided a board of arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded and enforced in the same manner as in arbitrations under the provisions found in the preceding sections of this act.

SEC. 13. In all cases arising under this act requiring the attendance of a judge of the circuit court as a member of an arbitration board, such duty shall have prece-

dence over any other business pending in his court, and if necessary for the prompt transaction of such other business it shall be his duty to appoint some other circuit judge, or judge of a superior or the appellate or supreme court to sit in the circuit court in his place during the pendency of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to judges appointed to sit in case of change of judge in civil actions. In case the judge of the circuit court, whose duty it shall become under this act to sit upon any board of arbitration, shall be at the time actually engaged in a trial which can not be interrupted without loss and injury to the parties, and which will in his opinion continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such judge to call in and appoint some other circuit judge, or some judge of a superior court, or the appellate or supreme court, to sit upon such board of arbitrators, and such appointed judge shall have the same power and perform the same duties as member of the board of arbitration as are by this act vested in and charged upon the circuit court judge regularly sitting, and he shall receive the same compensation now provided by law to a judge sitting by appointment upon a change of judge in civil cases, to be paid in the same way.

SEC. 14. If the parties to any such labor controversy as is defined in section 4 of this act shall have failed at the end of five days after the first communication of said labor commission with them to adjust their differences amicably, or to agree to submit the same to arbitration, it shall be the duty of the labor commission to proceed at once to investigate the facts attending the disagreement. In this investigation the commission shall be entitled, upon request, to the presence and assistance of the attorney-general of the State, in person or by deputy, whose duty it is hereby made to attend without delay, upon request by letter or telegram from the commission. For the purpose of such investigation the commission shall have power to issue subpœnas, and each of the commissioners shall have power to administer oaths and affirmations. Such subpœna shall be under the seal of the commission and signed by the secretary of the commission, or a member of it, and shall command the attendance of the person or persons named in it at a time and place named, which subpœna may be served and returned as other process by any sheriff or constable in the State. In case of disobedience of any such subpœna, or the refusal of any witness to testify, the circuit court of the county within which the subpœna was issued, or the judge thereof in vacation, shall, upon the application of the labor commission, grant a rule against the disobeying person or persons, or the person refusing to testify, to show cause forthwith why he or they should not obey such subpœna, or testify as required by the commission, or be adjudged guilty of contempt, and in such proceedings such court, or the judge thereof in vacation, shall be empowered to compel obedience to such subpœna as in the case of subpœna issued under the order and by authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no person shall be required to attend as a witness at any place outside the county of his residence. Witnesses called by the labor commission under this section shall be paid $1 per diem fees out of the expense fund provided by this act, if such payment is claimed at the time of their examination.

SEC. 15. Upon the completion of the investigation authorized by the last preceding section, the labor commission shall forthwith report the facts thereby disclosed affecting the merits of the controversy in succinct and condensed form to the governor, who, unless he shall perceive good reason to the contrary, shall at once authorize such report to be given out for publication. And as soon thereafter as practicable, such report shall be printed under the direction of the commission and a copy shall be supplied to any one requesting the same.

SEC. 16. Any employer shall be entitled, in his response to the inquiries made of him by the commission in the investigation provided for in the two last preceding sections, to submit in writing to the commission, a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise.

SEC. 17. Said commissioners shall receive a compensation of eighteen hundred dollars each per annum, and actual and necessary traveling expenses while absent from home in the performance of duty, and each of the two members of a board of arbitration chosen by the parties under the provisions of this act shall receive five dollars per day compensation for the days occupied in service upon the board. The attorney-general, or his deputy, shall receive his necessary and actual traveling expenses while absent from home in the service of the commission. Such compensation and expenses shall be paid by the treasurer of state upon warrants drawn by the auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts, except those of the commissioners, shall be certified as correct by the com-

missioners, or one of them, and the accounts of the commissioners shall be certified by the secretary of the commission.

SEC. 18. For the payment of the salary of the secretary of the commission, the compensation of the commissioners and other arbitrators, the traveling and hotel expenses herein authorized to be paid, and for witness fees, stationery, postage, telegrams and office expenses there is hereby appropriated out of any money in the treasury, not otherwise appropriated, the sum of five thousand dollars for the year of 1899 and five thousand dollars for the year 1900.

SEC. 19. All laws and parts of laws conflicting with any of the provisions of this act are hereby repealed.

Approved February 28, 1899.

CHAPTER 142.—*Factories and workshops—Hours of labor—Employment of women and children—Safety of employees—Sanitary regulations—Sweating system—Inspection, etc.*

SECTION 1. No person under 16 years of age, and no female under 18 years of age, employed in any manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office, shall be required, permitted or suffered to work therein more than sixty hours in any one week, nor more than ten hours in any one day, unless for the purpose of making a shorter day on the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the whole number of days which such person or such female shall so work during such week; and every person, firm, corporation or company employing any person under 16 years of age, or any female under 18 years of age in any establishment as aforesaid, shall post and keep posted in a conspicuous place in every room where such help is employed a printed notice stating the number of hours of labor per day required of such person for each day of the week, and the number of hours of labor exacted or permitted to be performed by such persons shall not exceed the number of hours of labor so posted as being required. The time of beginning and ending the day's labor shall be the time stated in such notice: *Provided*, That such female under 18 and persons under 16 years of age may begin after the time set for beginning and stop before the time set in such notice for the stopping of the day's labor, but they shall not be permitted or required to perform any labor before the time stated on the notices as the time for beginning the day's labor, nor after the time stated upon the notices as the hour of ending the day's labor.

SEC. 2. No child under fourteen years of age shall be employed in any manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office within this State. It shall be the duty of every person employing young persons under the age of sixteen years to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any proprietor, agent, foreman or other person connected with a manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office to hire or employ any young person to work therein without there is first provided and placed on file in the office an affidavit made by the parent or guardian, stating the age, date and place of birth of said young person; if such young person have no parent or guardian, then such affidavit shall be made by the young person, which affidavit shall be kept on file by the employer, and said register and affidavit shall be produced for inspection on demand made by the inspector, appointed under this act. There shall be posted conspicuously in every room where young persons are employed, a list of their names, with their ages, respectively. No young person under the age of sixteen years, who is not blind, shall be employed in any establishment aforesaid, who can not read and write simple sentences in the English language, except during the vacation of the public schools in the city or town where such minor lives. The chief inspector of the department of inspection shall have the power to demand a certificate of physical fitness from some regular physician in the case of young persons who may seem physically unable to perform the labor at which they may be employed, and shall have the power to prohibit the employment of any minor that can not obtain such certificate.

