DEPARTMENT OF COMMERCE AND LABOR.

BULLETIN

OF THE

BUREAU OF LABOR.

No. 56—JANUARY, 1905.

ISSUED EVERY OTHER MONTH.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1905.

EDITOR,

CARROLL D. WRIGHT,

COMMISSIONER.

ASSOCIATE EDITORS,

G. W. W. HANGER,

CHAS. H. VERRILL, G. A. WEBER.

II

CONTENTS.

BULLETIN

OF THE

BUREAU OF LABOR.

No. 56. WASHINGTON. JANUARY, 1905.

INFLUENCE OF TRADE UNIONS ON IMMIGRANTS.

SEPTEMBER 8, 1904.

TO THE PRESIDENT:

Referring to your letter of August 4, transmitting a communication from Mary E. McDowell, appearing in the Chicago Daily News of Friday, July 29, and to your letter of August 10, inclosing an editorial from the Chicago Tribune, entitled "The Union and the Immigrant," and asking that in the investigation conducted relative to the meat strike in Chicago the statements in these two inclosures be investigated, I have the honor to report that they have been taken up by our agent, Mr. Ethelbert Stewart, with the following results:

The article of Miss McDowell and the editorial relate practically to one supposed influence of the trade unions among the foreign element employed in the packing business in Chicago. This influence is exceedingly interesting and throws a valuable side light on the whole question involved. The immigrant is, in the first instance, a wage-reducer, either directly or indirectly, although the extent of his influence upon wages can not well be stated; but as a prospective wage-reducer he is met by the trade union in self-defense, just as the trade union meets female and child labor, except in this, the union seeks to organize the immigrants, while it seeks by legislation to prohibit or limit the work of women and children—that is, the union seeks the aid of the State to prevent wage reductions by means of female and child labor, and it seeks by organizing the immigrants to prevent reduction of wages by immigration. It makes no claim of undertaking any charitable or primarily civic education among the immigrants, but the secondary effect of the union on the immigrant is distinctively civic in character. It is the first, and for a time the only, point at which he touches any influences outside his clan. Even the progressive

forces inside the nationality lines consider the immigrant hopeless and seek only to reach his children—as, for instance, the officers of the Polish National Alliance direct their effort toward getting the Poles to send their children to American public schools and to have them mix up with and become a part of the whole people. The trade union, however, must deal with the immigrant himself, and the immigrant, when he learns that the union wants to raise his wages, decrease his hours of labor, etc., begins to see the necessity of learning the English language, of understanding the institutions he hears talked about in the union meetings, and other matters which interest him.

At the risk of taking up too much of your time, let me state a bit of history. From 1880 to 1886 the nationalities employed in the stock yards, in the order of their numerical importance, were Irish, Americans, Germans, and a few Scotch. The great strike of 1886 disrupted the only organization of workmen in the yards—that of the Knights of Labor—and after the failure of the strike a notable exodus of Americans and the more active men among the Irish began. Whether this was entirely voluntary, or in part resulted from activity in the strike, is not germane to this subject. The Poles began to come into the yards in 1886, after the settlement of the strike, but not as strike breakers. This appears to have been a voluntary immigration, increasing in volume until by 1890 the most of the unskilled occupations were filled by Poles, who by 1894 had practical control of the common labor.

The Bohemians began to affect noticeably the situation in 1894, going first into the inferior positions, which they shared with the Poles. There were two minor strikes between 1890 and 1894, which in a measure aided in bringing about this result. There was some movement upward among the Poles—that is, from lower to higher occupations, but not so marked as among the Bohemians. The Bohemians, coming in later, began under the Poles—that is, took the lower positions as the Poles went up, and divided the entire unskilled labor possibilities with the Poles. The Bohemians, however, soon outstripped the Poles in the movement upward from unskilled to skilled occupations.

The strike of 1894 unsettled these movements temporarily. Negro labor was employed to break the strike and has been an element in the situation ever since. In 1880 but one Negro was employed in the yards, and he worked in Armour's killing gang. While few of the strike breakers of 1894 were retained, yet that event marks the real beginning of the employment of Negroes. At the beginning of the present strike some 500 Negroes worked in the yards, many of whom belonged to the union.

After the strike of 1894 was settled the Bohemians were introduced more rapidly, and this continued up to 1896. In 1895 the Lithuanians

began coming in, followed by Slovaks in 1896, and this continued steadily until 1899, when the number began to increase rapidly. Two years ago an enormous influx of Lithuanians, Slovaks, and Russian Poles occurred, swamping the labor market in the yards. This was caused largely because of the threatening war between Russia and Japan, and the consequent rush of people to escape compulsory military duty. This has been appreciably checked within the last six or eight months.

The proportion of workmen of the various nationalities in the yards at the beginning of the present strike (July 12) was, approximately: Irish, 25 per cent; Americans and Scotch, about 2 per cent; Germans, 15 per cent; Poles, 20 per cent; Bohemians, 20 per cent. The remainder were Lithuanians, Slovaks, a very few Krains, and, among the most recent arrivals, Finns and Greeks, the latter, however, not being appreciable in number. No attention has been paid in this investigation to immigrants having a representation fewer in number than the Lithuanians and Slavonians.

Of these nationalities, excluding the Irish and Germans, which are not here considered as immigrants, the Bohemians are the most progressive, and have the industrial advantage in this, that many of the foremen are Bohemians and give preference to their nationality when taking on new men. There is no apparent surplus of Irish, Germans, Americans, or Bohemians in the labor market of the district affected, the surplus being composed of Poles, Slovaks, and Lithuanians.

Among all the immigrants mentioned, except the Irish and Germans, the clan spirit is at first all-powerful. The Bohemians, while Catholics, are Bohemian Catholics, and the Poles are Polish Catholics. This is even more true of the Lithuanians and the Slavonians, who are the most clannish of all. No doubt difference in language has much to do with this, but it is by no means the most serious feature. Each nationality has not only its own church, but its own school system, the Lithuanian schools making no pretense of teaching English, some of the teachers not being able even to speak it. The Slavs and Galicians have not as yet opened schools of their own. While the religion of these different nationalities may be said to be one, the associations are along exclusive nationality lines. They settle or rent properties by districts, and in branching out to occupy more territory one side of the street will first become Lithuanian for a block or so, and then the other side of the street will be occupied by the same nationality. The single men invariably board only in families of their own clan. Language has something to do with this, but really less than might be apparent on first consideration, and less than might seem to be true. When organizing building and loan associations, it is done along strictly clan lines. The Bohemians have four of this class of associations, the Poles three, and the Lithuanians one. The Slavs as yet

have none. There are other clannish distinctions, as Lithuanian Republican clubs, Lithuanian Democratic clubs, Bohemian Socialist clubs, Bohemian Democratic clubs, everywhere and always along the strictest lines of nationality.

It is currently reported that before the organization of the union this condition occasionally threatened riots along clan lines, owing to the fact that foremen showed such preference for men of their own clan. The union was organized by trades and departments, and the officials refused to permit nationality lines to be recognized. In the sheep butchers' union are to be found all the men connected with sheep killing, regardless of nationalities. So severe was the fight made upon this plan by the clan leaders—those who drew emoluments or secured social prestige as leaders of the various strictly clan societies—and so seemingly insurmountable was the objection raised by the Lithuanians to the union that in 1900, when the Lithuanians were first organized, it was permitted in one case to organize a Lithuanian union. The experiment, however, was a signal failure. No subsequent experiments have been permitted.

The unions in the stock yards are controlled by the Irish, ably assisted by the Germans. As a Bohemian or a Pole learns the language and develops, he is elected business agent or other official. In the pork butchers' union, for instance, there are about 1,800 members, 600 of whom are Irish, 600 Germans, 300 Poles, and 300 Lithuanians and Slavs. This union recently elected a Pole as president of the local. In their business meetings the motions made, resolutions read, and speeches delivered are usually interpreted in five languages, though in some locals in only three. All business, however, is transacted primarily in English, although any member may speak to any motion in the language he best understands, his words being rendered into English for the minutes of the meetings and into all the languages necessary for the information of members. It is here that the practical utility of learning English is first brought home forcibly to the immigrant. In all other of his associations not only does his own language suffice, but, for reasons that can be well understood, shrewd leaders minimize the importance of learning any other. (The only notable exception to this is the National Polish Alliance, and even here only the Polish language is used. There is no apparent influence exerted, however, to create the impression that the Polish is all-sufficient.)

In his trade union the Slav mixes with the Lithuanian, the German, and the Irish, and this is the only place they do mix until, by virtue of this intercourse and this mixing, clannishness is to a degree destroyed, and a social mixing along other lines comes naturally into play. Not only is the Amalgamated Meat Cutters' Union an Americanizing influence in the stock yards, but for the Poles, Lithuanians, and Slovaks it is the only Americanizing influence, so far as could be determined in this investigation. It is true this Americanizing is being done by the

Irish and the Germans, but it is Americanizing nevertheless, and is being done as rapidly as the material to work on will permit, and very well indeed. Again, the reaction is good in its results. The feeling among the Irish against the Dutch and the Polack is rapidly dying out. As the Irish in Chicago express it, "Association together and industrial necessity have shown us that, however it may go against the grain, we must admit that common interests and brotherhood must include the Polack and the Sheeny." It is also admitted that when the speech of the Lithuanian is translated in the meeting of the trade union the Irish and the German see in it the workings of a fairly good mind. Some of the best suggestions come from Bohemians, and mutual respect takes the place of mutual hatred.

The investigation disclosed the influence of the union in teaching the immigrant the nature of the American form of government. The records of this office, independent of this investigation, show that during an investigation of building and loan associations a few years ago information from the Bohemian, Polish, and other clannish associations of that character could be obtained only through the services of an interpreter. It was found that as soon as a Bohemian or a Pole heard the word "government," or "government agent," he closed his mouth, and it was impossible to secure any information.

This has been true in other investigations, notably in collecting family budgets; but with an intelligent interpreter, using their own language, the nature of the work was explained, and no further difficulty experienced. The union is breaking down this trait of character in the foreigners of the nationalities mentioned. This it is doing not as a matter of philanthropy, but from a selfish necessity. The immigrant must be taught that he must stand straight up on his own feet; that the ward politician is dependent on him—on his vote, etc.—and not he on the ward politician. In this way he first learns that he is a part of the Government, and while this is done by indirection, in a large sense, there is no other force that is doing it at all. The Pole, the Bohemian, the Lithuanian, the Slovak, and to a much lesser degree the Galician, have inherited the feeling that somehow government is a thing inimical to their natural development—a power forcing itself upon them from afar; an intrusive power for repression, taxation, punishment only; a thing which they must stand in awe of, obey, pay tribute to, and wish that it had not come among their people, even if they did not secretly hate it—a thing, in short, which ought not to be. Being weaker than it they must be silent in its presence, and if forced to speak, lie, as for them to tell the truth would mean imprisonment or death.

It is not necessary for these things to be true in order that the illiterate peasants should have believed them for generations. Seventy-five per cent of the stock-yards immigrants are of the peasant and agricultural laborer class of Europe, and comparatively few of them

can read or write in their own language. To make such a people feel that the Government is their friend, that they are a part of it, that development and education, not repression, are its objects and its purposes with and for them, is an enormous task, and one which a trade union single handed and alone can not be expected to accomplish by indirection in a few years, with the flood of new ignorance that has been brought in by the high tide of immigration into the stock yards.

In every trade union, however conservative, there are members who will occasionally get the floor and advise their hearers to vote high wages and shorter hours at the ballot box. As the groups of Slovaks gather around after the business is over to have these things explained to them, many get their first real idea of what the ballot and election day mean, and the relation of these to the Government itself. In their own home countries the two essential, if not only, elements of the peasant and agricultural laborer's mind is to believe and obey, or follow. Advantage is taken of this fact here by clan politicians, as well as the clan leader in every department. Once the leader can make these people believe in him, he thinks for the entire group, and insists that their duty consists in following his lead implicitly. Necessarily, the trade union, in order to get them to break away from the leader that opposed the union on industrial lines, would be compelled to urge them to consider their own personal and group interests as wage-workers; to think and act for themselves along lines where they knew the real conditions better than any one else, and certainly better than their leader in a child insurance society, or something else as remote. Here, too, are the first germs of what may be called the departmental thinking implanted in their minds—that is, that while a leader may be worthy of their confidence in one thing, it does not necessarily follow that he is so in some other class of interests.

It is doubtful if any organization other than a trade union could accomplish these things, for only the bread and butter necessity would be potent enough as an influence to bring these people out of the fixed forms and crystallizations of life into which they have been compressed. Certain it is that no other organization is attempting to do this work, at least not by amalgamation, which is the only way assimilation can be secured among these various foreign elements. The drawing of these people away from their petty clique leaders and getting them to think for themselves upon one line of topics, namely, the industrial conditions and the importance of trade organization, result in a mental uplift. The only way they can pull a Slovak away from his leader is to pull him up until he is gotten above his leader along the lines of thought they are working on. The very essence of the trade argument on the immigrant is—unconsciously again—an uplifting and an Americanizing influence. The unionist begins to talk better wages, better working conditions, better opportunities, better homes, better clothes. Now, one can not eternally argue "better" in the ears of

any man, no matter how restricted the particular "better" harped on, without producing something of a psychological atmosphere of "better" in all his thought and life activities. If better food, better wages, or even better beer, is the only kind of "better" one might get a Slovak or a Lithuanian to think about, then the only way to improve him is to inject the thought of "better" into the only crevice to be found in his stupidity.

Of course, many object to attempts to improve these people because the immigrants from Lithuania, Slavonia, and Russian Poland are better off here than they ever were or could be in their own countries; that, left to themselves, they would not only be perfectly satisfied, but delighted with their improved condition; that the union must first produce discontent and dissatisfaction with what would otherwise be entirely satisfactory before it can get these immigrants even to talk about joining the union. Again, it is urged that at home these people do not expect to eat as good food as other people, nor to dress as well, nor to live in as good houses; that, as peasants, they never compare themselves with other people or classes of people.

In opposition to all these things, the union begins by teaching the immigrant that his wages are not so good as another man's, doing practically the same kind of work, while it neglects to tell him he is not doing it so well, so intelligently, nor so much of it perhaps; but the union gets him to compare himself not with what he was in Lithuania, but with some German or Irish family, and then "stings him with the assertion that he has as much right to live that way as anybody." The union attempts to show the immigrant that he can live better only by getting more money, and that by joining the union he will get it. If left alone he would be entirely satisfied, perhaps, with what he was getting before. It is perfectly true, probably, that in most cases the union does not care for the Lithuanian in the first instance, the real purpose being to protect their own wages by getting the immigrants to demand high wages for their labor. So later on some degree of fellowship is engendered, but self-defense is the real motive.

The union point of view is that for a Lithuanian peasant to be contented, satisfied, and happy with the Lithuanian standard of living in America is a crime, a crime not only against himself but against America and everyone who wishes to make individual and social development possible in America, and that whatever the union's motives for creating discontent, the fact that it does create a discontent among the immigrants—which is the first step toward their improvement and ultimate Americanization—renders the union so far a public benefactor.

Many persons were interviewed in securing information along these lines—bankers, professional men, and all classes. One gentleman, in the banking business in the stock-yards district for many years, stated that the Slavonians and Galicians have been buying homes within the

last eighteen months to a most remarkable and unprecedented extent, and that this is in a measure true of the Lithuanians, but not to such a marked degree. He testifies that the union has given these people a sense of security in their positions. By mixing up the nationalities in the union meeting it has made them acquainted with each other and dispelled an undefined dread of pending race war or struggle between nationalities in the yards. Formerly most of the Slovak and Lithuanian immigrants were a floater class. About the only ones who return to their homes now are the Galicians, in whose country a more or less representative form of government prevails. Others testified in a similar way, although some thought the union had done little except to agitate for higher, higher, and higher wages, regardless of economic conditions.

On the police side of the problem, a sergeant of the twentieth precinct, that known as "back of the yards," which is crowded with the Bohemian and Polish elements, stated that there had been the greatest improvement since the union was formed, in 1900—less disorder, better living, more intelligence, and more understanding of American institutions and laws; that they employ fewer policemen in the district, and that less crime is committed than prior to 1900.

The studies of the various nationalities involved in the present meat strike brings out some valuable points relative to the restriction of immigration. Among them there seems to be an unalterable opposition to laws excluding those who can not read and write in their own language, and their argument is that the peasant population of central and eastern Europe, from which they came, have more rugged morals, simpler lives, and fewer vices than the inhabitants of the cities and towns who can read and write, as a rule. They consider themselves not responsible morally or politically for the fact that Russia has fewer schools than Illinois and spends less money on education in a year than does that State. They claim that their ignorance is not of the kind that is synonymous with vice or with crime; that they are as innocent as ignorant, whereas a far worse town and city population would be admitted without question under such laws. They have some peculiar ideas about prohibiting absolutely any immigration for a specific term of years and then allowing only a certain percentage to come in each year thereafter; but the main point they make is as to the illiteracy of the peasant class, the most desirable we can secure, and the literacy of the criminal classes of the great cities, which could come in under such restrictive legislation. Such things are only a part of this study brought out by your two letters, and the study has seemed to me so interesting and, in a way, so novel, that I have taken courage to give you the results quite in extenso.

I am, with the highest regards, very respectfully,

CARROLL D. WRIGHT,
Commissioner.

LABOR CONDITIONS IN AUSTRALIA.

BY VICTOR S. CLARK, PH. D.

The Commonwealth of Australia is not coterminous with the continent of that name, but includes in addition the island State of Tasmania, with an area of 26,000 square miles, or slightly larger than West Virginia, and the dependency of British New Guinea, which has an area of 90,000 square miles and an estimated native population of over 300,000. Of the six States of the Federation, however, five are upon the Australian mainland, and embrace the whole continental area, an extent nearly equal to that of the United States exclusive of Alaska and the insular dependencies. But the population, after more than a century of settlement and development, hardly exceeds that of the Union in the time of Washington, and is scattered along a coast line of nearly 10,000 miles. There are no great rivers affording easy and reliable means of ingress into the interior, no transcontinental lines of railway have been constructed, and the great central plains of the continent, as yet only partially explored, are visited or held only by hardy prospectors and venturesome graziers, whose precarious tenure is dependent upon a scanty and uncertain rainfall. Reverse a dinner plate and you have a fair relief map of Australia, or at least a diagram of its characteristic elevation features. The sloping rim represents for the most part fairly well watered and habitable country, timbered usually with the ever present but ever varying eucalyptus, the "gum" forests or "bush" of the Australian settler. Where the rim breaks into a depression toward the center is a barrier of more rugged country, a land of hidden mineral treasures that paid toll to the running streams and created the placer deposits of the early gold fields. Beyond sink the interminable plains and the "Never-never" country, often blasted with drought but ever ready—even after years of absolute aridity—to burst forth in a moment into oceans of rank green pasture if a moist breeze escapes over the mountains to their relief. On no part of the continent except in the southern highlands is it usual to find snow, but the temperature range dips to the frost level in Victoria and the more elevated plateaus of New South Wales, while sugar cane and bananas, and the luxuriant vegetation of the Tropics thrive in northern Queensland.

The States just mentioned and Tasmania are old settled country, in an American sense, as old as Ohio and the Mississippi Valley, but the total impression, from a car window, received riding through them, is of a land still in the pioneer stage of development. A visitor finds himself constantly thinking, "What opportunities! What a change ten years will make in this country!" and then suddenly recalls the fact that back in the days of the Black Hawk war, in the times of the "Forty-niners," there was a generation of colonists in the prime of life that had been born in Australia. The novel juxtaposition of old settled social and political traditions with frontier conditions and undeveloped resources first impresses an American. As an Indiana business man said: "It is a country that has grown only in spots."

The relative predominance of pastoral over agricultural industries accounts in part for the apparently primitive state of rural development. The remarkable concentration of the population in urban centers is an attendant circumstance which helps to explain this as well as many other features of Australian life. A statistical expression of the last fact is found in the following table:

AREA AND POPULATION OF AUSTRALIAN STATES AND PER CENT OF TOTAL POPULATION IN CAPITAL CITIES AND IN CITIES OF OVER 8,000 INHABITANTS, 1901.

State.	Area (square miles).	Total population.	State capitals.		Cities of over 8,000 population.	
			Population.	Per cent of total.	Population.	Per cent of total.
New South Wales	310,700	1,354,846	487,900	35.9	612,859	44.9
Queensland	668,497	498,129	119,428	23.7	190,363	37.8
South Australia	903,690	362,604	162,261	44.8	182,350	50.3
Tasmania	26,215	172,475	34,626	20.1	55,844	32.4
Victoria	87,884	1,201,070	494,129	41.1	595,382	49.5
Western Australia	975,920	184,124	36,274	19.7	56,722	30.8
Commonwealth	2,972,906	3,773,248	1,334,618	35.2	1,693,520	44.8

These figures evidently imply the exploitation of a land of great natural resources by a comparatively scanty population, otherwise the tribute of the sources of primary production could not support such relatively large numbers in the centers of secondary production and exchange. Victoria and Tasmania are the only States capable of more or less uniform agricultural settlement throughout their entire area. In the former the rural and small-town population, in places of less than 5,000 inhabitants, is 6.7, and in the latter about 4 per square mile. This rural population, however, is not itself distributed evenly, but is grouped as a rule in small and relatively densely settled districts. Consequently the arable portion of Australia consists of large tracts of quite undeveloped country, interspersed with smaller and somewhat isolated areas of crop and farm lands in the hands of tilling settlers.