SEC. 3. No person or corporation, or officer or agent thereof, shall employ any woman or female young person in any capacity for the purpose of manufacturing, between the hours of 10 o'clock at night and 6 o'clock in the morning.

SEC. 4. No person, company, corporation or association shall employ or permit any young person to have the care, custody, management of or to operate any elevator.

SEC. 5. It shall be the duty of the owner or lessee of any manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office, where there is an elevator, hoisting shaft or wellhole, to cause the same to be

properly and substantially inclosed or secured, if in the opinion of the chief inspector it is necessary, to protect the lives or limbs of those employed in such establishment. It shall also be the duty of the owner, agent or lessee of each of such establishments to provide, or cause to be provided, if in the opinion of the chief inspector, the safety of persons in or about the premises should require it, such proper trap or automatic doors so fastened in or at all elevator ways as to form a substantial surface when closed, and so constructed as to open and close by the action of the elevator in its passage, either ascending or descending, but the requirements of this section shall not apply to passenger elevators that are closed on all sides. The chief inspector shall inspect the cables, gearing or other apparatus of elevators in the establishments above enumerated and require that the same be kept in safe condition with proper safety devices whereby the cabs or cars will be securely held in event of accident to the cable or rope or hoisting machinery, or from any similar cause.

SEC. 6. Proper and substantial hand rails shall be provided on all stairways in all establishments above enumerated, and where, in the opinion of the chief inspector it is necessary, the steps of said stairs in all such establishments shall be substantially covered with rubber, securely fastened thereon, for the better safety of persons employed in said establishments. The stairs shall be properly screened at the sides and bottom. All doors leading in or to such establishments aforesaid shall be so constructed as to open outwardly where practicable, and shall be neither locked, bolted nor fastened during working hours.

SEC. 7. In every manufacturing or other establishment, where the machinery used is propelled by steam, communication shall be provided between each room where such machinery is placed and the room where the engineer is stationed, by means of speaking tubes, electric bells or appliances that may control the motive power, or such other means as shall be satisfactory to the chief inspector: *Provided*, That in the opinion of the inspector such communication is necessary.

SEC. 8. It shall be the duty of the owner, agent, superintendent or other person having charge of any manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office within this State, or of any floor or part thereof, to report in writing to the chief inspector all accidents or injury done to any person in such premises within forty-eight hours of the time of the accident, stating as fully as possible the extent and cause of such injury, and the place where the injured person is sent, with such other information relative thereto as may be required by the chief inspector. The chief inspector is hereby authorized and empowered to fully investigate the causes of such accident, and to require such reasonable precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents.

SEC. 9. It shall be the duty of the owner of any aforesaid establishment, or his agent, superintendent or other person in charge of the same, to furnish and supply, or cause to be furnished and supplied therein, in the discretion of the chief inspector, where machinery is used, belt shifters or other safe mechanical contrivances for the purpose of throwing on or off belts or pulleys; and whenever possible, machinery therein shall be provided with loose pulleys; all vats, pans, saws, planers, cogs, gearing, belting, shafting, set screws and machinery of every description therein shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. By attaching thereto a notice to that effect, the use of any machinery may be prohibited by the chief inspector should such machinery be regarded as dangerous. Such notice must be signed by the chief inspector, and shall only be removed after the required safeguards are provided, and the unsafe or dangerous machine shall not be used in the meantime. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels and grindstones and dust-creating machinery from establishments where used. No person under 16 years of age, and no female under 18 years of age, shall be allowed to clean machinery while in motion.

SEC. 10. A suitable and proper wash-room and water-closets shall be provided by the owner, agent or lessee in each establishment above enumerated, and such water-closets shall be properly screened and ventilated and be kept at all times in a clean condition, with not less than one seat for each twenty-five persons, and one seat for each fraction thereof above ten, employed in such establishment; and if women and girls are employed in any such establishment, the water-closets used by them shall have separate approaches and be separate and apart from those used by the men. All water-closets shall be kept free of obscene writing and marking. A dressing room shall be provided for women and girls, when required by the chief inspector, in any establishment aforesaid in which women and girls are employed; and the employer

of such women and girls shall provide a suitable seat for the use of each female employee placed conveniently where she works, and shall permit the use of the same when she is not necessarily engaged in the active duties for which she is employed, and such seats shall be constructed or adjusted where practicable so as to be a fixture and not obstruct such female when actually engaged in the performance of such duties when such seat can not be used.

SEC. 11. Not less than sixty minutes shall be allowed for the noonday meal in any aforesaid establishment in this State. The chief inspector shall have the power to issue written permits in special cases, allowing shorter meal time at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the chief inspector deems necessary, and shall only be given when good cause can be shown.

SEC. 12. The walls and ceilings of each room in every establishment aforesaid, shall be lime-washed or painted, when in the opinion of the chief inspector it shall be conducive to the health or cleanliness of the persons working therein.

SEC. 13. The chief inspector, or other competent person designated for such purpose by the chief inspector, shall inspect any building used as aforesaid, or anything attached thereto, located therein, or connected therewith, which has been represented to be unsafe or dangerous to life or limb. If it appears upon such inspection that the building or anything attached thereto, located therein, or connected therewith, is unsafe or dangerous to life or limb, the chief inspector shall order the same to be removed or rendered safe and secure, and if such notification be not complied with within a reasonable time, he shall prosecute whoever may be responsible for such delinquency.

SEC. 14. No room or rooms, apartment or apartments in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee-pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, for sale, excepting by the immediate members of the family living therein. No person, firm or corporation shall hire or employ any person to work in any one room or rooms, apartment or apartments, in any tenement or dwelling house, or building in the rear of a tenement or dwelling house at making, in whole, or in part, any vests, coats, trousers, knee-pants, fur, furs trimmings, shirts, purses, feathers, artificial flowers or cigars, for sale, without obtaining first a written permit from the chief inspector, which permit may be revoked at any time the health of the community, or of those employed therein, may require it, and which permit shall not be granted until an inspection of such premises is made by the chief inspector or a deputy inspector, and the maximum number of persons allowed to be employed therein shall be stated in such permit. Such permit shall be framed and posted in a conspicuous place in the room, or in any one of the rooms to which it relates.

SEC. 15. No less than two hundred and fifty cubic feet of air space shall be allowed for each person in any workroom where persons are employed during the hours between six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space shall be provided for each person in any workroom where persons are employed between six o'clock in the evening and six o'clock in the morning. By a written permit the chief inspector may allow persons to be employed in a room where there are less than four hundred cubic feet, but not less than two hundred and fifty cubic feet of air space for each person employed between six o'clock in the evening and six o'clock in the morning: *Provided*, Such room is lighted by electricity at all times during such hours while persons are employed therein. There shall be sufficient means of ventilation provided in each workroom of every manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office within this State, and the chief inspector shall notify the owner in writing to provide, or cause to be provided, ample and proper means of ventilation for such workroom, and shall prosecute such owner, agent or lessee if such notification be not complied with within twenty days of the service of such notice.

SEC. 16. Proprietors, agents or managers of any manufacturing or mercantile establishment, mine or quarry, laundry, renovating works, bakery or printing office, are prohibited from discriminating against any person or persons, or class of labor seeking work, by posting notices or otherwise.

SEC. 17. It shall be unlawful for notaries public and other officers to receive more than ten cents for the preparing and certifying to a "Certificate of Parent or Guardian," provided for in this act.

SEC. 18. The language used in this act shall be interpreted to have the following meaning: The word "person" means any individual, corporation, partnership, company or association. The word "child" means a person under the age of fourteen years. The words "young person" means a person of the age of fourteen years

and under the age of eighteen years. The word "woman" means a female of the age of eighteen years and upwards. The words "manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office" means any mill, factory, workshop, store, place of trade or other establishment where goods, wares or merchandise are manufactured or offered for sale, or any mine or quarry where coal and stone are mined and quarried for the market, and persons are employed for hire.

SEC. 19. For the purpose of carrying out the provisions of this act, a department of inspection is hereby created, and the governor shall, by and with the advice and consent of the senate, appoint a chief inspector to have charge of said department. Said inspector shall hold and continue in office after the expiration of his term of office until his successor shall have been appointed and qualified. The term of office of the chief inspector shall be for four years. The annual salary of such chief inspector shall be one thousand eight hundred dollars and actual expenses when absent from home in the discharge of his official duties. Said chief inspector shall, by and with the consent of the governor, appoint two deputy inspectors, whose salary shall be one thousand dollars each per annum, and actual expenses when absent from home in discharge of their official duties. But said actual expenses for the department of inspection shall in no year exceed the sum of one thousand five hundred dollars, and the duties of the deputy inspectors shall be such as shall be assigned them by the chief inspector. Said chief inspector shall also employ a stenographer at a salary not to exceed six hundred dollars per annum. The salary and actual expenses of said deputy inspectors and stenographer shall be paid monthly as due, on vouchers duly attested before some officer authorized to administer oaths, and approved and signed by the chief inspector, and the salary and actual expenses of the chief inspector shall be paid in monthly installments, out of the treasury of the State, upon warrant of the auditor of state, and the total annual appropriation of five thousand nine hundred dollars for such payments aforesaid is hereby made out of any moneys in the State treasury not otherwise appropriated: *Provided*, That the auditor of state shall issue no warrant, except upon itemized bills, sworn to, and presented by the chief inspector provided for in this act.

SEC. 20. The custodian of the State capitol shall assign a suitable and sufficient room or rooms therein for use as the office of said department of inspection, and provide the same with all necessary furniture and janitor service.

SEC. 21. The chief inspector shall keep a record of all inspections and examinations made by his department, and copies of all notices and orders made by him, and, at the close of his term of office, transfer the books containing the same to his successor. He shall make an annual report of his doings as such inspector to the governor at the close of each fiscal year, and cause the same to be printed, at the expense of the State, not later than the first day of January next ensuing, in such numbers as the governor may approve. Such inspector and deputy inspectors shall have power as notaries public to administer oaths and take affidavits in matters connected with the enforcement of the provisions of this act.

SEC. 22. It shall be the duty of the chief inspector to cause this act to be enforced, and to cause all violators of the same to be prosecuted, and for that purpose he is empowered to visit and inspect at all reasonable hours, and as often as shall be practicable and necessary, all manufacturing or other establishments to which this bill relates. It shall be the duty of the chief inspector to examine into all violations of laws made for the benefit or protection of labor and to prosecute all violations thereof. It shall be unlawful for any person to interfere with, obstruct or hinder said chief inspector or deputy inspectors while in the performance of his or their duties, or to refuse to properly answer questions asked by him or them with reference to any of the provisions hereof.

SEC. 23. It shall be the duty of the chief inspector to supply all blanks necessary to make reports to his office, as required in this act, and be furnished copies of this act, which shall be conspicuously posted or hung, and kept posted or hung, in each workroom of every manufacturing or other establishment to which it relates, in the State, by the proprietor or occupant thereof.

SEC. 24. The prosecuting attorney of any county of this State is hereby required upon request of the chief inspector, or of any other person of full age, to commence and prosecute to a termination before any court of competent jurisdiction, in the name of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this act.

SEC. 25. Any person who violates or omits to comply with any of the provisions of this act, or who refuses to comply with the orders of the chief inspector, properly made under the provisions of this act, or who suffers or permits any young person

or child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars for the first offense, and not more than one hundred dollars for the second offense, to which may be added imprisonment for not more than ten days, and for the third offense a fine of not less than two hundred and fifty dollars and not more than thirty days' imprisonment in the county jail.

SEC. 26. Any person, company, corporation or association aggrieved by any order of the chief inspector may appeal to the circuit court in the county where the person, firm or corporation owns, leases or occupies the factory or buildings in relation to which said order relates, within ten days after notice of such order shall have been given. Said appeal shall operate as a supersedeas, shall be made in writing, and contain a brief statement of the facts and reasons for such appeal and a citation for the chief inspector to appear before said court, and said court or any judge thereof may direct the time of appearance and manner of service. Said court may review the doings of the chief inspector, may examine the questions in issue, and may confirm, change or set aside the doings of the chief inspector, in this particular case, and may make such orders in the premises, including orders as to costs, as it may find to be proper and equitable.

SEC. 27. In case of an appeal from any order of the chief inspector the prosecuting attorney of the circuit court shall appear as counsel for the State to sustain and defend such orders and in case such order be sustained on such appeal, a fee of twenty-five dollars shall be taxed against the appellant as the prosecuting attorney's fee, which fee shall be taxed as costs in the case.

SEC. 28. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 2, 1899.