This turn in the development of Australia was due primarily to natural causes, the climatic conditions of the country and its remoteness

from the markets and population centers of the Old World, but it was further favored by the method of early settlement and the system of land administration then adopted. The country was so distant from European markets as to forbid until recently the profitable export of agricultural produce. The local demand was limited. There was no tide of foreign immigration flowing in, with a large percentage of land-hungry peasants, creating diversified industries and ultimately a large body of home consumers. For a half century the government was almost autocratic, and the chief industries were carried on largely by convict labor. This favored extensive land grants and a baronial estate system, as distinguished from the system of small holdings that has characterized early settlement in the United States and Canada. Surveys were not undertaken upon a systematic basis, and did not precede settlement. Beyond the occupied country was a no man's land, into which adventurous pastoralists pushed forward, occupying the area of a small kingdom with their flocks. Hence the local term for a large landholder in Australia to-day is a "squatter," a word that carries with it quite the opposite significance from that familiar to Americans. Some of these lands are actually unsuited for agricultural purposes, but whole districts of valuable crop country, only waiting the touch of the plow to yield bountiful harvests, remained untilled. When the State attempted to resume its rights over these tracts, there was naturally bitter opposition from the temporary holders. The latter were seldom dispossessed, the government contenting itself with exacting a small rent upon the acreage occupied. Under the constant pressure of private interests much passed into actual freehold. For years the holders of large pastoral estates belonging to the public, which were later turned into fertile farms, stoutly maintained that the ground wouldn't grow a cabbage. Recourse was had to legislation. The land laws of Australia and their amendments fill ponderous volumes, hardly of interest now even to the most conscientious historian of tenures and agrarian policies, for they illustrate no general principles, but only record pullings and haulings in the squabble to acquire and maintain rights in land by private parties, or to defend or assert similar rights on the part of the public. It is no mere accident that Australia developed out of these conditions the Torrens title system, one of the securest and simplest methods of land transfer in the world.

The land was valuable and was occupied in this more or less haphazard manner, however, because grazing was profitable, and because it was virtually the only avenue of investment and employment in Australia during the first half century of the colony's existence. Wool could be shipped to England profitably, even in the old days when the sailing voyage around the Cape occupied as many months as it now does weeks. In the mild Australian climate stock does not need hous-

ing, forage does not have to be cut; one could set himself up in business with land and animals alone. Grazing was the natural pioneer industry of the country.

With the gold discovery and mineral development of the middle of the last century a new element was introduced into the population and into the industrial life of Australia, but one that reacted only slowly upon agriculture. In fact during the first excitement labor was drawn away from instead of to farm occupations. By the time the country population had awakened to the profit of the new market in the gold fields the tide of miners was already ebbing in some localities. New transportation routes had to be created. Food supplies in many instances could be imported into the mining centers from abroad more cheaply than they could be brought from centers of home production. But an incentive was given to railway building, and from this time dates the real development of the country. The labor market was overstocked, especially in Victoria, when the mining excitement was over. As a consequence a system of protected manufacturing industries sprang up in that colony, accompanied finally by such redundant prosperity that business was overstimulated, and the period culminated in a land boom that collapsed in the early nineties. Meantime recent gold discoveries in Western Australia created a new and speculative interest in that country. Population was drawn away from the older colonies, and after a sluggish existence of more than half a century—during which period this section, the largest in area of the Australian States, had acquired a population of less than 50,000—the western colony became the Mecca of all the floating population of the continent. In the decade ending in 1901 the number of inhabitants increased nearly threefold, although the population of the other five States of the present Commonwealth increased less than 2 per cent in the same period. All these apparently abnormal fluctuations in population and industrial concentration—this sort of chills-and-fever state of society—derive from the same causes that express themselves in the predominance of urban life and industry over the living and callings of the country. They form the shifting scenery and setting of labor conditions, and explain the relative prominence of the labor movement in social and political life. The wage-earner, the mobile and unattached member of society, predominates among the producing population. The conservatism, the petty economies, the centering of life in small but certain individual acquisition of property that characterize a farming community, do not exist in Australia to the same extent as elsewhere. Nor does this frugal and hard-fisted life contribute so largely to the recruits of urban labor. This would appear the fundamental fact to be observed in taking a first-glance survey of labor conditions in that country.

Grazing is the most important single industry in Australia. Wool

alone forms one-fourth the total exports, its value on normal years being between $80,000,000 and $90,000,000. Live stock, frozen and preserved meats, hides and leather, and dairy products, constitute a second large fraction of the exports, to the value of about $50,000,000 per annum, and the aggregate mineral output of Australia's mines totals over $100,000,000 yearly. All the other exports of the Commonwealth, including some reexports of manufactured articles, are valued rather under $100,000,000, of which wheat, to the value of some $15,000,000, constitutes the principal single item. (a) Grazing is largely an employing industry in Australia, and even agriculture is conducted by more wholesale methods than in the United States. Taking Victoria as the State that has reached the highest degree of agricultural development in proportion to its area, in March, 1902, there were 41,153 cultivated holdings, with a total crop area of 3,810,413 acres, or an average of 92.6 acres of tilled land for each farm. The total area of the State, however, is 56,245,760 acres. Only 6.77 per cent of the land, therefore, is under tillage. Considered in relation to population instead of area, South Australia leads in agricultural industry. Upon the date given above the land under private ownership in that State aggregated 8,087,776 acres, and that held under lease from the government 24,910,830 acres, while the total territorial area of the State is about 578,361,000 acres. Of these 32,998,606 acres of occupied land, 3,122,800 were under cultivation, or 8.6 acres for every person in the State. In the entire Commonwealth the average area cultivated for each inhabitant is 2.2 acres. Hay and wheat together constitute nearly one-half of the produce raised. Queensland has developed a cane-sugar industry of considerable local importance.

Manufactures are confined mostly to those required to supply local demands, though before Victoria became a member of the Federation, and while she still retained her independent tariff system, her manufactured products were distributed throughout Australasia. Under the Federal tariff home manufactures find their market in the entire Commonwealth, and there is some export, especially of boots and shoes, to New Zealand. Melbourne remains the manufacturing center of the country.

Land transportation is conducted by railways owned by the governments of the respective States, the private lines being few in number and of little importance as highways of commerce. The coasting trade is largely controlled by local shipping, and regular lines of home-owned steamers ply between the principal ports. The export trade, however, is in the hands of British and foreign vessels. As Melbourne is relatively prominent in manufacturing, so has Sydney

(a) Approximate figures only are given, as on account of the recent drought, current export statistics are not fairly representative.

been the commercial emporium of Australia. Previous to the formation of the Federation New South Wales was the representative free trade, as Victoria was the representative protectionist, Australian colony. These conditions have been modified under the uniform fiscal régime of the Commonwealth.

As a whole, therefore, Australia is a scantily populated largely undeveloped country, whose urban growth has been stimulated beyond the wont of most young nations, and whose chief industries are as yet pastoral and mining. The freeholding population is relatively small as compared with the wage-earners, and agriculture has lagged somewhat as compared with other forms of primary production. Conditions partly climatic, and depending upon the character and resources of the country, and partly social and due to historical causes, have reversed what we are accustomed to consider the normal order of development in a virgin land, and the employing have antedated the independent occupations.

HISTORY.

Australia had been partially known to European navigators for nearly two centuries, when Captain Cook, in a voyage that retains permanent significance in the history of discovery and colonization, coasted its eastern shores in 1770. His favorable reports of the country around Botany Bay and in the vicinity of what is now Sydney Harbor were not forgotten, and when, after the loss of her North American colonies, England sought new ventures seaward, and especially a place suitable for convict settlement, Australia and New Zealand were already places prominent in the public mind as lands likely to prove suitable for occupation. Thus it happened that in January, 1788, a settlement was effected at Sydney by a body of some 750 English convicts and a third as many officers and guards. After the usual vicissitudes of a young and distant colony, the population gradually began to take root, free settlers came in, local explorations revealed new resources, and by the close of the governorship of General Macquarie in 1821 the routine conditions of early colonial life had become thoroughly established. Tasmania had been settled in 1804, and a year before that the first shipment of wool was made to England. Civil courts and banks had been established, and several ship loads of voluntary emigrants had arrived, while many convicts whose time had expired were beginning a new life in the country. Pastoral occupation gradually extended, and a certain degree of participation in the government was granted to the colonists. In order to anticipate French settlement a township was established on King George's Sound, in what is now Western Australia, and, following the coast exploration northward, a penal post was placed on the site of the present capital of Queensland. Voluntary settlement began in

what is now Victoria, and under the Gibbon Wakefield plan a formal colonization of South Australia took place. So by 1836 the nucleus of each of the six States of the present Federation was in existence. Public opinion was at this time centered upon the struggle to abolish convict transportation to the colonies, and here first appears the line of cleavage between the large landowners and the free working classes that has remained, in one form or another, characteristic of Australian politics. The "squatting" interests wished to retain their convict laborers. Even to-day in the "back blocks" of Queensland one may hear faint reminiscences of the old assertion that the best workmen ever had upon the stations were the men contracted from the stockades. The question was fought over in New South Wales during the decade ending with 1840, in which year an order in council in England abolished transportation to that colony. But the penal establishments in other colonies continued to receive recruits from the mother country until a later date. The rudiments of an elected parliament were created in 1843, when the legislative council, which had heretofore been a small advisory body appointed by the governor, was increased to 36 members, 24 of whom were made elective under a franchise limited by a property qualification of about $1,000. There was a $10,000 property qualification for members. The mother colony at this time included the present States of Victoria and Queensland. Tasmania and Western and South Australia were still under more autocratic forms of government.

The year 1851 marks a turning point in the history of Australia. The next decade saw the discovery of gold, the influx of a great population of adventurers and free laborers, the establishment of constitutional government upon a modern parliamentary basis, the beginning of systematic development of interior transportation routes and railway construction, and the disappearance of the convict labor question and the rise of the land question to the most prominent place in public interest. The following forty years of political history are occupied with the struggle between the squatter and the settler, or between cultivating and grazing interests, for the control of the government and the making and administration of the land laws. The political division was in a very general way along lines which had been defined by the convict labor issue previously, and which, with some qualifications, have been continued in the more recent alignment of parties upon the labor question. The baronial sentiment of the great landholder manifested itself in 1852, when the committee of the legislative council appointed to draw up a plan for a new constitution reported in favor of creating a colonial peerage, from which should be selected the members of the upper house of the new legislature. The convict labor question itself gave birth to the desire for an independent government in Queensland, but the fight between selectors and squatters

for the public lands continued until 1868, when a temporarily satisfactory act was passed, without finally disposing of the question. Victoria, which had secured separate government in 1851, escaped the convict labor question entirely, and to a less degree escaped the land question. An inrush of a quarter of a million miners in the three years ending with 1855 placed her government upon a permanently democratic basis. The year last mentioned a constitution was proclaimed establishing a parliamentary government, with a legislature of two chambers, both of which were elective. In less than eight years this constitution had been amended so as to establish manhood suffrage and vote by ballot and to abolish the property qualification for members of the lower house. State aid to religion was done away with, and large tracts of land were opened to settlement, the maximum area allowed any selector being 640 acres. But the fight between the popular and the conservative party raged with possibly even greater bitterness around fiscal issues in Victoria than it did around the land question elsewhere. This resolved itself finally into a contest between the upper and the lower house upon the question of a protective tariff, complicated by a dispute over constitutional points relating to the respective legislative authorty of the two bodies. The popular branch tacked tariff bills upon its appropriations, which were as persistently thrown out by the landholding freetraders of the council, until revenue ceased and the treasury was empty. The governor was recalled by the home government for becoming involved in the difficulty, but the protectionists finally won the day, and held their ground in that colony until federation, when they led successfully a second campaign with this as a Commonwealth issue.

The question of land tenures and administration has been thrown into comparative obscurity since about the year 1890 by the rise into prominence of two other issues of even greater immediate importance. The first of these resulted from the agitation for a federation of the Australasian colonies, which was effected, so far as the six States of the present Commonwealth are concerned, in 1901. This agitation brought with it, first the question of federation itself, and later the still discussed and disputed details of reciprocal adjustment of State and Federal powers, and the multitude of constitutional points and matters of Commonwealth policy that appear like a host of unexpected guests upon the scene as soon as an organic act of such importance is put into actual operation. The second group of issues relates directly to industrial legislation, and is a result of the appearance upon the political field of organized labor as a separate and independent party. This party organization of the workingmen was consummated at a moment particularly favorable to their ends. They were not hampered, like the older organizations, by local traditions and policies, by remnants of interstate jealousies, and by a general disturbance of their habitual

grooves of action by the issue and accomplishment of national union; but they began with a national platform and policy, with the effective discipline born of their trade union experience, and with views and methods absolutely unconditioned by regard for precedent and past experience. Federation, which came like a disturbing shock to the established parties, found the workingmen organized and ready to avail themselves of the new conditions thereby created. For this reason they have possessed an influence disproportionate to their numerical strength, and have been able to dictate policies to parties individually stronger than themselves.

It is in the detailed history of the 15 years just mentioned that all the movements and legislation of special interest to the student of present industrial conditions lies recorded. Behind that need be remembered only the labor and land conditions that gave rise to the large estates and the fact, most profoundly significant of all, that the small farmer and the small homestead have hitherto contributed comparatively little to the life and labor of Australia.

The Federal and state constitutions of Australia differ from those of the Union in this fundamental respect, that they are, formally at least, acts of the Imperial Parliament, and are subject to direct modification by that body. In fact, however, they are drafted and amended by the representatives of the people whom they are to govern and formally ratified by them before Parliament takes action; so that the intervention of the Imperial Government is largely a matter of form, except in respect to subjects that involve the relations of the Commonwealth and its component States to foreign powers or to other portions of the Empire. In each of the States, as in the Commonwealth itself, there is a royal governor, who has the shadow of executive power and fulfills a more or less traditional and ornamental function as nominal head of the Government and representative of the sovereign. Real executive authority rests, as in England, with a responsible ministry. The legislature is in every instance bicameral, and the upper house in the state government is known as the legislative council. This body is elected for a term of years in each of the States except New South Wales and Queensland, where members are appointed by the governor for life. The Commonwealth senate is an elective body, in which the six States are equally represented, following in this respect the precedent of the United States Constitution. The lower house is in every instance an elective and popular body. The Federal franchise is determined by the Federal, and not, as with us, by the state governments. Women are allowed to vote in Federal elections and in state elections in South and in Western Australia and in New South Wales. There is a property qualification for voting in most of the States, and property holders still possess a plural vote in Queensland. Victoria has recently passed an act restricting the franchise of civil servants and giving

government employees separate representation in parliament. The payment of members has gradually been introduced and prevails in state and Federal parliaments, except in cases of legislative councilors appointed for life.

The Commonwealth constitution follows the example of the United States Constitution in leaving all residuary authority, not expressly granted to the Federal government by the organic act, to the individual States; but the expressed Federal powers are in many directions more ample than those granted to the central government in our own country in domestic matters; though in all foreign relations the right to levy war, to make peace, and to enter into treaties other than commercial with foreign powers, the authority of the Australian government is limited by the Imperial prerogatives. There is no bill of rights or series of express constitutional guarantees limiting the power of the legislature over individual liberty and property, except that trial on indictment for any offense against a law of the Commonwealth shall be by jury. The ultimate interpretation of the constitution rests, with the permission of the Government, in the Privy Council of England.

The more extended powers of the Federal Parliament of Australia, as compared with those of the American Congress, relate to marriage and divorce, railways, insurance, and financial and trading corporations, foreign corporations, invalid and old age pensions, "conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State," and matters referred to the Parliament of the Commonwealth by the parliament or parliaments of any State or States; but so that Federal laws enacted under this last authority shall extend only to those States by whose parliaments the matter is referred, or which afterward adopt these laws. It is under the last two provisions that an as yet undefined authority is given to the central government to enact laws regulating industry, an authority which, however closely curtailed by subsequent precedent and constitutional decisions, the labor party hopes ultimately, through the action of individual States, to place permanently and unqualifiedly in the hands of the Commonwealth.

THE POLITICAL LABOR PARTY AND SOCIALISM.

The political labor movement of Australia is an outgrowth of trade unionism. Its dominating impulse has not been heretofore socialistic in the technical sense, though its ultimate aims and actual measures look more and more toward government control of the means of production. But it is not a theoretical and doctrinaire propaganda undertaken with the idea of revolutionizing society. Rather it is a more or less empirical and opportunist movement, with its views centered upon certain practical and immediately realizable aims in the way of industrial legislation. It is the product of conditions peculiarly Austral-

asian, and in its present special manifestation is a force that may soon be spent; for its political measures do not aim to harmonize all the interests of society in a single ideal, but to secure particular favors for a class that probably, under normal conditions, would constitute a political minority. However, considered more broadly, as part of a social movement as wide as Christendom for the amelioration of the lot of the workers, it possesses more general and permanent significance. The methods adopted by the workingmen of Australia to better themselves through parliamentary control can be successful only so long, and to the extent, that they carry with them a large number of voters not directly identified with the wage-earning classes. This is possible temporarily when, as at present, the older political parties are disunited for a time by the inertia of dead issues, and while the agricultural vote is still slumbering and inattentive. But when the farmers wake up, with a class interest opposed to the programme of the urban workmen and a strenuous demand for retrenchment in public expenditure, as recently occurred in Victoria, the labor party is found conducting a rather barren campaign. It is only by adapting their measures to the interests of a permanent majority that the partisans of labor can succeed, and the history of the past 15 years records a series of adjustments taking place between labor ideals and objects and the exigencies of practical politics—a process as yet only partially completed.

The population of Australia is almost entirely of British descent. According to the census of 1901, 78 per cent of the people were born in Australia, nearly 19 per cent in Great Britain and other British possessions, and a little over 3 per cent in countries outside the Empire. The labor traditions and organizations of the country are therefore of British derivation. Trade unionism, based on English precedents, has long been powerful in Australia. In each of the larger cities there is a trades hall, sometimes as imposing as one of the regular government buildings, erected upon land granted for that purpose by the public authorities. The first Intercolonial Trades Union Congress was held at Sydney in 1879. The general constitution and purposes of this and succeeding assemblies seem to have been similar to those of the Trades and Labor Congress of Great Britain. A second congress was held in Melbourne in 1884, at which representatives from three of the colonies were present. Sixty-nine delegates took part in the proceedings, of whom 50 were from Victoria, 15 from New South Wales, and 4 from South Australia. Forty-one unions, branches, or amalgamated societies were represented. Among these were the Amalgamated Society of Engineers and the Amalgamated Society of Carpenters and Joiners, vigorous branches of the British societies, with their conservative policies and benefit features. The engineers established their first branch in Sydney in 1851 with a membership of 12, which has

since been increased to 700. They have never had a strike, but have during their history contributed about $5,000 to the strike funds of other unions. The carpenters and joiners have also maintained an organization that has kept pace with the growth of the country. At the time of the congress just mentioned there were 55 unions affiliated with the Melbourne Trades Hall, including a women's union, represented by two delegates in the convention. The Amalgamated Miners' Association of Victoria had 19 branches. There were 24 societies associated in the Sydney Trades and Labor Council, with an aggregate membership of 8,000, in addition to which there were a number of independent organizations in the city. One of the district coal miners' protective associations reported a membership of 2,500. The Adelaide Trades and Labor Council had 3,000 affiliated members. Altogether the congress evidently represented a considerable body of vigorous and growing organizations. The premier of Victoria addressed one of the sessions, and the government of the colony extended further courtesies in the way of a railway excursion to the delegates. Cooperation was fully and favorably discussed. In the matter of internal organization, amalgamation of the independent unions along trade lines, which had already been begun, especially in the maritime trades, was encouraged, and steps were taken toward a national federation of labor. Upon questions of general public policy the congress was united in opposition to the admission of the Chinese, in opposition to immigration assisted by the Government, and in urging upon the governments of the different colonies the necessity of using their influence with the Imperial authorities to prevent, if possible, an extension of French convict settlement in Pacific islands adjacent to Australia. Opinion was divided somewhat upon the protection issue, the Victorian delegates almost unanimously and a majority of the representatives of the two other colonies apparently being favorable to protection, though this policy was opposed by some of the New South Wales delegates, notably by the representative of the Seamen's Union. The two constitutional reforms most insistently urged were "one man, one vote," and the payment of members of Parliament wherever this had not been adopted. No laws that at the present day would be called socialistic in Australia were advocated, but motions were passed in favor of legalizing the 8-hour day, which was already practically enforced in nearly all the trades; for legalizing trades unions, which were still nominally subject to the old conspiracy laws in some colonies, and had not been affected by the English act of 1875, and for additional employers' liability and factories and shops legislation. A revision of mining legislation was advocated and more stringent inspection of machinery. It was also urged that the old master and servant law should be repealed. There was no discussion of nationalizing any industry or of compulsory arbitration. A rather original proposal

was advocated by this and subsequent congresses, that the trades and labor councils should by parliamentary authority be made quasi-public corporations, like harbor trusts, boards of agriculture, universities, and similar bodies, with statutory authority to make by-laws, appoint inspectors of dangerous occupations, recommend legislation affecting workingmen, and initiate measures to prevent or settle industrial disputes. Finally the following rather significant resolution was unanimously adopted:

That this congress desires to urge upon labor organizations in the various colonies to at once elect a parliamentary committee in their respective colonies, whose duty it shall be to assist in passing through Parliament measures for the benefit of labor, and where possible endeavor to obtain for labor direct representation in Parliament.