CHAPTER 144.—*Mine regulations—Oil for illuminating purposes.*

SECTION 1. Only a pure animal or vegetable oil, or other oils that shall be as free from smoke as a pure animal or vegetable oil, and not the product or by-product of rosin, and which shall, on inspection, comply with the following list, shall be used for illuminating purposes in the mines of this State: All such oil must be tested by the State supervisor of oil inspection or his deputies at 60° Fahrenheit. The specific gravity of the oil must not exceed 24° degrees Tagliabue. The test of the oil must be made in a glass jar one and five-tenths ($1\frac{5}{10}$) inches in diameter by seven (7) inches in depth. If the oil to be tested is below 45° Fahrenheit, and should the oil be above 45° and below 60° Fahrenheit, it must be raised to a temperature of about 70° Fahrenheit, when, after being well shaken, it shall be allowed to cool gradually to a temperature of 60° Fahrenheit before finally being tested. In testing the gravity of the oil the Tagliabue hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading. In case the oil under test should be opaque or turbid one-half of the capillary attraction shall be deemed and taken to be the true reading. When the oil is tested under difficult circumstances an allowance of one-half degree may be made for possible error in parallax before condemning the oil for use in the mine. All oil sold to be used for illuminating purposes in the mines of the State shall be contained in barrels or packages, branded conspicuously with the name of the dealer, the specific gravity of the oil and the date of shipment.

SEC. 2. Any individual, firm, corporation or company that sells or offers for sale any other oil other than provided in section 1 to be used for illuminating purposes in coal or other mines of the State, or the individual, firm, corporation, company or person having in charge the operation or running of any mine, who permits the use in his or their mine any oil for illuminating purposes other than provided for in section 1, or any employee in any mine of this State, who uses with a knowledge of its character, a quality of oil other than is provided for in section 1, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than five (5) dollars nor more than twenty-five (25) dollars.

Approved March 3, 1899.

CHAPTER 167.—*Mine regulations—Blasting.*

SECTION 1. There [shall] be no shooting, or blasting of any kind allowed in the mines of the State in working hours: *Provided*, In cases of opening up a new mine, which contains not over twenty employees, and not over one hundred yards in any direction from the bottom of said shaft, the said mine operator, superintendent, agent, boss and miners shall be permitted to allow shooting or blasting twice in working hours only.

SEC. 2. Where powder, or other explosives, is used in mining or loosing coal, in any mine of this State, it shall be unlawful for any miner or other persons to fire any shot in any working place, on any entry, before all shots in places beyond such working place have been fired, and all miners and other persons have passed such working place on their way to the outlet of such mine.

SEC. 3. In any mine in this State, where coal is mined by "blasting off the solid" it shall be unlawful for any miner or other person to drill any hole, for the purpose of blasting, more than one foot past the end of his cutting or "loose end" or to prepare a "shot" in such a way that the distance from the hole to the loose end shall be more than five feet, measured at right angles to the direction of the hole.

SEC. 4. It shall be unlawful for any miner, or other person, to place in any hole, for the purpose of blasting coal or other material, in any coal mine in this State, more than eight pounds of blasting powder, or to light a squib, fuse or other device with a purpose to discharge any shot which he knows to contain more than eight pounds of blasting powder, or to discharge any such shot by the use of an electric battery or any other device which may be used for such purpose.

SEC. 5. It shall be the duty of the mine operator or superintendent or agent or mine boss to see that section 1 of this act be enforced or carried out.

SEC. 6. And for violation of any section of this act the same parties, the mine operator, superintendent, agent, boss and miners shall be guilty of a misdemeanor, and for such offense shall be fined not over one hundred dollars, nor less than five dollars, or imprisonment in the county jail not over six months, nor less than thirty days for each offense.

Approved March 4, 1899.

CHAPTER 207.—*Factories and workshops—Protection from fire.*

SECTION 1. * * * Every building in which persons are employed above the second story in a factory, workshop or mercantile or other establishment; and every hotel, family hotel, apartment house, boarding house, lodging house, clubhouse or tenement house in which persons reside or lodge above the third story; and every factory, workshop, mercantile or other establishment of more than two stories in height, shall be provided with proper ways of egress or means of escape from fire, sufficient for the use of all persons accommodated, assembled, employed, lodged or residing in such building, and such ways of egress and means of escape shall be kept free from obstruction, in good repair and ready for use at all times, and all rooms above the second story in any such building shall be provided with more than one way of egress or escape from fire, placed as near as practicable at opposite ends of the room, and leading to fire escapes on the outside of such buildings or to stairways on the inside provided with proper railings. All external doors subject to the provisions of this section shall open outward, and all windows open outward or upward. No portable seats shall be allowed in the aisles or passageways of such buildings during any entertainment or service held therein. * * *

SEC. 2. In addition to the foregoing means of escape from fire, all such buildings as are enumerated in section 1 of this act, as are more than three stories in height, shall have one or more fire escapes on the outside of said building, as may be directed by the chief inspector aforesaid, except in such cases as the said chief inspector may deem such fire escapes to be unnecessary in consequence of adequate provision having been already made for safety in the event of fire, and in such cases of exemption, the said chief inspector shall give the owner, lessee or occupant of said building a written certificate to that effect and his reasons therefor; and such fire escapes as are provided for in this section shall be connected with each floor above the first, well fastened and secured, and of sufficient strength, each of which fire escapes shall have landings or balconies not less than nine feet in length and three feet in width, guarded by iron railings not less than three feet in height, and embracing at least two windows at each story and connecting with the interior by easily accessible and unobstructed openings, and the balconies on landings shall be connected by iron stairs, not less than eighteen inches wide, the steps not to be less than six inches tread nor more than nine inches rise, placed at a slant of not more than forty-five degrees, and protected by a well-secured hand rail on both sides, with a twelve-inch wide drop-ladder from the lower platform reaching to the ground; except in cases of school buildings, instead of drop-ladder, the ladders reaching from balconies to the ground shall be permanent, and so placed as to stand at an angle of forty-five degrees or less.

SEC. 3. Any other plan or style of fire escape shall be sufficient, if approved by the chief inspector, but if not so approved, the chief inspector may notify the owner, proprietor or lessee of such establishment, or if the building in which such establish-

ment is conducted, or the agent or superintendent, or school officer, or either of them, in writing, that any such plan or style of fire escape is not sufficient, and may, by an order in writing, served in like manner, require one or more fire escapes, as he shall deem necessary and sufficient, to be provided for such establishment at such location and such plan and style as shall be specified in such written order. Within twenty days after the service of such order the number of fire escapes required in such order for such establishment shall be provided therefor, each of which shall be of the plan and style and in accordance with the specifications in said order required. The windows or doors to each fire escape shall be of sufficient size and be located as far as possible consistent with accessibility from the stairways and elevator hatchways or openings, and the ladder thereof shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of such establishment from the upper story to the roof, as a means of escape in case of fire.

SEC. 6. The owner of any building designated in this act, or the lessee or the occupant thereof, or any school officer or other officer having charge of public property, who neglects or refuses to comply with any of the provisions of this act, shall be fined not exceeding two hundred dollars, and be deemed guilty of a misdemeanor punishable by imprisonment for not less than one month nor more than two months. And in case of fire occurring in said building or buildings in the absence of such fire escape or escapes, the said person or persons or corporations or public officials shall be liable in an action for damages with a penalty of five thousand dollars for the life of each person killed in case of death, or for damages for personal injuries sustained in consequence of such fire breaking out in said building, and shall also be deemed guilty of a misdemeanor punishable by imprisonment for not less than six months, nor more than twelve months in the county jail; and such action for damages may be maintained by any person now authorized by law to sue as in other cases of similar injuries: *Provided*, That nothing in this act shall interfere with fire escapes now in use approved by the chief inspector.

SEC. 7. The chief inspector of the department of inspection of the State is hereby charged with the enforcement of this act, and shall see that its provisions are observed and enforced, and for this purpose he or his deputies shall have free access at all reasonable hours to all buildings embraced herein; and the prosecuting attorney in each county of the State shall render all necessary legal assistance as may be required by said chief inspector in enforcing this act.

SEC. 8. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 6, 1899.

CHAPTER 226.—*Pay of unskilled labor on public works.*

SECTION 1. From and after the passage of this act, unskilled labor employed upon any public work of the State, counties, cities and towns shall receive not less than fifteen cents an hour for said labor.

SEC. 2. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

SEC. 3. Whereas, an emergency exists for the immediate taking effect of this act, the same shall be in force from and after its passage.

Approved March 6, 1899.

MICHIGAN.

ACTS OF 1899.

ACT No. 57.—*Coal mine regulations.*

SECTION 1. An inspector of coal mines shall be appointed by the commissioner of labor, whose duties shall be to inspect the coal mines of Michigan, and from time to time report the results of his inspections with such other labor statistics as he shall be directed to collect, to the commissioner of labor, upon such blanks and in such manner as the latter named official shall designate, and the results and findings of said coal mine inspections shall be incorporated in the regular annual report of said commissioner of labor. Said inspector shall receive in compensation for his services three dollars per day and his necessary expenses of travel while employed and under instructions, it being further provided that the expenses and salary of said inspector shall not exceed fifteen hundred dollars per year. And to provide for this expense an annual appropriation of fifteen hundred dollars is hereby authorized, and the same shall be placed with the regular appropriation of the labor bureau fund, to

be expended by the commissioner of labor for the purposes heretofore provided, and as he shall authorize and direct.

SEC. 2. An escape shaft not less than eight feet square, shall be provided in all coal mines in this State, for the safety of employees, and said escape shaft shall be provided with suitable means of escape and egress, and shall be located at least three hundred feet and not to exceed four hundred feet from the main shaft, unless extenuating circumstances require that it be located differently than described, then the distance shall only be extended five hundred feet and at a point to be determined within the discretion of the inspector. This section not to apply to mines already provided with suitable escape shafts, but all others shall be provided with said escape shafts within three months after the main shaft is completed and ready for operation.

SEC. 3. Only a competent and trustworthy engineer shall be permitted to operate the cages and hoisting devices in all coal mines in this State.

SEC. 4. Safety catches and covers shall be on all cages; no more than ten men [shall] be allowed to ride upon a cage at the same time, and no one [shall] be allowed on one cage while a loaded car is on the other cage; suitable gates shall inclose the top of all shafts, which shall be kept closed, except when absolutely necessary to have them open.

SEC. 5. All weighmen, who shall perform the duty of weighing the coal, shall be sworn by someone competent to administer a legal oath, that they will perform their duty accurately and impartially as between employers and employees, and that they will honestly report and record all weights of coal to which they are intrusted.

SEC. 6. The coal mine employees shall have the right to name a competent and fair check weighman, who shall be paid by the employees, and shall be sworn by any one authorized to administer oaths.

SEC. 7. The owner, agent or operator of any and all mines shall keep a supply of timber constantly on hand, of sufficient length and dimensions to be used as props and cap pieces, and the same shall be delivered to the miner at his respective place of work, of such dimensions as he shall designate.

SEC. 8. Every mine owner or agent operating a coal mine shall furnish means and devices that will supply a sufficient amount of fresh air when necessary, or when required by said inspector of mines.

SEC. 9. The inspector, when properly commissioned by the commissioner of labor, shall have the right and power to enter any coal mine for the purpose of inspecting or collecting statistics relating to hours of labor, wages, industrial, economic and sanitary questions or matters, scales and oils.

SEC. 10. Any owner, part owner, operator, manager, or superintendent of any such mine, or director or officer of any stock company owning or operating any such mine, who shall knowingly and willfully violate any of the provisions of this act, or omit to comply with any of its said provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than ten nor more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

This act is ordered to take immediate effect.

Approved May 2, 1899.

ACT No. 77.—*Factories and workshops—Employment of children—Inspection, etc.*

SECTION 1. Sections two and fifteen of act one hundred eighty-four of the public acts of eighteen hundred and ninety-five * * * is [are] hereby amended so as to read as follows:

SEC. 2. No child under fourteen years of age shall be employed in any manufacturing establishment within this State. It shall be the duty of every person employing children to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years, and no child shall be employed between the hours of six o'clock p. m. and seven o'clock a. m.; and it shall be unlawful for any manufacturing establishment to hire or employ any child under the age of sixteen years without there is first provided and placed on file a sworn statement made by the parent or guardian, stating the age, date and place of birth of said child, and that the child can read and write. If said child have no parent or guardian, then such statement shall be made by the child, which statement shall be kept on file by the employer, and which said register and statement shall be produced for inspection on demand made by any factory inspector appointed under this act: *Provided*, That in the city of Detroit all sworn statements must be made before a deputy factory inspector.

SEC. 15. For the purpose of carrying out the provisions of this act the commis-

sioner of labor is hereby authorized and required to cause at least one annual inspection of the manufacturing establishments or factories in this State. Such inspection may be by the commissioner of labor, the deputy commissioner of labor, or such other persons as may be appointed by the commissioner of labor for the purpose of making such inspection. Such persons shall be under the control and direction of the commissioner of labor and are especially charged with the duties imposed and shall receive such compensation as shall be fixed by the commissioner of labor, not to exceed three dollars a day, together with all necessary expenses. All compensation for services and expenses provided for in this act shall be paid by the State treasurer upon the warrant of the auditor-general: *Provided*, That not more than fifteen thousand dollars shall be expended in such inspection in any one year: *And provided further*, That the commissioner of labor shall present to the governor on or before the first day of February, eighteen hundred and ninety-six, and annually thereafter, a report of such inspection with such recommendation as may be necessary: *And provided further*, That in addition to the above amount allowed for expenses, there may be printed not to exceed one thousand copies of such reports for the use of the labor bureau for general distribution. And all printing, binding, blanks, stationery, supplies or map work shall be done under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

This act is ordered to take immediate effect.