In discussing this motion a member said that what he suggested was "That the artisans of Melbourne, Sydney, Adelaide, and their adjoining suburbs send artisans to Parliament; that the miners send miners to Parliament; the weavers send weavers to Parliament, etc.; and by that means we shall have direct representation." It must be remembered, however, that party organization and discipline, and that many of our ideas of party loyalty and consistency, would be quite unintelligible to an Australian voter—at least at the time when this motion was adopted. The colonial system, with a responsible government—an executive practically elected by the legislature—allows the simultaneous appearance of a number of parties in Parliament, whose varying groupings and rearrangements time the lives of the successive ministries. Therefore a minority of labor representatives might, as they do at present, hold a balance of power, determine the political life of the cabinet, and so be able to dictate legislation in their own interests. Our system of government, which throws the election of the executive back upon the people, fixes his term of authority, pitches the fate and determination of future policies upon a single election, leaves no such place for an effective third party, creates the necessity for a vast, complex, disciplined, and expensive party organization, and makes our methods of political propaganda quite different from those of the English colonies. This fact needs to be kept in mind in watching the evolution of the labor party in Australia. An immediate result, to be obtained by electing a few members representing their class interests, who could throw their votes so as to make and unmake ministries and thereby secure the particular laws desired by the unions, was the prospect that presented itself to the trades union congress of 1884. It was not proposed to construct a complex and extensive party organization.

In 1885 the number of organized workmen in Australia was estimated by their leaders to be 150,000, out of a total population of less than 3,000,000. At the Brisbane congress of 1888, the fifth of these

intercolonial conferences to be held, 66 delegates were present, and every Australian colony except Western Australia was represented. Naturally, on account of the location of the congress, the Queensland delegates were most numerous, though they were sent by fewer societies. From that colony 23 unions or amalgamated organizations were represented; from New South Wales, 30; from Victoria, 9; from South Australia, 10; and from Tasmania, 8. The proceedings at once reveal the presence of more or less socialistic sentiment among the delegates. Some avow themselves advocates of these theories. When the question of a national organization, which had not yet been effected, was under discussion, several spoke favorably of creating a body similar to the Knights of Labor in America. The principle of federation, which had been gradually extending in the individual trades and reaching across colonial boundaries, prevailed, however, and a committee was appointed to carry it into effect upon an intertrade and intercolonial basis. This was accomplished at the Hobart congress the following year, when the short-lived Australian Federation of Labor was founded. While there was still a division of opinion at Brisbane upon the free trade-protection issue, a motion in favor of a protective tariff in all the colonies was unanimously adopted. Another motion that received the unanimous assent of the delegates was:

That it is the opinion of this congress a simple yet sovereign remedy, which will raise wages, increase and give remunerative employment, abolish poverty, extirpate pauperism, lessen crime, elevate moral tastes and intelligence, purify government, and carry civilization to a yet nobler height, to abolish all taxation save that on land values.

The proceedings do not state how members reconciled this with the preceding resolution in favor of a protective tariff. This congress seems to have marked the turning point where organized labor diverged from traditional trades-union lines to enter the political field. The delegates of the Trades and Labor Council of South Australia reported that the Adelaide Trades Hall had nominated nine and returned seven candidates at the last election. A motion was unanimously adopted to the effect that:

In the opinion of this congress it is desirable that the various trades and labor councils of Australasia should formulate an electoral programme in accordance with the resolutions come to at this and preceding congresses for support of all interested in labor, and the acceptance of parliamentary candidates. That no candidate who does not adhere to the labor programme should receive the support of the labor party.

The following year saw the great dock strike in London, a struggle that seems to have reacted strongly upon opinion in the Australasian colonies. A sympathy with the working people and a certain social sentiment, evoked by that event among all classes of society in those countries, prepared the ground to some extent for a favorable reception of political labor propaganda. As in America, there seems to have

been a sort of contagious and more or less emotional socialism, of the "Looking Backward" variety, abroad. Henry George had been in the colonies, and his views were receiving much attention. Australia had for half a century been looking for some kind of a land panacea. A few years later an offshoot of this movement manifested itself in an attempt to realize some of these socialistic ideals in an Australian communistic settlement in Paraguay, which, like so many similar enterprises in America, resulted in failure.

It was a typical trade-union crisis, however, that finally gave a political impulse to the new labor movement that was, so to speak, incumbent in the very atmosphere. The maritime trades were well organized. Most of the Victoria unions, where there was a remarkable land and building boom in full career, including the seamen, were affiliated with the Trades Hall. Of the great labor organizations of that colony only the miners, who were strong and independent, held aloof from that central body. As is usual in periods of abnormal prosperity, a number of short, sharp, successful strikes occurred, especially in the building trades and allied industries, and employers were irritated and on the defensive. There may also have been fear or premonition of the coming industrial collapse in the air, foreseen by the shrewder business men, but not apprehended by the unions. In any case, when the ships' officers decided to organize and to affiliate with the Trades Hall, their employers resolved to make an issue upon this point. It is the same point that gave rise to the recent equally unsuccessful strike of the Victoria railway employees. The shipowners maintained, with considerable show of reason, that the affiliation of their officers with a body including strong organizations of seamen would be prejudicial to ship discipline. Organization was perfected on both sides. The Trades Hall decided to support the officers in their contention that they should be permitted to associate themselves as a union with whomsoever they pleased, and a general sympathetic strike was declared. Ill feeling was further accentuated in the maritime trades by the discharge of a union seaman from one of the colonial boats because, it was alleged, he had been an active representative of his organization. There is said to have been no cause of complaint on the part of the other unions. Their relations with their employers were amicable. Yet at the strike call, of the 16,650 members of the shearers' union, for instance, 16,500 stopped work. For a time every industry was paralyzed. Coming as it did at the apex of a boom, this crisis was the more severely felt, and it may have precipitated the final collapse that occurred three years later. There was some division of public opinion as to the justice of the strikers' cause. The chief justice of Victoria subscribed $243.33 weekly to the strike fund. The present chief justice and former premier of New Zealand took the platform in favor of the strikers when

the disturbance spread to that colony. But upon the whole the public sided with the employers, and the men were utterly defeated. For a period unionism in Australia was prostrate, and during the hard times of the following years it was uphill work to recover even a remnant of its former prestige. The shearers, still unbroken, conducted strikes of their own in 1891 and 1894. These difficulties were accompanied by considerable disorder, especially in the back country of Queensland. The conditions were somewhat such as might be expected to prevail if a large body of our western cowboys should take a notion to create an industrial disturbance, or such as actually occurred at the time of the Cœur d'Alene difficulties a few years ago. Houses were burned and men were shot. The shearers formed camps in the remote districts and maintained the semblance of a military organization. The government in some of the colonies was sufficiently concerned to call out troops, and many of the strikers were arrested and imprisoned. This interference by the public authorities was bitterly resented by the workingmen. All of these strikes, therefore, having proved ineffective, and a sense of the power of the government to defeat organized labor in such crises by throwing its influence in favor of their opponents having become emphasized in the minds of the labor leaders, they naturally turned to new methods and attempted to make their power felt in the government itself. Political agitation, which, while theoretically indorsed, had up to this time been rather a side issue with the unionists, thus became their main reliance. The Australian Federation of Labor, recently mentioned, had gone down in these conflicts, and the seventh of the intercolonial congresses, held at Ballarat in 1891, was the final attempt of the workingmen of Australia to come together on strictly trade-union lines. In effect, the failure of a series of widespread and sensational strikes, the intervention of the government in these struggles, and the general social discontent attendant upon a period of financial collapse and acute industrial depression were the immediate causes that brought organized labor in Australasia into politics.

While the intercolonial congresses and the federal labor organizations gave at the outset more or less of a national character to this political movement, the genesis of the party and its programme and methods in the different colonies were not identical. The New Zealand workingmen never formed a class party, as did those of Australia, but succeeded in merging themselves with and in recasting the platform and organization of the old Liberal party of that country; and it is to this fact that their relatively greater success is largely due. In Australia, however, a class party was formed in every instance, with parliamentary representatives who are in most cases workingmen, which works as an independent organization and trusts to alliances with

other parties and factions to secure the passage of those measures to which it is committed. In order to understand the individual characteristics of the labor movement in the different States, however, it is necessary to go back somewhat in local history, and also to indicate the broad geographical and industrial divisions among the workers, which are reflected in their organizations.

The two great sources of primary production in Australia are represented by wool and minerals. Back over the rim of the great interior basin of the continent are the broad stock ranches, employing a small permanent force throughout the year, but during the "season" requiring, each of them, a large number of temporary employees—the shearers and shed men, who harvest, sort, and bale for shipment the returns of the animated crop of the stations. These men, intermittently employed, from necessity nomadic in their habits, with no home ties, associated in bands only a portion of the year and collectively isolated from town life and most of what constitutes modern civilization, acquire habits of thought and action and qualities of temperament different from those of other classes of workmen. Often their life is an alternation of strenuous exertion and reckless dissipation, of abundant physical necessities and actual want; but it seems, with all its rudeness and crudity, to create men exceedingly loyal to class ideals. This is the sentiment that gives vitality to the "bush unions," the labor organizations of the "back blocks" of Queensland and New South Wales, and to a lesser degree of Victoria and South Australia, and in the first-mentioned State maintains the balance of power of the labor party in the remote and thinly settled districts. Then come the "barrier unions," the miners' organizations, whose strongholds are in the mountain rim of the continent. In every State of the mainland the miners contribute an important fraction to the labor vote, and in Tasmania they appear to be the only class of workers possessing an effective influence in elections. Along the coast are the maritime and longshore trades, exceptionally important in a country devoted so largely to the production and export of raw materials and employing therefor a large coastal fleet. The headquarters of these occupations are naturally in the port cities, where labor organizations are reinforced by colliery workers, artisans, and factory operatives; so that in spite of the powerful country organizations, except in Queensland, and to a less degree in Tasmania and in Western Australia, the urban centers are the focus and stronghold of the political labor vote.

The United Trades and Labor Council of South Australia was formed in 1884 for the purpose of wielding political influence in that colony. As already mentioned, this body had secured the return of 7 out of 9 candidates supported in 1887. But these were not, speaking in the present sense of the term, labor members. They were not

themselves from the working classes, and secured labor support solely in virtue of the fact that they indorsed the legislative programme of the trade unions. In 1890 out of the 20 candidates favored by the council 14 were returned, but there was no direct labor man among them. The legislation desired by the workingmen, however, was not secured, and for this reason some system of more effective political representation was desired. To this end a campaign fund, formed by a levy upon each unionist that ultimately reached 37 cents, was raised, and it was resolved that the labor vote should be given only to a candidate who was "a person who is eligible to become a member of a trade or labor society, which trade or labor society is eligible to become affiliated with the United Trades and Labor Council." This confined electior to wage-earners, so far as the workingmen could accomplish it. Three resolutions that were characteristic as representative of labor party discipline, were adopted: (1) "That all labor representatives must agree to occupy cross benches, no matter what party is in power" (i. e., they must constitute a balance of power and not commit themselves to the permanent support or opposition of any ministry); (2) "That labor candidates shall pledge themselves, if returned, not to accept office in any ministry;" (3) "That in the event of a plebiscite being taken in regard to the conduct of a labor representative, and such plebiscite being unfavorable, he shall be requested to and shall resign his seat." This probably marks the first attempt to introduce effective party discipline, in the American sense of the word, into the political life of Australasia. How necessary it was to do so is shown by the experience of the new South Wales labor party a year later. Nominations were made by a "plebiscite" of the unions, and the 3 candidates for membership of the upper house of the colonial parliament thus presented by the Labor Council were all successful in the election of May, 1891. The following year 8 members of the lower house were elected by the workingmen. The party is said to have been somewhat weakened by the opposition to federation that developed in its ranks in this colony. Since federation several of its most active members have been transferred from the local to the Commonwealth legislature. Therefore it is not as strong in the present as in the preceding state parliament, possessing but 1 of the 18 members of the upper house, and 6 of the 42 members of the popular chamber. But at the recent election the party increased its Federal delegation from 1 representative and 1 senator to 2 representatives and 3 senators. In addition, 1 representative from an uncontested electorate has since joined the labor party. In this election the labor leaders claim to have won every seat which they contested. Of the 8 senatorial candidates running, the 3 labor men received an absolute majority of votes. One interesting feature of the political labor movement in this State is the effort being made to join hands with the

farmers in an attempt to secure socialistic legislation in the common interest of these two sections of the community. The labor party, which was started as a purely metropolitan organization, is now revising its constitution so as to make fuller provision for country branches and take advantage of the state agricultural fair to hold conferences with farmers and country delegates to settle on rules and platform. The party already has 2 country representatives in the state parliament, one standing for a mining, and the other, who is himself a fruit grower, for a purely agricultural district. A labor leader in this State, speaking of this new phase of his party's propaganda, said: "We find that many farmers who denounce socialism roundly are really socialists so far as practical measures affecting themselves are concerned."

The local legislation which has been enacted with the support of the party has been: (*a*) free education up to a compulsory standard or up to 13 years; (*b*) adult suffrage for the lower house of parliament; (*c*) an additional land tax on property valued at over $24,330, and an addition of 20 per cent to the tax upon lands owned by absentees; (*d*) a state bank; (*e*) a labor department, similar to our State employment bureaus; (*f*) a state produce export department, which receives, refrigerates, stores, consigns, and collects for colonial produce sent to the authorities for export; (*g*) workmen's blocks, or sites for home building, more fully described under the land laws; (*h*) a workmen's lien act; (*i*) a shop and factories act; (*j*) state inspection of steam boilers; (*k*) an early-closing act; (*l*) an employers' liability act, including seamen under its benefits; (*m*) and an as yet ineffective conciliation and arbitration act.

In New South Wales, also, the labor party went into politics in 1891, and a month after the South Australian unions returned their first 3 workingmen members to the upper house the workers of the mother colony sent 35 regular labor representatives to parliament, and some ten or a dozen other members were elected who were prepared to support every plank of the labor platform. This platform contained the following provisions:

1. Electoral reform, to provide for the abolition of plural voting; the abolition of money deposits in parliamentary elections; extension of the franchise to seamen, shearers, and general laborers by means of a provision for the registration of votes; extension of the franchise to policemen and soldiers; abolition of the 6 months' residential clause as a qualification for the exercise of the franchise; single-member electorates, and equal electoral districts, on adult population basis; all parliamentary elections to be held on the one day, and that day to be a public holiday; and all public houses to be closed during the hours of polling. (Achieved.) 2. Free, compulsory, and technical education, higher as well as elementary, to be extended to all alike. 3. Eight hours to be the legal maximum working day in all occupations. (Since modified by inserting the words "where practicable.") 4. A workshops and factories act, to provide for the prohibition of the sweating

system, the supervision of land boilers and machinery, and the appointment of representative workingmen as inspectors. (Partly accomplished, with great advantage in many instances.) 5. Amendment of the mining act, to provide for all applications for mineral leases being summarily dealt with by the local wardens; the strict enforcement of better conditions on such leases; abolition of the leasing system on all new gold fields; the right to mine on private property; greater protection to persons engaged in the mining industry, and inspectors to hold certificates of competency. (Partly achieved.) 6. Extension to seamen of the benefits of the employers' liability act. (Achieved.) 7. Repeal of the masters and servants' act and the agreements validating act. 8. Amendment of the masters and apprentices' act and the trades union act. (The latter part of this plank has been secured.) 9. Establishment of a department of labor, a national bank, and a national system of water conservation and irrigation. (The first part of the plank has been secured, an advances to settlers board has laid the foundation of the second, "and the third is being gradually realized by a cumbersome piecemeal system.") 10. Elective magistrates. 11. Local government and decentralization; extension of the principle of the government as an employer, through the medium of the local governing bodies; the abolition of the present method of raising municipal revenue by the taxation of improvements effected by labor. (The now famous day-labor policy is the outcome of this plank.) 12. The federation of the Australasian colonies upon a national as opposed to an imperialistic basis; the abolition of the present defense force, and the establishment of the military system upon a purely voluntary basis. 13. The recognition in legislative enactments of the natural and inalienable rights of the whole community to the land—upon which all must live, and from which, by labor, all wealth is produced—by the taxation of that value which accrues to land by the presence and needs of the community, irrespective of improvements effected by human exertion, and the absolute and indefensible right of property on the part of all Crown tenants in improvements effected on these holdings. (Land value taxation and tenant right in improvement have been engrafted on the statute book in a modified and generally satisfactory form.) 14. All government contracts to be executed in the colony. 15. Stamping of Chinese-made furniture. 16. Any measure that will secure for the wage-earner a fair and equitable return for his or her labor. (A very great number of such measures have been secured, such as compulsory arbitration, early closing, etc.)

This party soon split on the fiscal issue, however, and until the question of free trade and protection was wholly subordinated to distinctively labor issues and to the principle of party loyalty there was constant dissension. Four months after they were elected the 35 pioneer members had divided themselves as evenly as possible between the ministeralists and the opposition, 17 voting on one side and 18 on the other. In 1894 there were two labor parties in the field, but the "solidarity pledge," by which every member binds himself to vote as the party caucus may decide, had been introduced. The reorganized party had secured 25 seats in a state assembly of 125 members by 1901, and they increased their strength to 25 members in a reduced

house of 90 members in the 1904 election. They have 4 representatives in the upper house.

The party platform has not been materially modified in recent state conventions, except that in 1904 a plank was inserted opposing public borrowing except for redemption of loans, reproductive works, and the completion of public works already under construction. Local government and the nationalization of monopolies are favored. In his policy speech the leader of the state party is quoted by the labor press as saying that "As time went on he might be in favor of a measure similar to the arbitration act, dealing with all rents and commodities, and fixing their prices, but he was not at present in favor of such a measure." The Federal delegation of the party consists of 7 representatives, an increase of one over the previous Parliament. There are no labor senators from this State.

The party claims the credit for a goodly list of laws, which have received its active support in Parliament, though these acts stand for the work of all the progressive elements of the legislature of which the labor members form but a fraction. Among these laws are:

1. A voluntary conciliation and arbitration act, passed in 1891.

2. The electoral act of 1893, which provided for single electorates and abolished plural voting.

3. A labor settlements act, described under the land laws.

4. The land tax act of 1895—falling on unimproved values at the rate of 1d. per £ [$\frac{4}{10}$ cent per dollar], with an exemption up to $1,168.

5. The income tax of 1895 of 6d. per £ [2½ cents per dollar], with an exemption up to $973.

6. The police franchise act—giving votes to the police.

7. Two mining acts amendment acts, which lowered the charge for miners' rights, reduced the cost of occupation leases, and imposed labor conditions on all special leases granted to landowners under the original act.

8. A workshops and factories act, which made registration imperative; provided for periodical inspection; sanitation and ventilation; the fencing of dangerous machinery; fixed meal hours; prevented the employment of children under 13, and permitted lads under 16 and females to work 48 hours only.

9. The coal mines regulation act, which makes managerial daily inspection and periodical inspection compulsory; insists on the appointment of certificated inspectors, arbitration in disputes, coroner's inquiries on accidents, notices of abandonment, the fencing of abandoned shafts, payment by weight, appointment of check weighers by men, impulsion to the working face of not less than 100 feet of air in each minute for each man, boy, and horse in each mine; prohibits the employment of women, and boys under 14, and public-house payments, also single-shaft mines, and so on.

10. The selectors' relief act.

11. Reappraisement of special areas.

12. The perpetual leasing act.

13. The navigation act amendment act—so mutilated by the council that its main provision was one for the reduction of pilot fees.

14. The election act amendment acts of 1896, 1897, and 1898. These reduce the period necessary to qualify for a transfer from one electorate to another from three

months to one month, and make voting under an original right valid until a transferred right is obtained; revision courts sit monthly instead of half-yearly; the hours of polling are further lengthened, and the transmission of rights by post is permitted.

15. The exclusion of inferior races—this to be arrived at by means of an educational test.

16. An amendment to the navigation act in 1899, securing better accommodations and safety appliances for seamen, and inspection.

17. The early closing act, which provides for the closing of all business premises at 6 p. m. on four nights of the week, at 1 p. m. on one day, and at 10 p. m. on another day.

18. The act to limit the attachment of wages, the exemption being up to $9.73 weekly.

19. The coal mines regulation act amendment act—to prevent novices working alone in coal mines.

20. The truck act.

21. The coal lumpers' baskets act.

22. The old-age pensions act of 1900, which provides for the payment of $2.43 weekly to adults of 65 years, resident in the State for 25 years prior to application and not possessed of property exceeding the value of $1,460, or an income exceeding $253.

23. The miners' accident relief act of 1900, which provides for allowances in cases of disablement; gives widows a funeral allowance of $58.46 and a weekly allowance of $1.95, and $0.61 for each child under 14 years of age.

24. The city council amending act, which abolishes plural voting and gives the lodger a vote.

25. The wharves resumption act.

26. An act to amend the early closing act (1900), which made it applicable to all country shopping districts proclaimed by the governor, where the hours of closing on four days shall be 6 o'clock, on one day 10 o'clock, and on another (Wednesday or Saturday) 1 o'clock. This act made also 8 o'clock on five nights and 10 o'clock on the remaining night the hours for news agents and booksellers; limited the hours of assistants employed in hotels, restaurants, and eating houses, of minors, of all bread, meat, and milk carters, and fixed certain holidays for their use.