Approved May 17, 1899.

ACT No. 110.—*Preference of labor claims, etc., against railroad companies.*

SECTION 1. When any person shall have any claim for the labor of himself or any minor child against any railroad company or street-railway company, organized and doing business under any of the laws of this State, and which claim shall be duly presented to the proper officer of said company, and shall remain unpaid for a period of ten days after such presentation, said claim shall constitute a lien upon all the property, both real and personal, of said corporation, and shall be a prior lien to any and all judgments or attachments which may be existing against said corporation, by reason of any other debt, claim or demand, than those claims or demands against said corporation for personal work or labor. All persons employed by said corporation shall have the advantages of this act, in whatever capacity they may be employed.

SEC. 2. All claims arising out of the death or personal injury of any person, when such death or personal injury shall result from the negligence of any street-railway company or steam railroad company, organized and doing business under the laws of this State, shall, after judgment is obtained therefor, against any such corporation, constitute a lien upon all of the assets of said corporation, and all of the property thereof, and all of its rights and franchises, and over any and all other judgments, executions or attachments levied upon said property, except such as may be issued in favor of persons having obtained judgments for personal work and labor of themselves or their minor children.

SEC. 3. It shall be the duty of all courts of this State, in which proceedings may be pending, for the foreclosure of any mortgage, trust deed or other lien upon any of the property of any street-railway company or steam railroad company, doing business in this State, to cause said company, before final decree is entered in said cause, to file with said court, through the register thereof, a statement of all claims and demands made against said company by any and all persons for personal work or labor, and for damages resulting from death or personal injuries, and which claim shall have arisen within six years prior to the date of filing the same with said court. And it shall be the duty of said court, upon the filing of the same, to notify any and all persons interested in said claims, or their attorneys, to be and appear before said court upon a certain day to present their said claims, and the proof thereof, when such claims are claims for personal work and labor, and to inform said court in case of claims for personal injury or death, whether it is the design of said claimant to prosecute the same to final judgment or not.

This act is ordered to take immediate effect.

Approved June 9, 1899.

ACT No. 155.—*Limitation of time within which actions for damages for personal injuries may be brought.*

SECTION 1. No action shall hereafter be brought in any courts of this State to recover damages for personal injuries unless the same shall be brought within three years from the occurrence upon which the claim for liability is founded.

SEC. 2. All acts or parts of acts in any wise contravening any of the provisions of this act are hereby repealed.

This act is ordered to take immediate effect.

Approved June 23, 1899.

ACT No. 202.—*Factories and workshops—Fans or blowers for emery wheels, etc.*

SECTION 1. All persons, companies or corporations, operating any factory or workshop, where wheels or emery belts of any description are in general use, either leather, leather covered, felt, canvas paper, cotton or wheels or belts rolled or coated with emery or corundum, or cotton, wheels used as buffs, shall provide the same with fans or blowers, or similar apparatus, when ordered by the commissioner of labor, which shall be placed in such a position or manner as to protest [protect] the person or persons using the same from the particles of dust produced and caused thereby, and to carry away the dust arising from, or thrown off by such wheels or belts, while in operation, directly to the outside of the building or to some other receptacle placed so as to receive and confine such dust, and the same shall be placed in such factory or workshop within three months after this act shall take effect, in the manner and according to the directions and specifications as herein, in this act set forth: *Provided*, That grinding machines upon which water is used at the point of grinding contact shall be exempt from the conditions of this act. *And provided further*, That this act shall not apply to solid emery wheels used in sawmills or planing mills or other woodworking establishments.

SEC. 2. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to same hood or hopper.

SEC. 3. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with a five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe, not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full sized to the main trunk suction pipe, and the said main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same; and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large or larger than the suction pipe.

SEC. 4. It shall be the duty of any person, company or corporation operating any such factory or workshop, to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at such a rate of speed as will produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute or an equivalent suction or pressure of air equal to raising a column of water not less than five inches high in a U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less. The main suction, or trunk pipe, shall be below the polishing or buffing wheels and as close to the same as possible and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy smooth surfaces having a radius in the throat of not less than two diameters of the pipe on which they are connected.

SEC. 5. It shall be the duty of any factory inspector, sheriff, constable or prosecuting attorney of any county in this State, in which any such factory or workshop is situated, upon receiving notice in writing, signed by any person or persons, having knowledge of such facts, that such factory or workshop, is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same and for such purpose they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace, or police magistrate having jurisdiction, who shall thereupon issue his warrant directed to the owner, manager or director in such factory or workshop, who shall be thereupon proceeded against for the violation of this act as hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

SEC. 6. Any such person or persons or company or managers or directors of any such company or corporation who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars, or imprisonment in the county jail not less than thirty days, or exceeding ninety days or both such fine and imprisonment, at the discretion of the court. All acts or parts of acts contravening the provisions of this act are hereby repealed.

Approved May 17, 1899.

ACT No. 212.—*Examination, licensing, etc., of barbers.*

SECTION 1. The governor shall on or before the first day of October in the year eighteen hundred and ninety-nine appoint a barber to serve for one year, a barber to serve for two years, and a barber to serve for three years, who with their respective successors to be appointed annually thereafter and to serve for the term of three years each shall constitute a board of examiners of barbers.

SEC. 2. The member whose term shall soonest expire shall be president, the one whose term shall next soonest expire shall be treasurer, and the one having longest to serve shall be secretary of said board. They shall receive each their actual expenses incurred in the performance of their duties, to be audited by the State board of auditors and on their warrant to be paid by the treasurer of the State of Michigan.

SEC. 3. The treasurer of said board shall before entering upon his duties give to the people of the State of Michigan a bond in the penal sum of six thousand dollars to be approved by and filed with the secretary of state, conditioned for the faithful receipt, disbursement and accounting for according to this act of all moneys that may come into his hands as such treasurer. The treasurer of said board shall receive an annual salary of five hundred dollars, payable out of the general funds of the State not otherwise appropriated, on the warrant of the auditor general.

SEC. 4. Said board shall meet at least four times each year at different places within this State, one of said meetings to be held in the Upper Peninsula, to conduct an examination of persons desiring to follow the occupation of barber, and shall give at least thirty days' previous notice of the time and place of such meetings in at least two of the daily newspapers of the State.

SEC. 5. Each applicant shall be examined concerning his ability to prepare and fit for use the ordinary tools and utensils used by barbers, including the proper antiseptic treatment of razors, shears, clippers, brushes, combs, shaving cups and towels, the nature and effect of eruptive and other diseases of the skin and scalp and whether the same are infectious or communicable. No person so examined shall receive the certificate of said board unless he shall appear to be skilled in the use of barbers' tools and possessed of knowledge sufficient to prevent the spread by means of barbers' tools and appliances of eruptive and other diseases of the skin and scalp. No person so examined shall receive such certificate who is at the time of such examination an alien: *Provided*, That no barber shall receive a certificate who is in the habit of using intoxicating liquors to excess.