27. The shearers' accommodation act of 1901.

28. The miners' accident relief amendment act of 1901, which brings under the provisions of the main act all works in the neighborhood of mines where owners may treat ore, coal, or shale; which provides for the selection of the committee of inspection in the proportion of one government inspector, two miners' representatives, and one mine owners' representative; and which makes payable to the fund by every mine owner a sum equal to one-half the aggregate of the sums deducted from the miners' wages for the support of the fund, and makes compulsory weekly payments to parents or unmarried sisters whose deceased brother supported them.

29. The industrial arbitration act of 1901, described more fully later; and (30), the women's franchise act of 1902, which gives women the right to vote, but not to sit in Parliament.

Victoria, like South Australia, had seen a number of men more or less formally recognized as labor representatives sitting in its parliament prior to the formation of a regular party organization. One of the present labor members was first elected in 1889. For a time, however, there was a struggle between the orthodox trade unionists and

the political wing of the workers, the last in turn divided into a moderate and a radical faction, as to whether they should retain the old or adopt the new method of labor propaganda. When the workingmen finally committed themselves to political agitation, it was through the political council of the Trades Hall at first, and then through an organization nominally independent of the unions, called the Progressive Political League. In 1892 a number of strictly labor members were returned to the colonial parliament, marking the first success of the newly adopted plan of campaign. But the independent political organizations of the workingmen always waned between elections, and the burden of resuscitating them before every campaign was felt to be an inconvenience. In order to give more permanency and continuity to the movement, unionism in the old sense, which had been supplemented, but not supplanted, by the political branches, was brought into play. However, politics were constantly clogging the unions' business, and interfering with the harmonious conduct of their regular work. So, in 1900, an organization of the state party based upon unionism was finally adopted, following lines that have already been described to some extent in connection with the movement in South Australia, and that are, in a general way, typical of the political machinery established by the workingmen for party purposes throughout Australia. There is a permanent Political Labor Council of Victoria, distinct from the Trades Hall Council. The former deals with political, and the latter with trade union matters. The political council consists of delegates from both unions and "branches." The branches enroll both unionists and sympathizers, and are coterminous with the state electoral districts, in both of which respects they naturally differ from the trade unions. Only the branches have the right to nominate candidates. The establishment of Federal government has brought in some new and complex conditions. The State of Victoria forms a single senatorial electorate, and some of the Federal representative districts include two or three state electorates. In determining nominees for the senate, the branches and unions alike have the right to present names of candidates to the political council, which prints ballots containing the names so presented to be distributed to the individual members. The nominees polling the highest number of votes then become regular party candidates upon pledging themselves in writing to support the platform of the party and to pay 5 per cent of their salaries into the political fund. Nominations are made in Federal representative districts by the joint action of the constituent branches. The Political Labor Council is therefore the party machine. It not only decides upon candidates to some extent, subject to the will of the party at large, but it determines what seats to contest—i. e., in what districts it is worth while to present candidates—what literature shall be issued, what speakers sent

out, and finances the campaign. In other words, it is almost identical in its functions with the state central committees of either of our political parties in the United States. Victoria, however, with its relatively large farming population opposed to the labor party, is not a favorable field for the political action of the workingmen. Nevertheless, at the recent election they increased their state delegation from 11 representatives in a lower house of 95 members to 19 representatives in a reduced house of 68 members, besides electing, for the first time, 2 of the 35 legislative councilors. In the Federal Parliament the labor party has one senator and two representatives. As a result of its activity the old opposition party in Victoria has practically disappeared, and the only division of importance in parliamentary forces is that separating ministerialists from laborists.

The political labor movement in Queensland until recently possessed the unique aspect of combining the two old parties in solid opposition to its demands. This situation was changed in the autumn of 1903, by a parliamentary crisis over taxation measures that brought a coalition ministry containing two labor members into power. Conservative forces have been very strong in Queensland. Not only are the pastoral interests large, but the sugar industry is a powerful employer of alien labor. Manufacturing is but slightly developed, and the towns, being chiefly commercial distributing centers, are in sympathy with employing interests to a larger extent than the industrial cities of the south. In many districts, however, in spite of a restricted franchise, the bush and mining unions control the political situation. The first regular labor member of parliament was elected in 1892. At the state election of 1904 the party increased its delegation from 23 to 34 members in an assembly of 72 members. It had no representative in the upper chamber, which is an appointive body, the members holding office for life. Five of the 6 senators representing Queensland in the Federal Parliament are labor men, and their delegation in the lower house is 6, indicating that the party controls a majority of the popular vote of the State.

Until the mining discoveries of the early nineties, Western Australia was a remote, sparsely settled, undeveloped tract of country, with a population outside the small port towns as bucolic as the Boers, and conservative institutions that had hardly felt the touch of modern progress. With the inflow of a large mining population, however, the pressure of democratic interests for political reforms became very great. Constitutional government dates only from 1890, and the upper house of parliament has been elective since 1893. So the whole political history of the colony under liberal institutions is contemporaneous with the presence of an organized labor party in Australia. A trades council was formed in Perth in 1892, and a year later a "Progressive Political League" appeared on the scene in the same city.

As a large percentage of the immigrants were from the eastern colonies, it was natural that they should bring in the organizations and the theories of social betterment prevailing on the other side of the continent.

It was not until the Federal elections came up, however, that pledged labor members appeared in the state parliament. The workingmen had favored federation, against the opposition of the old residents, and profited by its success. The organization of the party hitherto has been less perfect than in the eastern states, and two independent political leagues have existed, one in the gold fields and one in the coastal districts. At the 1904 election the party increased its delegation from 7 to 22 of the 50 members of the lower house, besides having 2 representatives in the upper chamber. As a result of a cabinet crisis in August, 1904, a labor ministry came into power. Their policy has proved very conservative, so as to evoke considerable criticism within their own party. One constitutional amendment proposed by the premier, in accordance with the first plank of the state platform, is to submit to a referendum the question of the abolition of the upper house of the local parliament. It is also proposed to initiate legislation looking to the gradual realization of the ideals of the party as outlined in the remaining planks of the platform, but to do this so gradually as not to disturb existing conditions. The fighting platform of the party, which thus becomes the practical programme of a ministry in power, is as follows: (1) Referendum on the question of the abolition of the legislative council; (2) tax on unimproved land values, and no further alienation of Crown lands; (3) old-age pensions; (4) a maximum day of eight hours; (5) local control and state management of the liquor traffic; (6) departmental construction of public works; (7) nationalization of monopolies and the establishment of a department of labor; (8) state banking and insurance; (9) limitation of state borrowing except for the purpose of reproductive works, and the establishment of a sinking fund for the redemption of all future loans. Among the legislative acts already secured by the labor party from previous ministries are a compulsory conciliation and arbitration law, a workingmen's compensation for accidents statute, and a factories' act.

Tasmania is the most rural and the least progressive—from a labor point of view—of the 6 States of the Commonwealth. The "cocky" or "cockatoo"—Australian for "hayseed"—is in both industrial and political control. A Workers' Political League has been organized recently in Hobart, and the coastal mining districts have 5 members in the local parliament. The labor movement in this island, however, is said to be but a feeble reaction induced by the more vigorous agitation on the mainland. It has not manifested itself as a factor in shaping legislation.

In Federal politics the labor party has exercised even a more dominant influence than in state legislation. Franchise conditions, more efficient party organization and discipline, and a greater unity and definiteness of aim have favored its success in this field. During the first two Commonwealth ministries it allied itself with the protectionists, maintaining the leaders of that party in power for a price—which price was obedience to the behests of the laborists in matters of industrial legislation. In April, 1904, when the protectionist cabinet failed to agree with its labor coadjutors upon details of the Federal conciliation and arbitration bill, that party was thrown out of power and a strictly labor ministry took the reins of government. This ministry held office until August, when a coalition of protectionists and free traders defeated the labor premier on a question of detail in the same bill. So at the present time there are, to all intents and purposes, a government and a labor party, the latter constituting the real opposition. The two old parties have been forced into an unwilling alliance that, despite their ancient antagonisms and still divergent views upon the fiscal question, seems likely to remain permanent. It groups together what are upon the whole the least discordant interests, and defines the true line of party cleavage upon the most important issues before the people. Socialism looms larger and larger as the one distinctive issue of modern Australian politics, and therefore determines party alignment.

Nevertheless, even the conservative forces in Parliament are strongly affected with what would be considered in most countries radical sympathies. The coalition formed to fight the labor party gave chief place in its programme to compulsory conciliation and arbitration of industrial disputes enforced by Federal statute, and a Federal old-age pension system. Indeed, when the coalition leaders and the labor ministry announced their respective policies in Parliament, immediately after the recess following the retirement of the protectionist cabinet, the essential features of both were so strikingly alike that a smile of amusement passed over the faces of the assembled legislators. The present division between the two parties is not defined so much by practical legislative proposals as by their ultimate aims and the fundamental social ideals and principles underlying the measures they respectively advocate.

The growing strength of the labor party in both state and Federal parliaments is shown in the following table, which is compiled from returns as late as August, 1904. On account of a reduction of membership in two legislative chambers, percentages as well as actual numbers are given. In South Australia and Tasmania no general election took place in 1904.

MEMBERSHIP OF UPPER AND LOWER HOUSE OF PARLIAMENT OF EACH STATE AND OF THE COMMONWEALTH AND NUMBER AND PER CENT OF LABOR MEMBERS, 1903 AND 1904.

Parliament.	Upper house.						Lower house.					
	Total members.		Labor members.				Total members.		Labor members.			
			Number.		Per cent of total.				Number.		Per cent of total.	
	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904.
Commonwealth	36	36	8	16	22.2	44.4	75	75	14	22	18.7	29.3
New South Wales	58	58	4	4	6.9	6.9	125	90	24	25	19.2	27.8
Queensland	39	39	.....	.....	.....	.....	72	72	23	34	31.9	47.2
South Australia	18	18	2	1	11.1	5.6	42	42	5	6	11.9	14.3
Tasmania	18	18	.....	.....	.....	.....	35	35	5	5	14.3	14.3
Victoria	35	35	.....	2	.....	5.7	95	68	11	19	11.6	27.9
Western Australia	30	30	2	(a)	6.7	(a)	50	50	7	22	14.0	44.0

a Not reported.

In adopting a regular platform the Labor party made a long step toward the system of political organization in vogue in the United States; and one of the most interesting features of political evolution in Australasia to-day, for an American observer, is the gradual trend to what we might call scientific politics—toward party tactics and strategy, and methods of organization similar to those called forth by the practical exigencies of our own political life. The "solidarity pledge" is simply a reinvention of our caucus system; the scheme of branch organizations is simply another version of our precinct committees and primaries; the political council is, as already suggested, but a state central committee under another name, and the formal platform, with its truly formidable array of planks, is a structure designed upon quite American principles. Indeed the writer found an old American political organizer working on the labor committees in Melbourne, and professedly following out the American system in many points of party tactics. The platform itself is the product of a gradual evolution of opinion among the workingmen and their leaders, and is becoming an outspoken indorsement of state socialism. In the early conventions every man brought forward his pet scheme for reforming society, and in the interest of peace usually secured some recognition of his views in the official programme of the party. But this led sometimes to platforms of great length and inharmonious composition, large portions of which were not taken very seriously by the voters, and thus the moral advantage of a formal enunciation of party principles was lost. The custom therefore grew up of putting forward the main issues indorsed by the party as a "fighting platform," adding a more or less extensive "general platform"—composed of resolutions adopted in the interest of harmony, to placate the inevitable crank element of the conventions, or of planks having only local or secondary significance. Of course many of the early planks

have been dropped from time to time as legislation has been enacted embodying their main principles.

In 1902, eleven years after the last of the old intercolonial congresses had been held at Ballarat, a Commonwealth Trade Union Congress assembled at Sydney. The change in the programme, opinions, methods of propaganda, and economic theories of the delegates from those of the earlier conferences amounted to a revolution. The congress of 1902 was really the national convention of a social-democratic party, announcing principles parallel with or more radical than those of European organizations. Great changes had taken place meantime in the political and social conditions of Australia. As the secretary of the congress says in his introduction to the proceedings:

During the 11 years which have elapsed since the last conference the whole character of the industrial movement in Australia has been changed. The old prejudices which divided the workers of the different States and made a federation of labor impracticable are now happily removed. The fiscal question is now a relic of the dead past; interstate jealousies are nonexistent; and to-day labor has direct representation in every parliament in Australia—an achievement due in a great measure to the persistent advocacy of the representatives of labor in conference assembled.

A third of the 21 delegates assembled were members of federal or state parliaments. All of the States of the Commonwealth except Tasmania were represented. The proceedings give evidence of considerable advance in political education and independent thinking over the earlier congresses. Motions are less often adopted unanimously, and are frequently amended. Glittering generality and social panacea resolutions find little favor. It was moved and carried to drop from the agenda without discussion a motion to the effect: "That the people should own all the means of production, distribution, and exchange, thereby reducing the hours of labor in proportion to the commodity as produced." After some discussion and amendment a motion was carried recommending the nationalization of coal mines. It was also resolved that the iron industry, still undeveloped in Australia, ought to be nationalized instead of being allowed to fall into the hands of private companies. And against some opposition, apparently on moral grounds, a motion was passed in favor of nationalizing the liquor traffic. This was the extent of the nationalization resolutions adopted by the congress. It will be noticed that no mention was explicitly made of government resumption of land values. Measures were taken to organize a national federation of trade unions. It was also proposed to abolish the royal governors, with their high salaries and expensive support allowances, in the different States, retaining only a Federal Governor-General. The congress was favorable to cooperation, and desired an extension of technical education. The following political platform was adopted.

FIGHTING PLATFORM.

1—Maintenance of a White Australia.
2—Compulsory Arbitration.
3—Old Age Pensions.
4—Nationalization of Monopolies.
5—Citizen Defense Force.
6—Restriction of Public Borrowing.
7—Navigation Laws.

GENERAL PLATFORM.

1. Maintenance of a White Australia.

2. Compulsory arbitratian to settle industrial disputes, with provision for the exclusion of the legal profession.

3. Old age pensions.

4. Nationalization of monopolies.

5. Citizen military force and Australian owned navy.

6. Restriction of public borrowing.

7. Navigation laws to provide (*a*) for the protection of Australian shipping against unfair competition; (*b*) registration of all vessels engaged in the coastal trade; (*c*) the efficient manning of vessels; (*d*) the proper supply of life-saving and other equipment; (*e*) the regulation of hours and conditions of work; (*f*) proper accommodation for passengers and seamen; (*g*) proper loading gear and inspection of same.

8. Commonwealth bank of deposit and issue and life and fire insurance department, the management of each to be free from political influence.

9. Federal patent law, providing for simplifying and cheapening the registration of patents.

10. Uniform industrial legislation; amendment of constitution to provide for same.

Political labor propaganda naturally begets political opposition from the employing classes, and there are several strong organizations in Australia that, although they do not operate as independent parties, throw their influence into the political struggle. The Victorian Employers' Federation is one of these. It is a permanent organization, with salaried officials and a campaign fund, and makes a business of bringing political influence to bear, both in elections and during the sessions of parliament, to prevent legislation hostile to employing interests. There are similar associations in other States. The Pastoralists' Union, a strong organization that was existing prior to the organization of the Labor party, represents a single class of property owners and employers. In Sydney there is a "Taxpayers' Union," apparently opposed to any increase of direct taxation, especially upon land values, and hostile to labor legislation. Queensland has an organization representing similar interests, known as the "National Liberal Association." The chambers of mines and of commerce in Western Australia are actively opposed to the Labor party. A number of these societies have come together in a more or less informal alliance under the auspices of the Australasian National League, which has a more professedly political purpose than any of the other bodies mentioned. The league was founded originally in South Australia, and while by no means representing as effective a political movement

as the Labor party in the matter of organization and discipline, possesses considerable influence, especially in the local parliaments. It indorses the following simple platform, apparently with the purpose of conciliating the support of all the older, more conservative, but somewhat nebulous party organizations:

1. To promote economy in public expenditure.
2. To oppose government borrowings on any but clearly reproductive works.
3. To oppose government interference with private enterprise.
4. To resist the nationalization of industries and manufactures, and also of land by excessive taxation.
5. To oppose undue domination in parliament of the labor or any other party which has extreme socialism as its object.
6. To support legislation promoting the development of agricultural, pastoral, mining, manufacturing, commercial, and industrial pursuits by private enterprise, and to protect them from harassing legislation and taxation.

More recently the same platform has been taken up by the Central Council of the Employers of Australia, an organization representing the Employers' Federation of New South Wales, the Victorian Employers' Federation, the Federated Employers' Union of Queensland, the Federated Employers' Council of South Australia, and the Western Australian Chamber of Mines. This council held a Commonwealth conference at Sydney early in March, 1904, and among other things drew up a formal protest against the passage of a Federal conciliation and arbitration act. The annual conferences of the chambers of commerce and of the chambers of manufactures of Australia also serve as foci of opposition to the labor party, or at least to many of the measures upon its programme. The various state farmers' conferences have been less successfully used for this purpose.

Notwithstanding these attempts at forming a united opposition to socialistic and political labor propaganda in Australia, the labor party has greatly profited by the weakness of its opponents in both political and industrial organizing power. Employers, naturally competitors with each other and with mutually opposed interests, do not easily unite and lack discipline in collective action. The older political parties have hitherto been divided on traditional tariff lines, and to a considerable extent by interstate jealousies and apparently by questions of purely personal leadership. The labor party is like a small regular army opposed to a large and disorganized body of half-drilled militia.

The daily press of Australia is almost without exception arrayed on the side of the opponents of labor, apparently without affecting the political situation materially in either direction. The Victorian Employers' Federation publishes a monthly periodical called "Liberty and Progress," devoted to combatting socialism and political labor agitation. The monthly report of the Chamber of Mines of

Western Australia and the various trade journals published in the Commonwealth are also sources for adverse current commentaries and criticism of labor measures and administration. The labor press of Australia is represented by a number of trade-union periodicals, such as the Waterside Workers' Gazette, of Sydney; the Australasian Typographical Journal, of Melbourne; the organs of the various state railway employees' associations, and by weekly papers of more general character, such as The Worker, of Brisbane; The Worker, in Sydney; The Tocsin, in Melbourne; The Herald, in Adelaide; The Democrat, in Perth, and The Worker, in Kalgoorlie. A short-lived labor daily in Melbourne expired recently, it is reported, as a result of a libel suit. Other dailies are said to be projected in Sydney and in Adelaide.

The trade-union movement has not been supplanted by the organization of a labor party. In fact, the unions form the skeleton of that party, which is clothed with a flesh of unorganized political adherents. But trade unionism has been profoundly modified by the relative prominence attained by politics in the labor movement. The unions are seldom benefit organizations and close corporations. They dropped the policy of exclusiveness in most instances when they began to work for votes. Low fees and liberal membership conditions naturally follow the emphasis given by these societies to the quality of political power. Strict trade distinctions show a tendency to become obliterated. Allied occupations are included in the same society, as in the Australian Workers' Union, which enrolls all classes of ranch hands and even country storekeepers, and the Australian Workers' Association in Western Australia. Unions of unskilled labor attain relatively greater prominence. Political supplants trade discipline as the main motive of their existence. One of the rules of the Workers' Union imposed a fine of $14.60 upon any member who works or votes against a member of the labor party.

However, the strictly trade-union spirit continues to exist, and is, perhaps, reviving after a period of partial eclipse. A labor writer recently said, in reviewing the movement for the past ten years: "For a time there was a tendency to decry unduly the industrial and to exalt the political weapon. That has passed. Experience has shown each to be necessary, and equally necessary."

Neither has the entry of labor into politics done away with strikes as a resort in industrial disputes. Such difficulties are still occurring. One of the most notable of recent years was the Victorian railway employees' strike in May, 1903. The same year there were mining strikes in progress in both Victoria and Tasmania, the former a protracted and bitter struggle, attended by more or less violence, by the dynamiting of a private residence and other destruction of property.

The ideal of the labor party, however, is compulsory state arbitration of disputes, tending to state regulation of industry. The growth and dominance of this sentiment dates from the strike failures of 1890–1894, and, unlike England and America, finds some support among the more exclusive unions of skilled employees. These bodies have never been compelled to have recourse to strike measures to the same extent as the great unions of the other countries and do not possess the same complete control of the industrial situation and the same powers of economic compulsion. But they have been involved in the difficulties of the great unskilled unions and organizations of Australia, which, as is natural in a country producing chiefly raw materials, constitute a large proportion of the workers' societies. The funds of the conservative unions have been called upon to support these strikes, they have seen the control and administration of these conflicts pass into the hands of other parties, and have known them to fail in almost every instance. Therefore considerations of self-interest have much to do with the attitude of the older organizations toward arbitration laws.

The projects and aims of the labor party are not fully expressed by the comparatively modest enunciation of principles contained in its platform. The Melbourne Trades Hall has been conducting a formally socialistic propaganda in Victoria, and has employed Mr. Tom Mann, the English socialist, as a salaried organizer for this purpose. However, political responsibilities and the atmosphere of office breed conservatism, and the programmes and policies of the parliamentary leaders of the party are far from satisfying a certain wing of doctrinaire reformers. The Australian Socialists' League opposes compulsory arbitration, for instance, as simply fastening firmer the wage system upon society, and at its last federal conference thought it necessary formally to repudiate the "alleged socialistic legislation of the last 10 years, which had in no way altered the economic condition of the worker, and the politicians who were labelled falsely as socialists." Mr. Tom Mann advocates substituting the name socialist for labor party and has gone so far in his criticisms, implied or overt, of the present labor programme that a slight coolness is apparent in the attitude of several of the political leaders toward him. At the last state conference of the party in New South Wales, Mr. Watson, leader of the party in the Federal Parliament and more recently prime minister, is quoted as saying that he recognized that nothing short of socialism would do away with the ever-recurring difficulty (of unemployment), but he feared there was no probability of inducing the people to accept that proposal in our time. The time was not ripe and the people were not ready for such a proposal. When premier the same leader said: "We are not pledged in any way to the

views of continental socialists. We believe in the underlying principle of socialism, certainly, but we ask the people of Australia to judge us by our immediate and practical proposals." Later, in defining his policy as prime minister, he said: "As to any general extension of government ownership, it is not contemplated. We recognize as clearly as any set of men can recognize that you must proceed very steadily in a matter of that sort, otherwise the system will break down. You run the danger of finding yourself short of those captains of industry who are so necessary to carry out enterprises on a commercial basis. Personally I do not contemplate the establishment of any of these adjuncts of government without divorcing them absolutely from political control." Upon the plank stating the nationalization programme of his party, he said:

It is a declaration of principle, as affecting the attitude of the party toward well-defined crises that may occur. It is not contended for a moment that it is possible for a long time to come. You can say if you like that a complete system of nationalization is an aspiration. Members of the party are fully of the opinion that it would be a good thing, but none of them contemplate the early realization of that ideal. I certainly say that in the present state of human nature, if you attempted to apply collective ownership all round you would find the scheme would break down. Those of us who believe that some day it will be practicable, can only look forward to the gradual evolution of society to render possible its being effected. If to-morrow the labor party of any of these States were in power with an overwhelming majority, there would be no attempt on its part to assume governmental control of all industries. As to land nationalization, we are in favor of leasing land instead of selling it. I understand the practical attitude would be to cease selling land that may still belong to the state. There ought to be a Federal national bank, Federal life and fire insurance, and if it be deemed necessary to develop the iron industry, it would be wise for the State to undertake that also. The present tobacco monopoly is a good example of the kind we propose to nationalize under the Federal programme.

A labor senator thought the attainment of the objects of land nationalization was possible through taxing unimproved values. Another senator said: "The old absurd phrase, 'a general division of property on Saturday night and a fresh start Monday morning' is simply laughed at by labor members. No, the majority of members are only prepared, in carrying out our platform, to go to the extent of nationalizing such services as are dangerous to the community if held in private hands." Another said: "I don't want it to appear that I think government control impracticable, for we have in various parts of the world illustrations of successful nationalization. Tobacco, drink, and matches have been made government monopolies. The gibe about a man's losing his cottage if the labor party obtain power is simply ridiculous, and, like the suggestion of a general

divide, too silly to be talked about." Another senator believed in the nationalization of an industry as soon as competition had been eliminated; that is to say, as soon as an industry had become a monopoly. A member of the labor cabinet said: "I favor the extension of state and municipal control to spheres of industry where there is reasonable ground for believing such intervention will be commercially or socially advantageous to the whole community. I do not wholly accept the maxim, 'From every man according to his ability, to every man according to his needs.' Human nature must be recast before the formula will fit. No sudden inversion of social habits is likely to be permanent. The change which is to survive must be gradually effected. I believe rational socialism suffers from those visionaries who preach interference by the State in family life. The State should seek to strengthen, instead of weaken, the parental instinct—the desire of every man to do the best for his children, consistent with the equal rights of others." These opinions, coming in practically every instance from working people, men who have supported themselves by manual labor until they entered Parliament, suggest a grasp upon real life of which many ex cathedra and doctrinaire socialists are innocent. A fair share of Anglo-Saxon common sense, and a wholesome distrust of theories characterized many of the men interviewed. It was as if they were ashamed of being connected with a movement that had so many visionary associations, and wished to justify their status as practical men by having to do only with the concrete side of their party programme. Their political councils are as free from the long-haired element as those of any other party, their debates are without sentimental coloring, and their enthusiasm is the same kind of joy in combat that characterizes our own electoral campaigns.

Yet there is an idealistic element in the Australasian labor movement that gives it a certain degree of moral force. Its aims are not sordid, or even inspired wholly by material ends; but rather it contains a tincture of sentiment verging at times and with some leaders almost upon the confines of religious enthusiasm. Nor is the movement itself irreligious. Speaking of Christianity, a rather poetical labor editor writes: "Its power of appeal to the poor and the outcast and the oppressed is gone. * * * But far away in Nazareth, back across nineteen centuries of time, the clear, transparent spring still gushes forth from the ground. And modern economic science, wending its way slowly through the wilderness in its search after Truth, stands a moment by the fountain and sees with surprise its face reflected therein." Mr. Tom Mann intersperses his socialist speeches with scripture quotations, and delivers a "pleasant Sunday afternoon" address on "socialism and Christianity." The Trades Hall of Melbourne recently had a conference with the churches of that city. One of the labor representatives at this meeting said: "I am a Methodist and a qualified

lay preacher of the Methodist Church." Leaders of this possibly most socialistic of Australian trade organizations frequently reverted in conversation to what they considered to be the ethical aspects of socialism, to its appeal to the unselfish instincts and to the fraternal sentiment among men, as contrasted with the selfish instincts, the "antisocial self-gain mania" induced by modern competition. One of the most prominent union officials made this statement: "Socialism is Christ's teaching." The same man said: "Thrift is sometimes robbery—if it deprives a man of his better nature or his children of an education." There is no doubt that a sort of moral sympathy conciliated by the labor party from all elements of the community has enabled its parliamentary representatives to secure so much quasi-socialistic legislation. They have been carried along to some extent upon a wave of sentiment agitating all ranks of society. And it would appear that the final limitations of this movement, or its rate of progress, would be dependent upon the degree and the continuity of this extrapartisan support.

THE LABOR PROGRAMME IN PROCESS OF REALIZATION.

Upon reviewing the federal platform of the labor party as given on a previous page, there are brought into view in succession a number of questions that, both on account of their historical and their present significance, are important factors in the labor conditions and legislation of the commonwealth.

The "Maintenance of a White Australia" involves rather more for that country than does our Chinese exclusion policy for America. The island continent is almost an appendage of Asia, and it is set down in the vicinity of a host of insular associates, the Polynesian groups and the East Indies. The Commonwealth is embraced in an Imperial connection with the cooly multitudes of British India. And it possesses large tracts of strictly tropical country, with the hot, humid climate, the rank vegetation, the diseases and other drawbacks, and with the special agricultural capabilities of the Torrid Zone. The question, therefore, naturally falls into three divisions; Chinese exclusion, intro-imperial exclusion—both of which are essentially Commonwealth questions—and plantation-labor exclusion, which affects chiefly and directly certain industries of Queensland.

The Chinese question has developed special aspects in Australia of more or less direct interest to Americans. In addition to becoming agricultural laborers in the cane fields, market gardeners, and miners, they became manufacturers of the cheaper class of furniture under a sweat-shop system, and depressed the condition of white workers in this industry. The urban competition of the Chinese was more severely felt in Australia than in California, because there was not, as in the case

of California, a rapidly-growing market and a demand for labor normally in excess of supply. And the situation was not as promptly and as drastically met by remedial legislation.

The Chinese began to arrive in Australia in numbers at the time of the gold excitement, 50 years ago, and their presence was first felt as a menace to white labor in Victoria. An act was passed in that colony in 1854 limiting the number of Chinese to be brought into the country to one for every 10 tons of a vessel's burden. Amending acts were passed in 1855 and 1861 increasing this restriction. By 1861 there were 12,988 Chinese in New South Wales and 24,732 in Victoria, at which time they constituted over 11 per cent of the adult male population of those colonies. They shifted hither and thither with the discovery of new gold fields, and when the exhaustion of the placer diggings overstocked the labor market with miners thrown out of employment, their presence was keenly resented. In the year mentioned there was serious rioting in the New South Wales fields, calling for the intervention of the military. At the following session of parliament a law was passed in that colony, practically identical with the amended Victorian law upon the subject, providing that only one Chinese passenger should be brought to the colony for every 10 tons of a vessel's burden, and for a payment of a tax of £10 ($48.67) by every Chinese before being allowed to land. An annual tax of £4 ($19.47) per capita was imposed upon Chinese residents, and they were not permitted to become citizens of the colony. This act was further amended in 1881, but it was so far ineffective that in 1887 no fewer than 4,436 Chinese entered New South Wales by sea alone. In May, 1888, two vessels containing a large number of Chinese immigrants arrived at Sydney, but the premier refused them permission to land. The supreme court, however, overruled his decision and they were finally allowed to enter the country. As a result of this incident a more stringent enactment was passed, limiting the number to be brought by any vessel to one for every 300 tons of burden, imposing a landing tax of £100 ($486.65), prohibiting Chinese from engaging in mining without a special permit from the minister of mines, and forbidding their naturalization. Queensland passed a restrictive act in 1878, at which time there were over 18,000 Chinese in that colony. The other colonies enacted anti-Chinese legislation upon similar lines, in some places increasing their special disabilities. A Federal immigration law has recently been placed upon the statute books which supplements state legislation upon the subject and largely meets the wishes of the labor party. This act excludes, with certain unimportant exemptions, any person who can not write out and sign, from dictation by a customs inspector, a passage of 50 words in some European language.

Although the economic effects of the competition of Chinese labor are most evident in Melbourne and Sydney, these people constitute a

relatively more important element of the population in the tropical territory of north Queensland. While they engage to some extent in ordinary plantation labor in the latter country, and are employed as general laborers, the laws of the State prevent their being employed as miners or upon public works, such as railway construction. They occupy themselves chiefly as independent cultivators, especially as lessees of land which they take for a term of years to clear and till, after which they turn it over to the owner in good shape for handling by white men. It is as pioneers and bush clearers of this sort that they are chiefly appreciated by the owner of tropical lands in Australia. The crop to which they devote themselves principally is bananas, and they largely control both the production and the distribution of this fruit in the Commonwealth, dealing with wholesalers among their own countrymen in the southern cities, and thus maintaining the trade in their own hands. In the larger towns they are also taking up what is one of their favorite occupations in the Hawaiian Islands, the grocery business, though this is as yet a new departure in Australia. The last report of the chief inspector of factories of New South Wales states that there are about 70 Chinese groceries in Sydney. Until recently they have not engaged in laundry work, but now their signs are numerous in all the Australian cities. It is in the furniture trade, however, that their competition has been most severely felt by urban workmen. There is a large district in Melbourne principally devoted to this business, and the same is true to a less degree in Sydney. According to the evidence given before the shops and factories commission of South Australia, in 1892, the same competition existed to some extent in Adelaide at that date. The second progress report of the factories act inquiry board of Victoria, rendered in 1894, is devoted largely to this aspect of Chinese labor. It was shown that where 10 years before the cabinetmakers' union had 200 members employed, there were at the date mentioned only 15 members at work. In 1880 the total number of Chinese carpenters and cabinetmakers in Melbourne was given, in a special return made to the premier, as 66. In 1889 there were 45 Chinese furniture factories in operation, employing 584 hands. The Orientals, like the European workmen, suffered from the collapse of the boom in 1893. When the report was made, however, a year after that event, the chief inspector of factories reported 228 Chinese as engaged in the trade.

The history of this competition shows from what slight and almost accidental beginnings an industrial condition affecting the prosperity of a whole line of manufacturing and the welfare of a considerable body of workmen may arise. The Chinese began woodworking in Australia by making boxes for their countrymen for sending gold to China during the early digging period. When this employment

ceased, they began to make common chairs, which they hawked about the colony for sale. Then they made cheap washstands and toilet tables, and the commoner grade of bedroom furniture. Evidently the immigrants who took up this occupation did not belong to the more skilled class of workmen of their own country; for they are said not to have known the art of dovetailing and mortising, and to have produced work of an inferior character, fastened together by the aid of nails and glue. They copied the design, rather than the construction of the better class of European work, and thus were able to supply an article presentable enough so far as outside appearance went, but wholly without workmanship and durability. These goods were sold as European wares by the dealers. It was maintained by merchants that stamping articles, or requiring them to be sold under a Chinese label, would do little to remedy the situation. One dealer stated in the evidence: "If there is a difference of 5 per cent they (customers) take the Chinese article. I carry on a large business, and that has been my experience right through, both as a master and as a salesman. The price is the ruling element. As to patriotism, there is nothing at all in it as to selling furniture; it is 'pocketism.'" However, the Chinese overcompeted among themselves, and, as stated, suffered with the others during the financial crash. They had formed their own unions, and in 1893 struck against a 20 per cent reduction in wages, going back to work finally at a 7 per cent reduction. The effect of their competition was to reduce the wages of European workmen below a living standard. Indeed, several Europeans were working for Chinese employers. The Chinese generally had half-caste apprentices, whom they used as interpreters, paying them 9s. ($2.19) a week, with a slight increase after long service. Europeans engaged in furniture making were able to earn from 20s. to 30s. ($4.87 to $7.30) a week at piecework. Wardrobes that were reckoned at 8 days' work of 9 hours a day, were made for 27s. 6d. ($6.69). The price of making a Kauri (hard pine) extension table, 6 feet by 3 feet 6 inches, and staining in imitation of black walnut, had gradually been reduced from 15s. to 6s. ($3.65 to $1.46). The board which presented this report recommended strict factory and sanitary supervision of the Chinese; a legal maximum of 48 hours per week; that every place in which one or more Chinese was engaged in manufacturing for sale should be regarded as a factory, and that the furniture be stamped with the name of the maker in such a way as to show whether it was the work of Chinese or European mechanics. These recommendations became law in practically the form presented, and the provision including any place where a single Chinaman is employed under factory supervision has been generally enforced by statute throughout Australia.

An objection to the Chinese worker that becomes especially strong in a country like Australia, where there is much state regula-

tion of industry, is the facility with which he manages to evade factory laws and regulations and to elude the surveillance of inspectors. The furniture makers of Victoria are now under a minimum wage determination established by a government board under the factories act, but the inspector reports that the Chinese commonly work "at times prohibited and at rates below those fixed." In a report of the New South Wales Royal Commission, which investigated the working of the Victorian factories act and minimum wage board system in 1901, it is stated that "to stop this, unless there be an inspector to each man, seems improbable. The consequence of the Chinese and other (slow worker) competition is that factories where the cheaper kind of furniture is made are in a bad way." The Victorian Royal Commission of 1902 says: "Hitherto no method has been devised of effectively controlling these people and of compelling them to observe either factory or sanitary laws. The solitary worker, especially, in both these trades (furniture and laundry) defies the law with the quiet pertinacity which is characteristic of his race, and an occasional prosecution has utterly failed to make him observe it." The same indirect evasion of the shops half-holiday law is charged by the Sydney inspectors. As a result of this disposition, regulations made for the purpose of helping the white workman may become an instrument for increasing the effectiveness of Chinese competition.

So far as such competition exists at present or may exist in the future, therefore, it is a crucial contention with the Australian labor party, advocating and imposing so far as possible state regulation of industry, that this disturbing factor of cheap and largely uncontrollable labor shall be eliminated from the problem which they have in hand. This fact, with other considerations to be mentioned later, gives especial pertinence to the first place occupied by the "White Australia" plank in their platform.

The number of Chinese in Australia, however, has been decreasing gradually under the recent restrictive legislation. In 1891 they numbered 38,077, or 11.97 for every 1,000 of the population. In 1901 their absolute number had fallen to 33,231, while their relative numbers, as compared with the total population of the Commonwealth, had fallen to 8.81 for every 1,000 inhabitants. Of the 8,783 Chinese males and 530 females reported as engaged in gainful occupations in Queensland that year, 3,466, or more than one-third, were market gardeners or fruit growers, 654 were employed on sugar plantations, 1,310 were engaged in various commercial undertakings, ranging all the way from petty hawking to wholesale importing, 597 were house servants, and 529 were engaged in placer mining, most of the latter washing from the tailings and old fields deserted by white miners, as they do along the Fraser River in British Columbia. With the exception of 58 cabinetmakers, the Chinese do not appear to be engaged in factory

occupations in Queensland, and no reference to Oriental employment is to be found in the annual report of the factory inspector of that State. South Australia had at the time of the 1901 enumeration 3,280 male and 175 female Chinese residents. Of the latter but 6 were wage-earners. Mining industries employed the labor of 1,519 of the males, or nearly one-half, 391 were engaged in market gardening, 224 were seamen or ship's employees in various capacities, and 169 were engaged in domestic service. A considerable number were reported in the skilled trades, including 63 carpenters and 42 tailors. Most of the South Australian Chinese, however, are in the northern territory, the tropical country around Port Darwin, and are separated by the breadth of the continent and by practically insuperable barriers of unoccupied and semi-arid country from the more thickly settled portions of the State. Their presence is therefore less felt as a competitive factor by the working people. The factory inspector in his report refers to the present competition of the Chinese in the furniture trade as unimportant. Victoria has a Chinese population of 7,349, of whom 609 are females. The number of Chinese employed in the furniture trade in the years 1900 and 1901, respectively, was 552 and 574, an increase of 22, while the whole number of European males and females, including upholsterers and workers in special branches of furniture making where there is no Oriental competition, in the two years in question, was 1,239 and 1,238, a decrease of just one. The number of Chinese in laundry work increased from 194 to 242, and the number of Europeans in the same occupation increased from 412 to 521 during the same period. New South Wales had a Chinese population of 11,263 in 1901, of whom 673 were females. The statistics of their occupations are not available.

There are about 3,000 Japanese in Australia, most of them in Queensland, where they are employed as field hands on the sugar plantations and are engaged largely in the pearl and bêche-de-mer fisheries upon the north coast. A number of Syrians have settled in Melbourne, and are said to be initiating a new sweating evil in the underclothing trade. About as many Hindoos and Cingalese as Japanese have found a home in the Commonwealth, where they are included under the title "Syrians" in local parlance. These people have taken to itinerant vending, especially to pack peddling through the country districts. Many of them are British subjects by birth, but this has not affected the policy of state and Federal governments in restricting their immigration. Indeed a contract-labor law, somewhat similar to our own, has been applied to restrain English mechanics coming to Australia under engagement from entering the country. Another phase of this introimperial exclusion appeared indirectly last year, though not in connection with permanent immigrants, when the Federal Government refused to sign a mail contract with a British steamship line employing colored firemen, though the latter were British subjects.

The third aspect of the White Australia question, relating to the exclusion of Pacific Islanders and other alien plantation labor, has chiefly local significance, in that it applies peculiarly to a single State; but it has reacted indirectly upon Federal policy, because of its economic relation to the production of sugar. In Queensland it is the old and unsolved problem of tropical plantation labor; in Melbourne it is in addition the fiscal question of a high tariff upon the importation of sugar, in order to foster sugar planting without black labor, complicated by a subsidy addendum. The Commonwealth has undoubtedly been willing to make sacrifices to keep white. It is willing to pay a high price for sugar without any corresponding return in revenue, in order to try the experiment of raising cane in the Tropics with white field labor, and even to pay a considerable sum annually out of the public purse, if this prove necessary, in order to keep the business going upon that basis. But the history of the White Australia question in this most significant sense of the word has been essentially local until within the last three years.

Sugar raising began to attract attention in Queensland in the sixties, and in 1867 there were 6 small mills in operation in the colony. The growth of the industry was checked somewhat during the following decade by the selection for cultivation of varieties of cane not adapted to the country, and the appearance of a blight that devastated most of the fields. Recovery was rapid, however, with the introduction of the harder bamboo canes, though manufacturing and cultivating were still done in a very small way by the individual planters. In 1883–84 there were 41,367 acres under cane, of which 25,792 acres were ground, and 36,148 tons of sugar were produced. There were 152 mills in operation, however, or a mill for about every 272 acres, with an average output of less than 240 (long) tons each—a wasteful method of production that could not exist in face of serious competition. The first central mill was erected the following year, with the assistance of a government loan of $243,500 granted for that purpose. In 1893 a "Sugar Works Guarantee Act" was passed by the colonial parliament, which provided that any group of farmers could form themselves into a company, and by mortgaging their lands to the government obtain sufficient capital to erect a mill. Under this act the government had invested £512,600 8s. 10d. ($2,494,570.05) in mill advances up to June 30, 1901, and had at that date £61,372 18s. 11d. ($298,671.44) additional outstanding in overdue interest and redemption installments. Therefore the sugar industry in Queensland is a matter of direct public concern to every taxpayer, and the White Australia programme, as indirectly affecting what might be termed a consolidated state interest, acquires more than ordinary significance from both a sectional and a national standpoint.

South Sea Islanders appear to have been first introduced in Queensland for the purpose of growing cotton at the time when that industry flourished temporarily in Australia in consequence of the closing of our southern ports during the civil war. An Indian cooly act was passed in 1862, but the regulations attending the importation of labor under this statute were so stringent that none of the planters cared to avail himself of its provisions. A Sydney shipowner, who had been long engaged in the South Sea trade, is reported to have brought the first "Kanakas," or Pacific Islanders, to Queensland for cultivating cane in the early days of the sugar industry. He thus gave the initiative to a business that soon developed very great abuses. "Recruiting" vessels cruised among the islands, enticing people from their homes, separating families, killing ruthlessly and sometimes without provocation, and reviving the conditions of the African slave trade to an extent that caused the British Government to interfere with "An act for the prevention and punishment of criminal outrages upon natives of the islands in the Pacific Ocean," passed in 1872. The whole series of statutes for controlling the importation of plantation labor comprised the imperial act just mentioned, which was amended in 1875, and 5 colonial acts passed in 1880, 1884, 1885, 1886, and 1892. This whole body of legislation was repealed, so far as Australia is concerned, by the recently enacted Commonwealth law. By a provision in the first colonial act a previous Queensland statute, passed in 1868, regulating Pacific Island laborers, was repealed. The imperial laws required that vessels engaged in recruiting laborers should be licensed, and should be subject to special jurisdiction and procedure for the inquiry into and punishment of any complaints and crimes arising out of their method of securing Polynesian immigrants. The colonial acts provided for government agents who should accompany recruiting vessels, for inspectors to supervise the condition of laborers while in the colony, stipulated that certain sanitary requirements, both on shipboard and in plantation quarters should be observed; that a certain scale of rations and clothing be provided; that medical supplies and attendance be furnished, and hospital accommodation afforded sufficient for the ordinary requirements of the patients. Every employer was required to place himself under bond to the government for the proper observance of the acts, including the return of the islander to his home at the expiration of his contract. It was further specially provided that no Pacific Islander should engage in any other occupation, or be employed in any other capacity than as a plantation laborer in tropical and semitropical agriculture. This was defined by a later amendment not to include the cultivation of corn, any work of plowing, or any work around a sugar mill, except handling cane and bagasse. It was intended that the Kanaka should be exclusively a "man with a hoe."