SEC. 6. Each person applying to said board for a certificate shall pay to the treasurer thereof the sum of five dollars, which shall entitle him to examination and to a certificate if found qualified: *Provided*, This section shall not apply to barbers now engaged in the business of a barber in this State and who have been so engaged for the period of two years.

SEC. 7. Every person now engaged in the business of a barber in this State, and who has been so engaged for the period of two years or more, shall within ninety days after this act shall take effect file with the secretary of said board a statement verified by his oath to be administered by any notary public of the State, showing his name, place of business, post-office address, the length of time he has actually served as a barber, and shall pay to said secretary the sum of one dollar and receive and shall be entitled to receive from said board a certificate as a barber, and shall pay annually thereafter the sum of fifty cents for a renewal of said certificate.

SEC. 8. A true record shall be kept by the secretary of said board, showing to whom the certificates of the board have been issued, and said board shall on the first day of October and April in each year make and file with the treasurer of the State of Michigan a list of all persons so certified, and the treasurer of said board shall at the same time render an account of all receipts of said board, and pay over to said State treasurer all the sums of money in his hands. The secretary of said board shall receive an annual salary of six hundred dollars payable out of the general funds of the State not otherwise appropriated on the warrant of the auditor general.

SEC. 9. It shall be unlawful for any person to follow the occupation of a barber without the certificate of said board of examiners: *Provided, however,* That this act shall not apply to apprentices serving as such under certified barbers: *Provided, further,* That all persons making application for examination under the provisions of this act shall be allowed to practice the occupation of barbering until the next regular meeting of said board.

SEC. 10. Any person violating the provisions of this act shall, upon conviction, be punished by a fine of not less than five nor more than fifty dollars, and any convicted person who shall refuse or neglect to pay any such fine may be imprisoned in the county jail until such fine is paid, not exceeding, however, twenty days.

Approved June 1, 1899.

ACT No. 229.—*Examination, licensing, etc., of horseshoers.*

SECTION 1. No person shall practice horseshoeing as a master or journeyman horseshoer in any city of this State of a population of ten thousand or upwards, unless he is duly registered and has been granted a certificate by the board of examiners, as hereinafter provided.

SEC. 2. A board of examiners, consisting of one veterinary surgeon, two master horseshoers and two journeymen horseshoer [s] is hereby created, all of whom shall be residents of this State and shall have had at least five years practical experience in their respective professions, and whose duty it shall be to carry out the provisions of this act. The members of said board shall be appointed by the governor, by and with the consent of the senate, and the term of office shall be five years, except that the members of said board first appointed shall hold office for the terms of one, two, three, four and five years, as may be designated by the governor, and until their successors shall be duly appointed and shall have qualified.

SEC. 3. Said board shall within thirty days after its appointment, meet and organize by the election of a president and secretary from its own members, who shall be elected for the term of one year, and shall perform the duties prescribed by the board. It shall be the duty of the board of examiners to examine all applications for registration submitted in proper form; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to investigate complaints and to cause the prosecution of all persons violating its provisions; and to report annually to the governor, which said report shall contain a record of the proceedings of said board for the year, and also the names of all the master and journeyman horseshoers registered under the provisions of this act. The board shall hold meetings for the examination of applicants for registration or the transaction of such other business as shall pertain to its duty, at least once in six months, said meetings to be held on the first Tuesdays of March and September in each year, and as much oftener and at such times and places as they may deem necessary; and it shall make by-laws for the proper fulfillment of its duties under this act, and shall keep a book of registration in which shall be entered the names and places of business of all persons registered under this act. The records of said board, or a copy of them or any part thereof, certified by the secretary to be a true copy, and attested by the seal of the board, shall be accepted as competent evidence in all courts of the State. Three members of said board shall constitute a quorum.

SEC. 4. The secretary of the board and the treasurer thereof, if such office be created separately, shall receive a salary which shall be fixed by the board, and the members of said board shall receive the amount of their traveling expenses incurred in the performance of their official duties, and a per diem salary of three dollars. Said salaries, per diem and expenses shall be paid out of the fees received under this act and not otherwise, and in no case shall the expenses and per diem provided for by this section be paid by this State. All moneys received by the said board in excess of said per diem allowance and other expenses above provided for shall be paid into the State treasury at the end of each year, and so much thereof as shall be necessary to meet the current expenses of said board shall be subject to the order thereof, if, in any year, the receipts of said board shall not be equal to its expenses. The board shall make an annual report and render an account to the board of State auditors of all moneys received and disbursed by it pursuant to this act.

SEC. 5. Every person who shall, within six months after this act takes effect, forward to the board hereby created satisfactory proof, supported by his affidavit, that he was engaged in practicing, either as a master or a journeyman horseshoer, in this State at the time of the taking effect of this act, shall, upon the payment of a fee of three dollars to the board, be registered as a master or journeyman horseshoer and be granted a certificate to practice as such: *Provided,* That in case of failure or neglect to register as herein provided, then such person shall, in order to receive a certificate pass an examination provided for in section six of this act.

SEC. 6. No person shall be entitled to register under this act, except as provided in section five, unless such person shall be of the age of eighteen years, and shall have passed a satisfactory examination touching his competency before the board of examiners created under the provisions of this act, and shall have been granted by the board a certificate to practice as a master or journeyman horseshoer: *Provided however*, That upon satisfactory proof, the secretary of the board, when the board is not in session, may grant a temporary certificate to any person making an application for examination, which temporary certificate shall entitle the said person to practice as a master or journeyman horseshoer until his examination by the said board. Every person applying for a certificate under the provisions of this act shall, before an examination is granted, furnish satisfactory evidence that he is of temperate habits, and pay to the board a fee of three dollars, and appear before said board at such time and place as said board may direct: *Provided*, In case of failure of any applicant to pass a satisfactory examination, the money shall be held to his credit for a second examination at any time within one year.

SEC. 7. Any person who shall exhibit any certificate which has been fraudulently obtained, or shall practice as a master or journeyman horseshoer without conforming to the requirements of this act, or shall otherwise violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor.

Approved, June 8, 1899.