The ration allowance was liberal: 1½ lbs. beef or mutton, 2 lbs. bread or flour, 5 oz. sugar, 3 lbs. potatoes or 6 oz. rice, and ½ oz. tea per diem, with 1½ oz. tobacco, 2 oz. salt, and 4 oz. soap a week.

In 1885, after a vigorous local campaign upon this issue, an amendment to the then existing laws was passed abolishing the system of imported labor after December 31, 1890. For a time it appeared that public opinion in Queensland had settled down to a policy of enforcing a White Australia programme supported entirely by local sentiment. This feeling was induced in part by the evidence presented by a royal commission, appointed to investigate the recruiting system, which reported more or less abuse as still existing in the method of supplying laborers. And there was said to be a lax observance of the regulations in the colony itself. Witnesses stated that the men were induced to leave their homes and go aboard ship under false pretenses—"decoyed" was the term used in the report; that the period for which the men agreed to come "was in no instance three years;" that "they (the interpreters) invited the islanders to 'go work on ship,' to 'sail about,' to 'go see white man's country,'" and that these people were induced to assent to contracts they did not understand by tempting displays of wares, and thus became involuntarily committed to working for a number of years in a foreign country, at unaccustomed labor, and under conditions prejudicial to their health and in much more than the normal number of instances fatal. The death rate among islanders in Queensland, who are mostly adult males in the early prime of life, averaged, for the 10 years ending with 1900, 36.05 per 1,000 per annum. It was even claimed before the commission that the canoes of the natives were wrecked in one instance in order to force the occupants to remain aboard the vessel. As recently as 1890 missionaries reported that wives were involuntarily separated from their husbands who went on these expeditions.

On the other hand, the statistics show that a fair proportion of the laborers who have worked for a term in Queensland are ready to reengage voluntarily at the expiration of their contracts; that some elude official vigilance in order to remain in the State as free laborers, and that many after returning to the islands prefer to enter into a new contract when the next recruiting ship comes around in preference to remaining in their own country. The islanders have certain communal responsibilities in their tribal life, which doubtless become irksome after a period of the economically freer life of a plantation laborer. When a savage has once become an individualist, he seems to resent a reimposition of even the light communal obligations of the easy-going South Sea Islanders.

As the period for the final exclusion of the Kanakas under the act just mentioned drew near, however, a quiet movement was started to secure a removal of this prohibition upon contract labor. The pros-

pect of a withdrawal of this labor had certainly affected the sugar industry adversely, and there was some real alarm lest it might be ruined altogether. Another royal commission was appointed, which took evidence and reported in 1889. The contention was made, and it was supported to some extent by statistics, that the presence of black labor made work for the white man by creating an employing industry where otherwise there would be no industrial development. One planter testified that out of his total expenditure for wages the previous year, £800 ($3,893.20) had gone to white men and £420 ($2,043.93) to islanders. The highest annual amount paid to islanders by this planter during the previous 5 years had been £464 ($2,258.06), and to Europeans £1,820 ($8,857.03). This witness maintained, further, that a large part of his total expenditure for operating his plantation, which averaged about $25,000 per annum, and reached a maximum of £6,057 ($29,476.39) during the 5-year period, went indirectly to white employees, in payments for machinery, transportation, supplies, and other necessaries.

As a result of the investigations of this commission, aided possibly by local political developments, an act was passed in 1892 renewing the importation of Pacific Islanders under practically the same restrictions as those formerly prevailing. As the three-year contracts of the islanders employed under the old law had not yet expired when the new law went into operation, there was practically no cessation in the employment of this form of labor in sugar production in Queensland, nor has there been to the present day.

The sugar industry in that State, and in the small area cultivated in the extreme northeastern part of New South Wales, is unique, however, in the relatively large proportion of the cane that is produced by small farmers and by white labor. In proportion to the total acreage under cane in the two States mentioned, the number of colored plantation hands employed is probably smaller than in any other cane-sugar-producing country in the world, and has been constantly decreasing. Of the 59,102 acres cut in Queensland in 1902, 11,376 acres are returned as produced by white labor alone. While absolutely accurate statistics are not at hand showing the number of colored aliens employed on the plantations, the figures are sufficient to show that an estimate of 8,000 islanders and 1,600 Asiatics and Japanese is approximately correct. In 1901, before the effect of the recent drought was fully felt, there were 112,031 acres of cane under cultivation in Queensland, or more than 11 acres for every colored alien plantation laborer in the State. There were 2,610 cane growers, mostly whites, in Queensland that year, with an average area per grower of 42.6 acres under sugar cane. The average amount paid for the cane crop by the mills is estimated to be in the neighborhood of $4,000,000 annually, upon a basis of 1,350,000 tons of cane at $3 a ton. The total wages of colored aliens at current rates per annum, assuming

their numbers to be as given above, would be about $1,000,000. In other words, at a rough estimate, three-fourths of the proceeds of the cane crop, exclusive of manufacturing, go to the white cane growers. That the proportion of whites employed in this industry is increasing, irrespective of recent legislation, is to be inferred from the following table:

ACRES OF CANE GROUND, TONS OF SUGAR MADE, AND NUMBER OF PACIFIC ISLANDERS IN QUEENSLAND, 1885, 1890, AND 1899.

Year.	Acres of cane ground.	Tons of sugar made.	Pacific Islanders in Queensland.
1885	38.557	55,796	10,755
1890	40,208	68,924	9,689
1899	79,435	123,289	8,826

While sugar production, therefore, had increased 121 per cent in 14 years, the number of Pacific Islanders employed decreased 18 per cent in the same period.

In 1904 there were reported to be over 800 white farmers registered in the Mackay district as claimants for the bounty upon cane grown by white labor. This bounty ranges from 4s. to 5s. ($0.97 to $1.22) a ton of cane, according as the average sugar content of the latter varies from 10 to 12½ per cent, and therefore amounts to $10 or $12 per ton of sugar produced. The latest Federal customs statistics do not show any falling off in sugar production as a result of prohibiting the importation of black labor. The figures are as follows:

SUGAR PRODUCED BY WHITE AND BY BLACK LABOR, AND TOTAL BOUNTY PAID, 1902, 1903, AND 1904.

[The figures for 1904 are the official estimate made from crop returns as late as July of that year.]

	1902.	1903.	1904.
Cane grown by white labor (tons)	105,444	222,402	277,900
Sugar produced by white labor (tons)	12,254	24,406	31,190
Sugar produced by black labor (tons)	65,581	65,456	97,810
Total sugar produced (tons)	77,835	89,862	129,000
Total bounty paid	$119,279	$236,181	$305,734

The increase in production, however, is doubtless due largely to more favorable climatic conditions, as 1902 was the last year of the recent drought. And it is interesting to note that while the total production increased over 65 per cent in the three years in question, the proportion raised by black labor only fell from 84 to 76 per cent; so that at the present time only one-fourth of the crop is reported for excise purposes as produced by white labor. The sugar refiners claim that these returns are not very significant, as much of the cane reported as raised by whites is really brought to maturity by black labor and only harvested by the former. It is also stated that land is being let out to Chinese planters who raise cane by contract, but this informa-

tion was not verified upon the ground. The sugar crop of New South Wales, which does not total that of a single large plantation in Hawaii or Cuba, shows a slight falling off in 1904; but this is hardly to be attributed to alien labor conditions, as only about 10 per cent of the cane raised normally is cultivated by blacks.

In considering the relation of the White Australia programme to the development of tropical agriculture in Queensland it must be remembered that the State extends for 1,200 miles from south to north, with a corresponding variation of climate. All of the country likely to prove a field for the employment of colored labor lies within a few miles of the coast, for beyond these lowlands begins immediately a range of highlands, verging off into the central plain, with a dry climate, cool nights, and other natural conditions not unfavorable to Europeans. Along this coast line there are three districts where cane growing has been profitably undertaken. Their relative climatic features are suggested by the following table:

AVERAGE CLIMATIC CONDITIONS IN THREE DISTRICTS OF QUEENSLAND FOR FOUR YEARS.

District.	Mean minimum temperature.	Mean maximum temperature.	Mean temperature.	Highest temperature.	Lowest temperature.	Total units of heat per year.
Cairns (tropical)	67.6	83.3	75.4	100.4	45.1	27,516
Mackay (subtropical)	63.9	79.8	71.9	96.6	Frost.	26,280
Bundaberg (semitropical)	61.3	83.4	72.3	99.6	Frost.	26,389

The wages of white employees in the three districts mentioned are given in the following table. These are taken from official figures, gathered originally from the books of the planters. In all cases, with the exception possibly of some of the more highly paid mill hands, board and lodging are furnished plantation employees, and the cost of these is reckoned into the compensation stated in the table—at from 7s. 6d. to 10s. 9d. ($1.83 to $2.62) a week for field hands, according to the district, and at an unspecified but probably somewhat higher sum for mill hands. The figures quoted, therefore, include the value of both board and wages:

AVERAGE WEEKLY WAGES OF WHITE EMPLOYEES IN SUGAR INDUSTRY OF QUEENSLAND, BY DISTRICTS.

Occupation.	Bundaberg.	Mackay.	Cairns.
Boilermen	$9.65	$10.16	$11.76
Cane carriers	7.18	7.79	8.76
Centrifugal men	8.17	8.27	9.25
Clarifier men	8.39	8.52	9.25
Engineers	17.84	17.60	22.87
Field hands	6.78	7.28	8.61
Firemen	8.70	9.90	11.03
Mechanics	13.18	13.99	14.60
Mill laborers	6.75	7.38	8.52
Sugar boilers	20.32	18.01	23.52

It is evident that in each case the wages of white men increase as more tropical country is approached. Turning now to black labor, it will be seen that this condition is exactly reversed, if we take into consideration the cost of working days alone, which is the real labor cost. The planter pays this class of labor by the year, and gets a return of only as many days as the laborer is able to work. Including all the expenses of recruiting, return passage, hospital and medical attendance, rations and clothing, and wages, the cost of islanders is estimated to be upon an average as follows in the three districts mentioned:

AVERAGE ANNUAL, WEEKLY, AND DAILY WAGES OF BLACK LABORERS IN SUGAR INDUSTRY OF QUEENSLAND, BY DISTRICTS.

District.	Per annum.	Per week.	Per working day.
Bundaberg	$180.62	$3.47	$0.58
Mackay	155.93	3.00	.50
Cairns	176.84	3.40	.57
Mean	171.13	3.29	.55

This would make the average cost of the colored field hand in Queensland about 55 cents a working day, or about the same rate as prevails in Cuba, taking crop and dead season together. It is considerably less than is paid in Louisiana, and less than in Hawaii. The average yield of sugar in Queensland, however, is considerably under 2 tons to the acre. The average yield for the 4 years ending with 1900, which may be taken as fairly representative, was 1.75 short tons to the acre, as compared with 2.7 tons per acre in Cuba, and a much higher average in Hawaii. In order to understand, however, the real ratio of cost of labor in different climates, the average hours and days worked by the two races respectively should be considered.

The average hours per week are given in the following table:

WORKING HOURS PER WEEK OF WHITES AND ISLANDERS IN QUEENSLAND.

District.	Whites.	Islanders.	Overtime rate.
Bundaberg	57½	56	1½
Mackay	58¾	61¼	1½
Cairns	56	60	1½
Mean	57½	59¼	1½

Data of the relative number of days worked by the two races are available from only two districts.

DAYS WORKED BY WHITES AND ISLANDERS IN QUEENSLAND.

District.	Work days a year.	Whites.		Islanders.	
		Days worked.	Days lost.	Days worked.	Days lost.
Bundaberg	313	295	18	295	18
Mackay	313	292½	20½	299	14

These figures probably make a relatively more favorable showing for the white laborer than the facts warrant, for the islander is usually a contract man and remains in the same employ throughout the year, while the white laborer is exceedingly unstable in a tropical country, and it is probably a rare occurrence for any wage-earner of that race to work 295 days at field labor in the course of a year. Concerning a mill in the Cairns district of northern Queensland it is stated that "409 white laborers passed through the books in order to provide and maintain a daily requirement of 88 hands to keep the mill in operation during the season of thirty weeks."

The figures all tend to show that the economic value of the white laborer decreases rapidly as a more tropical climate is approached—a fact that hardly needs statistical verification. In Bundaberg, in the southern and cooler part of Queensland, the white field hand's wages are relatively lower and his working days greater in number than in Mackay or Cairns. His total efficiency, the amount of work he can accomplish, probably decreases far more than the figures show, when he reaches the tropics. Assuming the averages before us to be accurate, the fact is evident that from the point of view of competition, whether domestic or foreign, the white laborer is placed at a disadvantage as soon as he attempts to invade the field of the darker races. In its relation to the labor problem in Australia this fact presents two aspects. It shows that if black labor is admitted, it will drive white labor out of certain occupations in a portion of the continent, which, it must be remembered, is much more tropical than any portion of the United States. And it shows, on the other hand, that if black labor is excluded from Australia, that country can not hope to develop its northern resources so as to compete with other tropical countries in the world's markets, or so as to compete with tropical products from abroad in its own markets unless protected by high tariffs or by government bounties.

Probably a popular majority in Queensland is opposed to black labor at any cost, though the weight of commercial interest is in its favor. The parliamentary leader of the labor party in that State said to the writer: "We believe that northern Queensland can be developed by white labor alone; and if we knew it could not, we should prefer to let it lie idle than to saddle the country with a black race and a contract labor problem." Evidently a majority of the people of the Commonwealth have taken this view, for the Federal Parliament has passed a law providing for the gradual cessation of black labor and the return of the islanders to their homes, and has provided a duty of nearly 1½ cents per pound on sugar, an excise of about half that amount on sugar raised by black labor, with a rebate of two-thirds the excise upon sugar from cane grown by white labor.

COMPULSORY ARBITRATION OF INDUSTRIAL DISPUTES.

The second plank of the federal labor platform, calling for State arbitrament of industrial disputes, takes one into an entirely different field and touches upon what is evidently becoming the central principle of the Australasian labor movement—State regulation of industry. This might not at first appear to be the true import of the demand for compulsory arbitration, nor was this the first aspect of such a law that appealed to the labor men themselves. But as already shown in the Report on Labor Conditions in New Zealand (Bulletin of the Bureau of Labor, No. 49), the regulation of industry by the State is an outcome of the arbitration laws that has so far been welcomed, even though it may not have been anticipated, by the workingmen. This part of the labor programme has been fully realized as yet in but two of the Australian States, New South Wales and Western Australia, though a dormant act is on the statute books of South Australia, and some of the objects of such a law have been attained by different means in Victoria; and that State is gradually approaching compulsory arbitration by indirection. These laws will be supplemented and their principles extended in some degree to the entire Commonwealth, by a Federal act establishing compulsory arbitration in interstate disputes of an industrial character, which has passed Parliament the present session. All of this legislation is so recent in Australia, however, that no conclusion of final value can yet be drawn as to its success or its economic effects. For partial testimony upon these points we must turn to New Zealand, which has had 9 years' experience with the operation of such legislation. The most that can be done here is to trace the growth of public sentiment favorable to such laws, to describe the machinery so far set up in the effort to apply them, and to review a few of the more salient results of their operation during their short existence. Any report upon this legislation in Australia at the present time must be preliminary.

For a considerable period before the formation of the labor party there were provisions made for voluntary conciliation and arbitration in the agreements existing between organized bodies of employers and employees in Australia. The Melbourne Trades Hall and the Employers' Union of Melbourne had carried into effect a scheme for the conciliation of trade disputes, based upon the Nottingham Board, in 1887. The 1888 agreement of the Newcastle colliery workers with the operators contained a provision for the appointment of a referee by the chief judge in equity of the district, to hold office for twelve months, and to receive a fee for his services, before whom all disputes under the agreement should be brought for adjudication. About this time there were several unsuccessful attempts to secure favorable action in the

colonial parliaments upon bills providing for conciliation and arbitration without compulsion. This was previous to the maritime strike of 1890. That collision between employing and labor interests caused a rapid crystalization of public opinion in favor of such legislation as had been previously projected. A royal commission was appointed in New South Wales to inquire into strikes and labor conditions. In the report of this body there is an exhaustive discussion of the laws in force in different countries for the prevention and settlement of industrial disputes, and a draft of a measure introduced into the South Australian Parliament by Mr. Kingston, who testified before the commission, is published. It is probable that this is the source from which the New Zealand authorities copied when they transposed a large part of Mr. Kingston's bill into their projected legislation upon the subject. Mr. Kingston himself had previously studied the question from the standpoint of legislation in other countries, and remembers having received some suggestions from the Ontario law. As a result of the report of this commission, two bills providing for voluntary conciliation and arbitration before state tribunals were introduced into the New South Wales parliament by two successive ministries, and the second became a law in 1892. The general outlines of the machinery set up to settle disputes are almost identical with those of the New Zealand law passed two years later. The colony was to be treated as one industrial district, or could be divided into several districts, not exceeding five, each with its council of conciliation. A council of arbitration was established for the whole colony. A salaried clerk of awards was provided for in each district. Registered unions of employers and employees, respectively, recommended persons to be appointed members of the councils of conciliation and arbitration. These persons received their appointment from the governor, who also fixed their salaries or compensation. The district councils of conciliation consisted of an even number, and the council of arbitration of three members. If, prior to the giving of an award, the parties to a reference agreed to be bound thereby, the decision of the council of arbitration could be made a rule of the supreme court and in that case it became legally binding. The president of the council possessed the powers of a judge to maintain order, and the arbitration council could summon witnesses, take evidence under oath, and enter premises for the purpose of obtaining information relating to any matter before them for decision. The purview of the council extended to wages and compensation for work of any character, quality of workmanship, food supplied workmen, sanitary conditions of the place of labor, "any established custom or usage of any industry, employment, or district," and "the dismissal or employment under agreement of any employee or number of employees;" also any matter pertaining to the interpretation of a contract between workmen and employers might come

under the jurisdiction of the council. All that was needed to make this act practically identical with the acts adopted later in New Zealand and Western Australia was a liberal interpretation of jurisdiction, power of either party to bring a case into court, and universally binding awards. Under this act a board of conciliation and a council of arbitration were set up and all the preparations made to begin work. Ten of the 102 trade unions in the colony maintained provisions in their rules requiring them to have recourse to the conciliation and arbitration councils before beginning a strike. Some unions adopted the rule in the following form:

Whenever a dispute or claim shall arise between 10 or more members of this union and their employer or employers, and no settlement can be privately arrived at by the parties thereto, the same shall be referred to conciliation under the trades disputes act, with a reference, if needed, to the council of arbitration; and in the latter case the award of the arbitrators shall be accepted by the union in behalf of its members.

During the first year the act was in operation one colliery dispute was settled by arbitration, one colliery dispute by conciliation; in 8 cases where employees applied to have a dispute go before the councils the employers refused, in one instance at the expense of a strike which cost the colony nearly half a million dollars, of which $62,363.27 was spent for police alone; and in 6 cases negotiations undertaken for the purpose of bringing a dispute before the councils were for other reasons unsuccessful. It would appear, from the official records, that voluntary conciliation and arbitration in New South Wales failed largely through the indisposition of employers to come under its provisions.

In 1894 Mr. Kingston secured the enactment of a law providing for conciliation and arbitration of industrial disputes in South Australia, but the bill was so modified in parliament as to remain largely, like the New South Wales act, ineffective. This act provided for a colonial board of conciliation and arbitration, but the powers of this board could be exercised only after unions of employers and employees had voluntarily registered under it. No union of either class has as yet been willing thus to submit itself to the jurisdiction of the board. Shortly after its first organization this tribunal investigated a dispute between a tanner in Adelaide and his employees; but he refused to submit to the findings of the board, and it was decided that they had no legal power to compel an acceptance of their award. Under a clause of the act, however, the president of the board is authorized to inquire into and if possible to settle upon a conciliatory basis any industrial dispute that may arise in the State. Six strikes have thus been investigated by the present president, 3 of which were settled by the parties themselves; in one case the employees refused to accept the recommendations of the president of the board and were defeated, and in

two cases the award of the president was accepted and is reported to have proved satisfactory to both parties. The two strikes successfully settled in this manner involved the tobacco workers and the shearers—the latter represented by one of the strongest unions in the State. No similar legislation subsequent to this act has been passed in South Australia, except an equally quiescent minimum wage board law, to be mentioned later.

Tasmania and Queensland are reported to have done nothing in the way of conciliation and arbitration legislation, though in Queensland both voluntary and compulsory bills have at different times been suggested. In 1893 there was a seamen's strike in Australia, which involved the four eastern capitals and intermediate ports and threw between 1,200 and 1,500 men out of work. The union prejudiced its case by calling out members whose articles had not expired, thus subjecting them to prosecution and imprisonment under the shipping laws; but the labor side was ready to submit its case to settlement under the trades disputes act of New South Wales. This strike kept alive the subject of state conciliation and arbitration, and measures were initiated by Mr. Kingston, then premier of South Australia, to secure the cooperation of the colonial governments to bring pressure to bear upon both parties to submit to conciliatory measures; but the premiers of the other 3 colonies concerned refused to interfere. At this time it was moved in the Queensland legislature that the occasion demanded that a bill be introduced, in accordance with a suggestion contained in the governor's speech, "providing for conciliation or compulsory arbitration in cases of industrial dispute."

MINIMUM WAGE BOARDS.

The minimum wage board provisions of the Victoria factories act represent a partial application of the principle of compulsory arbitration, though not for the express purpose of preventing trade disputes. The powers of these boards are directly limited by the statute itself to the determination of two principal matters only—the minimum wage to be paid in a trade under jurisdiction and the number of unindentured apprentices or improvers to be employed in proportion to regular workers, and their rate of payment. The right to fix a minimum wage involves, of course, fixing overtime rates, and so gives the boards—as is further expressly provided in the act—authority to determine the length of the ordinary working day. The power of the boards is limited further by the fact that they have jurisdiction over only such trades as parliament may determine. They have no authority to prevent strikes nor to inflict penalties for strikes or lockouts.

Although in practical operation a preventive of trade disputes, this object was not primarily in view when the minimum-wage boards were

established, in 1896. This point should be kept in mind, for it makes the theory upon which a board works in fixing rates of wages quite different from that actuating an arbitration court. The function of the latter tribunal is professedly to prevent or settle industrial disputes, and it has authority to punish any person or organization that initiates a trade conflict. In fixing a minimum wage, therefore, the definition of "minimum," which an arbitration court must observe, is such an average wage as ought under existing conditions to be considered a fair and equitable wage by both parties—such a wage as would appeal to their sense of justice and extinguish the necessity of a resort to a more violent remedy in order to arrive at a proper adjustment of the points at issue. Such a wage, as the experience of the New Zealand tribunal has shown, may be actually higher than the normal or prevailing wage at the time a case is brought up for adjudication; in fact, it is only by thus raising wages that a court can secure a fair share of the profits of prosperity for the workingmen. On the other hand, the court must have authority to lower wages below the average prevailing in any trade if a depressed condition of that industry demands such action. The theoretical function of an arbitration court is to adjust wages to the profits of an industry.

The minimum wage boards were established, on the other hand, in response to an antisweating agitation. They at first had jurisdiction over those trades only that were suffering exceptionally from this evil, and their theoretical function was to adjust wages, not to the profits of an industry, but to the cost of living and decent maintenance of a family in the districts under their supervision. They do not profess to satisfy all of the wage demands of workers, and do not supersede or forbid the right of the latter to resort to strikes or other means of enforcing demands for a larger share of the profits of an industry than those afforded by the determinations of the boards. Under these conditions it is evident that the boards would have been within their rights and would have fulfilled their original intent had they merely enforced a living wage in each trade under their jurisdiction. And it evidently was perfectly logical for the legislature to restrict their functions to determining solely those points in the mutual relations of an employer and employee that had a direct bearing upon the ability of the latter to support himself and family according to the prevailing standard of living. The social sanction of compulsory arbitration rests ultimately upon the police power of government; it is an indirect method of maintaining more perfect industrial, and therefore social, peace. The social sanction of the minimum-wage determinations rests upon the common interest of society in maintaining among all classes of people a standard of living comporting with the general wealth and civilization of the community and guaranteeing healthy social progress. It

was the necessity for protecting society against the competition of a lower civilization—that of the Chinese—that gave the final incentive to the Victoria legislation. But in the midst of the general movement toward state regulation of industry taking place in the Australasian countries this legislation has been diverted toward a development sympathetic with that occurring in neighboring States and colonies, and in its application has been made to accord more or less with compulsory arbitration principles.

The original Victoria act creating these boards was passed in 1896, the year the New Zealand arbitration law went into actual operation, and formed part of a body of factory legislation, the ordinary features of which will be considered elsewhere in connection with the factory laws of the other States of the Commonwealth. The provisions constituting the boards, however, in virtue of their interpretation and application, belong rather to arbitration enactments, and are so understood in the present instance. The original act mentioned above was superseded by a second law, passed in 1900, which extended the minimum wage board provisions. The last law expired by limitation in 1903, and was superseded by the amended act now in force.

Minimum-wage boards, known in the act as special boards, are composed of not less than 4 nor more than 10 members, representing equally the employers and employees in the trade under their jurisdiction, together with a chairman, elected by the other members, but who is not one of the original members of the board. A separate board is formed for each trade. The members were formerly elected by the employers and employees respectively represented, but by the 1903 act they are made appointive, the governor remitting the choice of members to the parties represented only in case one-fifth of the latter object in writing to his nominees. The appointment is for two years, and the compensation of members is fixed by regulation. At present the chairman is paid £1 ($4.87) and members 10s. ($2.43) for each full day served, besides necessary traveling expenses.

The 1903 act establishes a court of industrial appeals, consisting of a supreme court judge appointed by the governor in council, with two assessors appointed by the court from nominees of employers and employees, respectively. Provision is made for a registrar, also appointed by the governor. The court has power to amend the whole or any part of a board's decision, upon appeal by a majority of the representatives of either party on the board in question, or of 25 per cent of the employees, or of the employers of 25 per cent of the workers under the jurisdiction of the board, or upon reference of the board's decision to the court by the minister of labor.

Boards may be appointed in the clothing, furniture, baking, butchering, and small-goods trades under the act itself, and may be appointed for any factory occupation, provided a resolution has been passed by

either house of parliament declaring it is expedient to create such a board.

A board may fix either wage rates or piecework rates, or both, or may allow manufacturers to fix piecework rates based on the minimum wage which it establishes. A board must specify the hours for which a rate of wages is fixed and the rate of pay for overtime.

In fixing wages a board may take into consideration the nature, kind, and class of work, the mode and manner in which the work is to be done, the age and sex of the workers, and any matter which may be prescribed by regulation.

A board may fix the proportion of unindentured apprentices or improvers to be employed in any process, trade, or business, and the wages to be paid to them. In fixing such wages the board may consider age, sex, and experience.

The chief inspector of factories may grant a license to any aged, infirm, or slow worker to work at less than the minimum wage fixed by the board, provided that the number of persons licensed as slow workers in any factory shall not exceed one-fifth the whole number of employees receiving the minimum wage or over in such factory, unless for special reasons the minister of labor permits this proportion to be exceeded.

The amended act of 1903 was passed by a parliament not especially favorable to labor interests, and contains some provisions relaxing considerably the stringency of its predecessors. Former boards fixed the proportion of apprentices to journeymen, but the new law provides that this shall be done only in case the apprentice or improver is not indentured. Some employers have devised a form of indenture so lenient in its obligations on either side that it does not differ materially from an ordinary contract of service; and they are thus able practically to evade the improver clause of the act and employ juvenile labor to any extent not in direct violation of other statutory restrictions. The provisions with reference to slow workers are also new, and are intended to meet difficulties more fully detailed later.

The new law further defines the procedure and limits the discretion of the boards in fixing a minimum wage by the following provisions:

The board shall ascertain as a question of fact the average prices or rates of payment (whether piecework prices or rates or wage prices or rates) paid by reputable employers to employees of average capacity.

The lowest prices or rates as fixed by any determination shall in no case exceed the average prices or rates as so ascertained.

These provisions have made it necessary to allow the chairman of a board authority to administer oaths and take evidence, either from members of the board or from outside parties.

In case the average prices or rates ascertained are not satisfactory,

the whole matter may be referred through the minister of labor to the court of industrial appeals, which then proceeds to fix a rate of wages independently of the evidence just referred to, exercising the same power in this respect as an arbitration court.

The board is also allowed by the new act to fix special wages, prices, or rates for aged, infirm, or slow workers.

Upon the whole, therefore, the amended law curtails rather than extends the powers of industrial regulation granted to public agents, although the court of industrial appeals and the modified procedure of the boards indicate a slight approach toward arbitration court methods. This is rather in form than in principle, however, and does not affect the general fact that the most recent legislation in Victoria represents at least a temporary reaction from the movement toward state control of industry.

Most of the observations, comments, and criticisms of the working of the Victoria factories act given in this report necessarily apply to the law as it stood prior to the recent amendments, for the new provisions have had little time to influence conditions, and most of the board determinations now in force were made previous to their enactment.

The boards so far constituted number 38, and there have been 47 appointments of chairmen, 9 of which were to fill vacancies caused by deaths or retirements. The boards, with the occupations of their respective chairmen, have been as follows:

Occupations of chairmen.	Number of boards presided over.	Name of board.
State pensioners (ex-superintendents of police).	10	Aerated waters; artificial manures; brass workers; bread makers; brickmakers; iron molders; malt trade; pastry cooks; plate-glass workers; woolen trade.
Clergymen	6	Confectioners; coopers; jam making; men's and boys' clothing; pottery; shirt making.
Supreme court judge	3	Bread makers; men's and boys' clothing; woolen trade.
Police magistrates	5	Bootmakers (2); fellmongers; pastry cooks; tanners.
Estate agent	6	Bedstead makers; butchers; cigar makers; jewelers; leather goods makers; oven makers.
Barristers and solicitors	4	Brush makers; carriage builders; underclothing; wood workers.
Shopkeepers	4	Bread makers; millet broom makers; saddlers; underclothing.
Curator of intestate estates	3	Furniture makers; printers; tinsmiths.
Schoolmaster	2	Engravers; wood workers.
Publican	1	Brewers.
Town clerk	1	Stonecutters.
Architect	1	Wicker workers.
No occupation	1	Bread makers.

The constitution and procedure of these boards has been the subject of criticism, favorable or adverse, accordingly as they have individually met the difficulties arising in the trade for which they were constituted with greater or less success, and according to the special bias of the critic in favor of a greater or less degree of state regulation of industry. It will be noticed that the law does not require the exist-

ence of unions or private organizations of any kind, that it does not raise the question of preference to unionists, and that it acts of its own initiative in investigating disputes. The boards are representative, not judicial bodies; they did not, until 1904, take evidence under oath, and they are presumed to contain within their own membership the information required for a fair determination of most of the questions that come before them. They are constituted upon the analogy of a legislative body, as the arbitration courts are constituted after the fashion of a judicial tribunal. Violations of their determinations are prosecuted before the ordinary courts, and there is no confounding, as in the case of the arbitration tribunals, of legislative and judicial powers, by placing both kinds of authority in the hands of the same body of men. A court of arbitration enacts laws, and then takes legal cognizance of the violation of those laws; a minimum wage board simply exercises legislative powers delegated to it by parliament, and leaves all question of enforcing its acts to regular administrative and judicial channels.

Without a doubt the original intent of the law was that a true minimum, and not an average wage, should be fixed by the boards. But in practical application the effect has been in nearly if not all cases to establish what in the United States would probably be considered a "union wage" in the determinations. The year after the act went into effect protests and petitions were presented to parliament by the Melbourne manufacturers against the determinations of the tailors' and the bootmakers' boards, largely upon the ground that the ruling wage established was higher than employers could afford to pay, though in case of the tailors' board difficulty appears to have arisen from the attempt of that body to fix a more or less uniform rate for the making of custom and ready-made garments.

If a board has consented, however, to fix a true minimum wage, upon the assumption that employers will recognize it as such and pay a higher average wage, it has been found that advantage is taken of this situation to force down the prevailing wage to the level of the board determination. In the report of the Royal commission of 1903 it is stated: "The chairman (of the clothing board) further explained that in fixing £1 ($4.87) a week as the minimum wage of women, 'It was felt that this was a fair minimum to be earned by the slow worker—practically an incompetent hand.' Whatever may have been the intention of the board, the official reports show that there are clothing factories where no woman or girl receives more that 20s. ($4.87) a week." On the other hand, if a board fixes a fair average wage as the minimum, there is active competition among employers to get the best possible hands for the money, and every less competent employee and aged and slow worker is thrown out of employment as a result. There is thus created a new problem of industrial distress

hardly less deplorable and difficult to remedy than the original evil of sweating. These are the two horns of the dilemma presented by any attempt to fix wages by legislative authority, whether by arbitration or by minimum wage boards—and it can not candidly be said that much progress has been made as yet toward a solution of this difficulty in any of the Australasian countries.

The procedure frequently adopted by the boards does not tend of itself to afford a ready and reliable elucidation of the trade conditions upon a knowledge of which its determinations should be based. The representatives of the two sides frequently meet each other in a spirit of partisanship, accentuated by their particular trade bias, and begin a tug of war over the preliminary question of time wages, upon which such piecework determinations as the board may make are usually based. As the whole authority of the State is behind the wage finally fixed upon, making it part of the law of the land until a new determition shall have been made by the board or the present determination revised—allowing for a dubious appeal to a higher tribunal—the ground is naturally contested vigorously; and in most cases the representatives of employers and employees, respectively, act and vote as a unit, so that the casting vote of the chairman, usually a laymen in in the special trade under consideration, becomes the final arbiter upon the main points in dispute. In some instances employers have withdrawn altogether from the board and refused to take further part in the proceedings, leaving the chairman and the employees—a legal quorum under the act—to take final action. On the other hand, the shirt board and the printers' board came to unanimous decisions, and upon no point in the clothing-board determination was the chairman called upon to give a casting vote; but the more usual practice would seem to have been for the employees to demand say a minimum wage of $15 a week, the employers to contend for $7.50, and the chairman to split the difference and secure a compromise on $11 or $12. The governor in council might suspend the operation of a determination for 6 months, in order to allow the board to review it; but unless there has been some flagrant and obvious error committed, that body can hardly be expected to amend its own decisions. Until the court of industrial appeals was established, in 1903, a determination could be finally challenged before the supreme court of the State. Two such cases have occurred, in both of which the government—as represented by the board—has been upheld. One of these appeals was by an employer, to have a determination set aside, and the other by the government, to enforce a penalty against a butcher who was employing his sons in his own shop, and thus exceeding the number of improvers allowed by the board's decision. In the latter case, naturally, either an interpretation of the determination itself, or of the power of the board under the law to limit the right of a father to employ his own sons in his business, might be required. The decision covered both points, to

the effect that where a contractual relation existed the fact that a man's employees were minors and members of his own family made no difference in the eyes of the law, in the enforcement of a determination. As a result of this decision it has been expressly provided in the act of 1903 that "no determination of a special board shall apply to any children of the employer."

The two chief objections made to the law have been (1) that it was unjust to the old and the slow worker, and that when conditions of competition make it worth while creates a body of unemployed whose interest it is to evade the law, and (2) that it has a detrimental effect upon industries. Those who support the law maintain (*a*) that it has practically done away with sweating and has been an influence in favor of higher wages, (*b*) that it has not affected industries unfavorably, and (*c*) that it has been influential in preventing industrial conflicts between workers and their employers.

The first contention of those who criticised unfavorably the law in force until 1904 is undoubtedly true. It worked a hardship upon the less competent workmen, and thus created a new class of unemployed. The interest and the influence of those thus adversly affected by the act probably occasion secret violations of the law. The effect of the determinations may have also been reactionary to the extent that they create conditions favorable to the growth of small home production in some lines where the natural trend of industrial evolution is toward factory production under conditions both economically and socially better for the workmen. This seems to be the case to some extent in the boot trades, in saddlery, and in tobacco working, where the attic workshop has come in as the last recourse of the slow worker who peddles his completed wares at starvation prices to the less scrupulous class of jobbers. The whole question of the effect of the law upon industrial development must be considered an open one, for there are so many disturbing factors in the problem at present that any one of a score of different opinions upon the matter may be the right one. Australia has been normally undergoing a gradual convalescence from the acute depression of the early nineties. Federation has wholly revolutionized fiscal conditions by establishing a uniform tariff against foreign competition and interstate free trade throughout the Commonwealth. The South African war and the gold discoveries in Western Australia, both of them creating a demand for men and labor especially affecting the Anglo-Saxon communities of the Southern Hemisphere, and the recent unprecedented drought, have all complicated the local situation in Victoria.

As to the hardship worked upon the less competent employee by the minimum-wage law, a large amount of direct evidence appears in the published reports of the commissions that have investigated the workings of the act, concurring to the effect that a new evil has been produced, or at least an old evil accentuated, by this legislation. While the inspector has always been empowered to grant special permits to

workers who by reason of "age or infirmity" are not able to earn the minimum wage, allowing these persons to accept less than the minimum wage established by the boards, experience shows that this is not a sufficient remedy for the situation. The New South Wales commissioner, speaking of the law in force prior to 1904, says in his report upon this act:

Victoria has an excess of skilled labor, and the consequence is that the slow worker loses employment and suffers. For him there is no provision, while there is for the aged or infirm, to which term very properly a wide meaning is given by the chief inspector. But except in the case of old servants, employers are chary of employing men with a license; there is, first of all, the dislike of both masters and men to asking for the permit, and, in the second place, the employers do not wish the public to think that they are paying wages below the minimum, being afraid that it may imagine a wrong cause for their so doing. I saw one of these less capable workers. He had been in employment for 10 years at 30s. ($7.30) a week, but just before the board affecting his trade came into existence he had changed his employer. Not being able to earn the minimum wage, he had to go. He lost his home, and, as he told me, has frequently had to pawn his clothes to obtain food. His case was pitiable. He is about 56, and no doubt a permit could be obtained, but the difficulty is to find an employer who would take him.

The Victorian commission of 1903 says in the same connection:

While on this subject (the boot trades) we may refer to the effect of the minimum-wage law upon the slow worker. There can be no doubt that while the first minimum wage of 36s. ($8.76) a week hampered this class of operatives in obtaining and keeping regular employment, the increase in June, 1898, to 42s. ($10.22) a week greatly intensified their difficulty in earning a livelihood. * * * The consequence is that collusion between a certain class of employers in the boot trade and slow workers is said to be common, the legal minimum being paid over to the employee, who hands part of it back, sometimes for a nominal consideration, in the belief that he observes the letter of the law. Last year we inquired into the matter privately, and came to the conclusion that in a fair number of instances small factories, employing under 20 persons, do not honestly pay the minimum wages. Among other cases mentioned to us, there were several men earning 25s. to 30s. ($6.07 to $7.30) a week, the rates being entered in the factory wages book for the inspector's examination at £2 14s. and £2 15s. ($13.14 and $13.38) a week, respectively. In another factory a young man earned on an average at piecework 16s. ($3.89) a week; in another, where the log rate for a certain class of work was 8d. (16 cents) a pair, he received 5d. (10 cents) a pair. A very bad case mentioned to us was that of an old man who was a slow worker. His earnings averaged 10s. ($2.43) a week only. * * * When it is the interest of employers and workmen alike to keep the agreement for unduly low wage-rate secret, and no witness can be found to give evidence to support a prosecution, it is hopeless for the inspectors to try and suppress the practice; and the worker naturally has a substantial grievance against the law which permits a minimum to be fixed which he can not earn, but does not in any way protect him by requiring the payment of

a fair but lower rate which he can earn. One employer frankly admitted that he could buy plain, strong boots of an inferior class much cheaper than he could make them, and hence had given up making them in his own factory, but said he was satisfied that if conditions of the law as to wage rates had been honestly observed, such goods could not be produced at the prices at which he purchased them. * * * As regards the loss of employment by slow workers generally when the minimum wage was enforced in 1898, one of the largest employers, with a staff of 280, stated that he had dispensed with 60 to 70 hands; another with a staff of 200, had dismissed 20; while a third, who gave work to 160 persons, expressed the opinion that one out of every 8 adult males in the trade had lost their employment here, and many had never regained it.

In his annual report for 1898 the state inspector of factories, a strong advocate of the law, says:

The men are not true to themselves. It is notorious that some of the men who are quite able to earn the minimum wage, and are no doubt actually earning more than that sum for their employers, sign for the minimum wage and take less. I have had repeated complaints from men that it is done, and repeated admissions from men that they have done it. * * * Why do they do it? Because they are afraid of not getting work; because they know there are men at the door of the factory probably waiting for any chance to take their places; because they know there are old and slow workers who are willing to take any wage and sign anything if they can only get work. An old man I once asked to sign a statutory declaration as to his wages looked me fair in the face and said: "Mr. Ord, I'll declare anything you like." What he meant was: "I must work, and to get and keep work, I will commit perjury if you like."

It is perhaps worthy of passing mention as evidencing how the problem of industrial regulation grows upon the hands of the authorities as soon as it is once undertaken by the Government, that the only solution of the difficulties mentioned that suggests itself to the inspector is: "To provide work at remunerative wages for men able to work and old-age pensions for the old workers." In other words, the outcome of regulative legislation—the only means by which it can accomplish even its most modest objects successfully—would be state socialism.

There is another means of evading the law, however, that is even more difficult to cope with in those trades where it can be practiced than is the collusion just described between employer and employee. In fact, in this case the law is circumvented instead of evaded, and there is no formal violation of the statute. A bootmaker or harness maker, for instance, can sell leather to his former hands, if need be granting them credit, and buy back from them completed articles or parts of articles at a stipulated price. A tobacconist can sell leaf tobacco to his men and buy back the cigars. This is a purchase and sale of commodities, not of labor, and has actually in some instances, according to statements made to the writer by employers, become a means of cheapening the labor cost of goods.