ACT No. 233.—*Factories and workshops—Sweating system.*

SECTION 1. Act number one hundred and eighty-four of the public acts of eighteen hundred ninety-five * * * is hereby amended by adding one section thereto to stand as section nineteen, to read as follows:

SEC. 19. No room or apartment in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes or cigars, and no person, firm or corporation shall hire or employ any person to work in any room, apartment or in any building or parts of buildings at making, in whole or in part, any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector, or one of his deputies, stating the maximum number of persons allowed to be employed therein, and that the building or part of building intended to be used for such work or business is thoroughly cleaned, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished, shall, before contracting for the manufacture of any of said articles, or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector, as required in this section, and shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector or one of his deputies: *Provided*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such family use.

Approved June 9, 1899.

MINNESOTA.

ACTS OF 1899.

CHAPTER 42.—*Employment bureaus.*

SECTION 1. Section four (4) of chapter two hundred and five (205) of the General Laws of eighteen hundred and eighty-five (1885), as amended by chapter seventy-four (74), of the General Laws of eighteen hundred and ninety-five (1895), is hereby amended so as to read as follows:

SECTION 4. Every person hired or engaged to work for others, by one so licensed, as aforesaid, shall be furnished a written copy in duplicate of the terms of such hire or

engagement, rate of wages or compensation, kind of service to be performed, length of time of such service, with full name and address of the person or persons, firm or corporation authorizing the hire of such person; one of the aforesaid copies to be delivered to the person or persons, firm or corporation for whom the contracted labor is to be performed, and the other to be retained by the person hired as aforesaid; and the agent issuing the above described written copy of the contract of service or employment shall make and keep, in a book provided for the purpose, a third copy of the same; and any person engaged in the business of keeping an employment bureau or agency, such as is contemplated by this act, who shall fail to observe the provisions of this section shall be guilty of a misdemeanor.

Any person hired or engaged to work for others, by one so licensed, as aforesaid, who shall fail to get employment according to the terms of such contract of hire or engagement by reason of any unauthorized act, fraud, or misrepresentation on the part of such agent, may bring an action upon said bond, and may recover in such action against the principal and sureties the full amount of his damages sustained by reason of such unauthorized act, fraud, or misrepresentation, together with his costs and disbursements in such action.

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

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

Approved March 6, 1899.

CHAPTER 148.—*Investigation into Sunday labor.*

SECTION 1. The commissioner of labor is hereby directed and required to investigate the subject of Sunday labor in the State of Minnesota with respect to the number of persons employed, the conditions of employment and other facts relating thereto that he may be able to gather.

SEC. 2. The said commissioner shall incorporate in his biennial report to the legislature the results of the investigation authorized by this act.

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

Approved April 11, 1899.

CHAPTER 183.—*Sale of binding twine manufactured at the State prison.*

SECTION 1. The price of binding twine manufactured at the State prison at Stillwater shall be fixed by the warden and board of managers each year as soon as practicable, and not later than March first (1st), and shall be sold only to farmers or actual consumers thereof, in quantities necessary for their own use, up to and including the first (1st) day of May of each and every year, and shall be sold only for cash, or on such security as the warden of the State prison may approve.

SEC. 2. All the twine on hand on the first (1st) day of May of any year for which no order has been given by farmers or actual consumers (except five hundred thousand (500,000) pounds to be kept to fill subsequent direct orders) may, after said date, be disposed of by the warden or board of managers of the State's prison, in bulk to any citizen of this State applying therefor, at the price fixed by the board of managers, but only on the conditions hereinafter mentioned.

Such warden or board of managers shall require from any such person applying to obtain such twine on [in] a written agreement that he will resell such twine to actual consumers, who desire the same for their own actual use, and that he will not resell such twine in bulk to any other dealer, or attempt to evade the provisions of this act. Such person shall further agree that he will so resell such twine to actual consumers at a price not greater than one cent per pound above the price paid therefor, with the cost per pound of transportation from the State's prison to the place of such resale, added.

And, for the purpose of enforcing such contract, the State shall have a contingent interest in the twine so disposed of in bulk until the same is resold as herein provided, and the title of such purchaser from the State shall become complete and he be relieved from further accountability under this act only when he has fully complied with his said contract as to the manner and terms of such resale. Such purchaser shall also be required by said warden and board of managers to keep such State prison twine separate from any other twine he may have on hand for sale and to keep a correct record of the date, amount and name of the purchaser on all sales thereof made by him, which record shall be open at all times to any State's prison official or the county attorney of the county of his residence. In the sale, distribution and disposition of the twine, the board of managers and warden of the State prison shall apportion and divide the same throughout the several agricultural coun-

ties of the State, as near as may be, according to the acreage therein of grain requiring the use of binding twine. If any twine remains on hand unsold after July first (1st) in any year, the same may be sold absolutely to the first applicant therefor.

SEC. 3. Any willful violation of the provisions of this act, on the part of said persons entering into contract with said warden or said board of managers, for the sale of said binding twine, shall be punished by a fine of not less than twenty-five (25) or more than three hundred (300) dollars.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved April 13, 1399.

NEW YORK.

ACTS OF 1899.

[See page 617 of Bulletin No. 23 for other labor legislation of 1899.]

CHAPTER 370.—*Civil service law—"The exempt class" and "the labor class in cities."*

SECTION 11. The offices and positions in the classified service of the State or of any city or civil division thereof for which civil service rules shall be established pursuant to this act, shall be arranged in four classes to be designated as the exempt class, the competitive class, the noncompetitive class and, in cities, the labor class.

SEC. 12. The following positions shall be included in the exempt class:

* * * * * * *

4. In the State service, all unskilled laborers and such skilled laborers as are not included in the competitive class or the noncompetitive class; * * * . Appointments to positions in the exempt class may be made without examination.

SEC. 17. The labor class in cities shall include unskilled laborers and such skilled laborers as are not included in the competitive class or the noncompetitive class. Vacancies in the labor class in cities shall be filled by appointment from lists of applicants registered by the municipal commissions. Preference in employment from such lists shall be given according to date of application. There shall be separate lists of applicants for different kinds of labor or employment, and the commissions may establish separate labor lists for various institutions and departments. Where the labor service of any department or institution extends to separate localities, the commissions may provide separate registration lists for each district or locality. The commissions shall require an applicant for registration for the labor service to furnish such evidence or pass such examination as they may deem proper with respect to his age, residence, physical condition, ability to labor, skill, capacity and experience in the trade or employment for which he applies.

Became a law April 19, 1899, with the approval of the governor. Passed, a majority being present.

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 contract has been made by the Office of the Supervising Architect of the Treasury:

DUBUQUE, IOWA.—April 24, 1900. Contract with Ludlow-Saylor Wire Company, St. Louis, Mo., for stairs, elevator enclosure, and incidental changes in custom-house and post-office, $4,568.25. Work to be completed within four months.