However, too close attention to detailed difficulties and weaknesses sometimes distracts attention from the broader and more important results flowing from the application of a new legislative principle in a community, and a fair examination of the Victorian minimum wage law must include the statistical evidence as to its general effect upon wages and employment and the testimony as to its influence upon the general condition of the worker. If nobody had been benefited by the law, it would have hardly survived 9 years of amendment and legislative attack. There is an ontological argument to be advanced in support of all the radical labor legislation of Australasia.

Concomitant with the existence of the minimum wages law, whether due to its influence or not, there has been a healthy increase in the number of factory workers as compared with the years immediately before the act went into operation, and even in comparison with the years of the previous boom. In 1902 there were 4,252 registered factories in Victoria, with 59,440 operatives, an increase of 2,495 operatives over the previous year, and of 11,627 operatives over the most prosperous year (1890) of the last boom period. Except in 3 occupations, where there has been a recent increase in the proportion of female and juvenile workers, the rate of wages has uniformly risen since the boards went into operation. The following table of average wages is taken from the report of the state inspector of factories for the year ending December 31, 1902:

AVERAGE WEEKLY WAGES IN TRADES UNDER BOARD DETERMINATIONS IN 1902 AS COMPARED WITH AVERAGE WAGES BEFORE DETERMINATIONS WENT INTO EFFECT.

Trade.	Before determinations went into effect.	1902.	Increase.
Bedstead makers	$7.88	$8.39	$0.56
Bookbinders	4.81	5.37	.56
Bootmakers	5.64	6.87	1.23
Bread bakers	7.91	10.42	2.51
Brewers	8.35	9.63	1.28
Brickmakers	10.12	11.13	1.01
Brush makers	5.62	6.47	.85
Butchers	9.17	9.81	.64
Cigar makers	7.36	8.09	.73
Clothing makers (men's)	4.87	5.45	.58
Confectioners	4.12	5.09	.97
Coopers	8.66	10.56	1.90
Engravers	8.98	12.13	3.15
Furniture makers	7.08	9.61	2.53
Jam makers	5.15	4.62	a.53
Jewelers	8.23	10.02	1.79
Ma tsters	10.00	10.97	.97
Mantelpiece makers	8.15	10.67	2.52
Millet broom makers	6.79	8.13	1.34
Pastry cooks	7.50	6.96	a.54
Plate glass makers	6.69	8.68	1.99
Potters	6.83	8.84	2.01
Printers (city)	8.96	9.49	.53
Printers (country)	7.54	8.05	.51
Saddlers	6.59	8.54	1.94
Shirt makers	3.51	3.49	a.02
Tanners	7.73	8.64	.91
Underclothing makers	2.74	3.08	.34
Wickerworkers	5.58	6.37	.79
Wood workers	8.07	10.63	2.56
Woolen goods	4.97	5.19	.22

a Decrease.

The following statistical appreciation of the effect of the Victorian factories act upon wages is summarized from T. A. Coghlan's Australia and New Zealand, 1902–3: There has been a general increase in the pay of male labor equivalent to 19 per cent, and of female labor to 17 per cent, or about 5s. 9d. and 2s. 3d. ($1.40 and $0.55) per week, respectively, in occupations under the determinations of the boards. The comparative average weekly wages of workers of various ages in regulated and unregulated trades in Victoria are as follows:

WAGES PAID IN VICTORIA TO EMPLOYEES IN TRADES REGULATED BY SPECIAL BOARDS AND IN OTHER TRADES.

Age.	Trades under boards.		Other trades.	
	Males.	Females.	Males.	Females.
13 years	$1.48	$0.97	$1.58	$0.87
14 years	1.58	1.05	1.83	1.03
15 years	1.85	1.24	2.13	1.07
16 years	2.19	1.56	2.60	1.34
17 years	2.84	2.03	3.16	1.72
18 years	3.57	2.76	3.97	2.15
19 years	4.52	3.08	4.70	2.58
20 years	5.58	3.73	5.52	2.88
21 years or over	10.77	4.81	10.20	4.24
All ages	8.70	3.87	7.56	3.08

The wages of boys and youths are uniformly lower in the regulated than in the nonregulated trades; but for adult male workers and for all female workers wages are in every case higher in the regulated occupations. The difference of $1.14 in favor of male workers of all ages in the regulated trades is greater than an inspection of the figures immediately preceding would lead one to expect, and is due to the fact that in the regulated trades three-fourths of all workers are adults, whereas in other trades the proportion is not more than three-fifths.

Some testimony was obtained as to conditions prevailing under the law in force in 1904. The factory inspectors have reported that the act has practically done away with sweating in the clothing trades. This should be somewhat qualified, however, as breaches of the determination of the board and the factories act do occur, and some of them appear to be so habitual as to constitute a permanent labor condition. In a prosecution in Melbourne in July, 1904, it was shown that a manufacturer contracted out Chesterfield coats as Raglans, thus lowering the price of making from $1.08 to $0.73. The writer saw goods going out of a factory to be made up by contractors, because the latter could manufacture more cheaply than the factory paying full board rates. The proprietor, showing his books confidentially, said: "We are paying $1.10 a dozen for making denim trousers, and can't afford to make them in our factory in face of this contract competition. The wages board rate for making these trousers is $1.34 a dozen. Moreover, out of her price, the contractor pays for trimmings, which amount to 21 cents a dozen. So she gets the work done and her profit out of 89 cents, or 45 cents under the

legal rate. Clearly she evades the law. I think that her method is to offer her hands full-time wages, and then dock their pay for the number of pairs under so many dozen that they fail to complete in a week. These workers have told me that they were sweated. They are not necessarily poor hands. They are good workers, but in poor circumstances. We can make clothing here 12½ per cent cheaper than in Sydney or Adelaide." So far as can be inferred from the information obtained directly from manufacturers, this kind of evasion is very general for certain classes of goods, especially the cheaper grades of workmen's and youths' clothing, and naturally competitive conditions force all merchants into the same practice if one of their number successfully circumvents the law in this manner. South Australian clothing manufacturers interviewed claimed that the prices at which Melbourne firms sold goods in Adelaide proved that sweating existed in the former city. One specific instance was cited where 3,000 overcoats were shipped to Adelaide from Melbourne at a price that proved conclusively either a loss to the manufacturer or a cost of making much less than that provided by the Victorian determination.

On the other hand, while these conditions affect certain branches of the clothing trades, the general condition of operatives in these occupations has probably been considerably improved by the act. The statistics of the chief inspector of factories just quoted, even allowing for the fact that some unscrupulous employers or contractors may juggle the figures of their pay sheets, are evidence that this is the case. An Adelaide clothing manufacturer admitted that he would probably be driven out of business by his Victorian competitors were it not for the higher wages which the latter were required to pay. It is significant that several manufacturers who were sending work out on contract complained of their inability to secure competent hands and were frequently compelled to advertise for workwomen, thus indicating that a market for skilled operatives existed, and that the latter were not forced to sell their labor at sweaters' rates. The large and better equipped factories had been very slightly affected by the determination of the board. One large retail store in Melbourne employs 900 hands in the manufacture of clothing and white goods for its own sales. In this establishment no change was made in the pay roll when the determination went into effect. The following favorable opinion of the act was expressed by the manager of one of the largest factories in Melbourne: "Our factory has run for 40 years under many changing conditions, and we have, I think, the largest factory in the Commonwealth for clothing and underclothing. We employ 1,250 operatives and sell our clothing clear around Australia and have travelers in every State of the Commonwealth. We have no trouble whatever with our wages board. The act is working admirably. We want all employers forced to work on parallel lines, and that achieved, all is

well. There is more difficulty in underclothing, because there is no log, and so the prices for making different articles are not defined. We can get enough female labor, but not enough that is properly trained. We have been more than able to compete with other States since federation, because we had an established industry. So we were able to cater at once to the demand of other States, that previously had been importing from home (England)."

Victoria certainly has profited from the extended market opened to her manufacturers by federation. The value of 24 classes of locally manufactured articles exported to other States increased over $5,000,000, or more than 147 per cent, between 1900 and 1903. The exports of garments rose from $663,880 to $1,636,723 in that period. Evidently this explains to some extent the lack of trained operatives, the increase of wages, and the other changes in industrial conditions reported in this trade. During the same three years the interstate exports of boots and shoes manufactured in Victoria about quadrupled, their value rising from $284,231 to $1,144,294.

This sudden expansion of certain lines of industry evidently renders any deductions from wage and manufacturing statistics as to the effects of economic legislation unreliable. It also constitutes a condition that colors all the testimony of employers upon the subject. A man whose business has doubled or trebled in a couple of years is apt to be optimistic as to general prospects and also extremely impatient of any regulations or restrictions that hamper him in the least in his efforts to take full advantage of the opportunities suddenly opened before him.

The proprietor of probably the largest boot factory in Melbourne, a new and model establishment, expressed the following opinion of the factories act in an interview:

We have invested largely in our business since tne act has been in force. Under it our conditions are more settled, and this gives us an advantage over New South Wales. Before the act went into operation sweating was rampant, and for that reason the fair employer has benefited by the change. We pay many of our employees more than the minimum wage. I was through some of your largest factories in America last November (1903), and am well satisfied with our Victorian labor conditions in comparison. You pay higher wages than we do, but you have longer hours and get more work out of your men. I have seen both sides of our trade. I have worked at it as a journeyman for as low as $7.30 a week; and I favor the factories act. There are incompetent employers as well as incompetent employees, and it is the employer who never ought to be in his position who is forced to sweat men. The act eliminates that sort of an employer. We are satisfied with the present apprentice conditions—1 apprentice to 7 journeymen.

Another manufacturer, employing about 130 hands exclusively in making women's shoes, who was formerly an opponent of the act, said:

If a man can not earn our minimum wage of $10.96 a week he is not worth his room in the place. Our act works very well. Wage

boards, I think, are much better than an arbitration court. My business has been expanding since the act went into force. Speaking for myself alone, I don't think the act has kept me back. I think it preferable to the old system, now that we are accustomed to the rules. Conditions are more settled, and you can make plans accordingly. Before the act there was always uncertainty on account of new union demands.

The secretary of the Melbourne Bootmakers' Union expressed himself regarding conditions under the amended law as follows:

Some manufacturers are employing boys without indentures or with only fictitious indentures. The indentureship requirement under the present act may be anything. But trade is fairly good and we are still working under the old determination. Trade has been better since federation than previously. The factories act has not injured trade and it has benefited the workingmen. We have had no strikes since it went into effect, and we now recognize that strikes are done with and look to parliament for our remedies. The act is not evaded by large employers, and though it is evaded to some extent by small factories, there is a limit to this, for an employer is afraid to discharge a man who has connived with him in violating the law. Slow workers in our trade generally drift into repair shops. We had a call for a man the other night at a full meeting of the union, but no one present was unemployed.

The manager of the Denton Hat Mills, an establishment thirty-four years old, employing 400 hands, and paying regularly a dividend of 10 per cent upon a capital of about $175,000, said:

We are not under a wage board, but are under trade union domination. Although, to my knowledge, there is not a journeyman in our trade out of employment in Victoria, we are allowed but 1 apprentice to 7 journeymen, on a 5-year indentureship, and 1 girl each year for every 20 women employed. The minimum wage is $14.61 a week, for 48 hours' work, and the union is working to get this minimum raised to $15.83. I should prefer to be under a wage board, and am ready to apply for one in our business.

Notwithstanding these favorable opinions, however, employers as a body are not sympathetically disposed toward the wage board system, and many are active opponents of the principle of state regulation, which it implies. This antagonism is partly due to class bias, accentuated by the political division created by the rise of the labor party, partly to the resentment which any new form of social restraint arouses in those feeling its effects for the first time, and in no small degree to practical embarrassments that have followed the enforcement of some of the board determinations. Indeed, the attitude of an employer toward the whole law, if it affects his particular business, is usually determined almost entirely by the character of the determination under which he chances to be working. In some trades every employer visited opposed the law, and in others there was a generally favorable attitude toward its provisions. Men engaged in unregu-

lated occupations usually dread the uncertainties attending a possible extension of the act to their business, and accordingly are vigorous—if rather theoretical—critics of the act. The three amendments recently solicited and secured by employers, allowing slow-worker permits, forbidding a limitation of indentured apprentices, and defining the minimum wage, have done much to lessen this opposition; and it is not without the range of possibility that the time may come when employers will be united in defending the act against an attempt to substitute an arbitration tribunal for the wage board, or even against the efforts of thoroughly organized and disciplined unionism to override the more liberal provisions lately embodied in the law.

Employers have complained that the limitation of apprentices in proportion to the number of journeymen employed, formerly enforced by the board determinations, was an unnecessary and harmful restriction, and that some industries were seriously hampered, and were likely to be still more so in the future, by a deficient supply of properly trained operatives.

Naturally, workmen have feared the competition of underpaid child labor if the apprenticeship restrictions were relaxed. So far the employers seem not to have employed the freer hand given them by the amended act in such a way as to arouse the serious resentment of the unionists. Of course the latter have the remedy of a strike in their power, exactly as if no factory law or wage board determination existed, if conditions justify such action in their opinion. The secretary of the Melbourne typographical society said that while a few employers had used the apprentice provisions of the new act as a cover under which to recruit cheap labor, the better class of employers had generally observed the conditions established before the amendment was made; that is, 1 apprentice to the house, and 1 to every 3 journeymen employed. The proportions that have been established by some of the other boards are as follows:

Underclothing, 1 apprentice and 1 improver, or 2 apprentices or improvers, to each fully paid person employed; clothing, 1 male apprentice or improver for every 3 journeymen, and 1 female apprentice or improver for every 2 fully paid female workwomen; butchers, 1 apprentice or improver for every 3 fully paid persons; cabinetmakers, 1 male apprentice or improver for every 4 journeymen. The boards usually provide a sliding scale of rates for payment of apprentices and improvers, according to the time they have served, and the law expressly forbids taking on young persons to learn a trade without paying for their services, or receiving any premium for employing such persons. It is claimed by the inspector of factories that these provisions react favorably upon the general condition of apprentices, as the employer finds it to his interest to teach them as rapidly as possible, in order to make their services valuable enough to

recompense him for the increased wages he is obliged to pay them with each year's added experience.

The provision in the new act creating a court of industrial appeals was favored by employers, and has not been especially criticised by employees. While no cases have been carried to this court, its existence is said to have a salutary effect in bringing the opposing interests on the boards to terms, as each party prefers a solution arrived at by a body of representative tradesmen, to the uncertain decisions of a judicial body. Recently the threat of an appeal by a large employer led to a conference and adjustment of difficulties arising out of the tobacco trades determination that had been threatening trouble in that business for over a year. The first appeal was set to be heard September 29, 1904, and was carried up from the artificial manures board.

It was anticipated or hoped in certain quarters that the wage board determination would drive the Chinese out of the furniture trade. It has not done this, though it has mitigated to some extent the severity of their competition. However, as recently as June, 1904, a deputation of members of the furniture board waited upon the Victorian premier to urge him to take steps to prevent the ousting of Europeans from that occupation by the Chinese. It was suggested that the State buy out the 614 Orientals interested in that business. The report of the chief inspector of factories for 1903 gives the number of Chinese, of all ages, employed in this industry as wage-earners as 440, as compared with 779 Europeans.

The effect of the board determination in the harness and saddlery business is said to have been unfortunate, and to have enabled Adelaide manufacturers to capture the market for several lines of goods in the western or "Wimmera" district of Victoria. However, the exports of leather goods to other States, aside from boots and shoes manufactured in Victoria, have nearly doubled in the 3 years since federation. It is also reported that this determination has encouraged the practice of outworking, or doing work by contract in little outside shops. Harness making would be peculiarly liable to experience such a development, on account of the small expense of setting up a workman independently in this business. Although the effect of the law may have been to encourage unregulated domestic production at the expense of a higher type of factory production in this and a few other trades, there are many occupations where power machinery is used and a piecework system of payment prevails that are forced into factory channels by the act. If piecework rates are regulated by factory output, for example, where power-driven machines are used, doing 3,000 stitches a minute, and sometimes several parallel seams simultaneously, it is evident that prices will be so low as to drive from the occupation altogether the home worker, using a treadle machine.

The question of the amount of litigation and expense involved in enforcing the determinations of the wage boards is of some interest. The boards compare very favorably with arbitration courts in this respect, and one strong argument in their favor is the lessened expense of procedure for all parties coming before them. The chief inspector of factories, who administers the law and the determinations made under it, said: "I don't think I have as much trouble with the 38,000 workers now under the wage boards' determinations as I had with the first 10,000." This is borne out by the statistics of the department. In 1901, of the 310 prosecutions undertaken in the courts by that office, 47 were for breaches of board determinations. The following year, of a total number of 159 cases, 36 were for breaches of the boards' awards. The total legal costs of administering the system the latter year were under $200.

It has already been stated that any reliable deductions as to the effect of the minimum wage determinations upon industry are hardly yet possible. The testimony of manufacturers generally is that the law has been detrimental, and has hampered business development; but employers have themselves asked for 11 of the 38 boards established, though not as a body—the petitions being supported by a large number in most instances, in one case by 12, and in another by three. The effect of the determinations is to establish uniform rates of payment and hours of labor among competing employers, and thus to favor those who are by inclination or policy most liberal to their employees; at least this must be the effect if the law is properly observed. According to the Victorian commission, the "adoption of the statutory wage system, combined with the use of labor-saving machinery and keener competition," resulted in closing some 47 of the smaller boot and shoe factories of that State. A brush factory is said to have moved to Tasmania to escape the restrictions imposed by the law. One of the large tobacco manufacturing firms transferred its cigar factory to Adelaide for that reason. To some extent, apparently, there has been a movement to escape restriction legislation by taking a business beyond the jurisdiction of the law. But this has not been important enough, so far as the testimony at hand goes, to do more as yet than show a tendency. There is always uncertainty in Australia as to what legislation may crop out in the State to which you remove. And Melbourne enjoys advantages as an old-established seat of manufacturing industry that go far to countervail any embarrassments that the operation of the minimum wage provisions have as yet occasioned. Although it can be said, quite without reservation, that there are instances where the general effect of this legislation, and especially of the uncertainty as to what further measures along the same lines may be enacted in the future, has been to discourage the investment of new

capital in industrial undertakings, the great expansion of Victorian manufactures since federation is a stubborn assertion that no death-blow has yet been dealt to the growing enterprise of the country.

While the enforcement of the minimum wage law in Victoria has not been attended by such a marked rise in the price of commodities as has characterized the period during which the arbitration law has been in force in New Zealand, and the cost of living in the former is much less than in the latter country, there is some evidence to show that in special instances, in trades subject only to local competition, the higher wage and shorter hours enforced by the boards have been followed by an increase in the price of the product to the consumer. After the determination of the butchers' board went into effect the price of meat rose 3 cents a pound, the rise of 1 cent imposed by the master butchers' association in January, 1901, being expressly stated to be due to the "increased price of stock and the factories act." A number of shops in this trade are known to have been driven out of business by the board determination. In the bakers' trade the determination of the board, according to testimony given in the report of the Victorian commission rendered in 1903, is commonly evaded or violated. There has been no general rise in the price of bread, as wheat fell from $1.28 a bushel in 1897, to 58 cents in 1900. Again, as showing the tendency of state regulation of wages to create a demand for more regulation and intervention by the Government, the following is quoted from the report just mentioned: "Witnesses on both sides advanced the idea that, as the State had seen fit to regulate wages, the next step should be to fix by authority the price of bread." Of the policy of government control of industry it can truly be said, without prejudice to the question of its advisability or inadvisability, that, like fame, it increases as it goes.

INDUSTRIAL ARBITRATION.

Western Australia, following the lead of New Zealand, was the first of the States of the Commonwealth to place a compulsory conciliation and arbitration act upon its statute books. The original law, which resembled the New Zealand act very closely, was passed in 1900, but was wholly remodeled in the revised act of 1902. Both laws provided for a single arbitration court in the State and for boards of conciliation in each of the industrial districts into which the State shall be divided by the governor. At present there are three such districts. The constitution, procedure, and powers of the boards and court are as follows:

The boards may consist of 3, 5, or 7 persons, though in practice they have consisted of 5, of whom one is a chairman elected by the other members, or in default of election appointed by the governor,

and the remainder are respectively elected by the unions of employers and employees registered under the act, each side being equally represented. The term of office is three years, and members receive a fee of $5.11 for each day they serve. In case of emergency or any special instance of industrial dispute the governor may appoint a special board of conciliators, whose constitution, jurisdiction, and powers are similar to those of a regular board.

The arbitration court, which is a court of record, with a seal judicially noticed in all courts of justice, consists of 3 members appointed by the governor. The president of the court must be a supreme court judge. The other two members are appointed from persons nominated by the unions of employers and employees, respectively. The lay members of the court hold office for 3 years, and receive a fee of $15.34 for every day they serve.

The act provides for a clerk of awards in each industrial district, to act as recording and executive officer of the boards or the court; and for such court officers as the governor may think necessary. The registrar of friendly societies, an officer existing prior to the passage of the act, is made the chief recording officer under its provisions, with whom industrial unions of employers and employees must register in order to have a standing before the boards or courts, or a voice in their constitution.

The only parties recognized in industrial disputes are unions or associations of unions of employers, or of employees, or individual employers. In order to secure registration, an employers' union must consist of not fewer than 2 persons who have employed in the aggregate 50 or more workers in the trade in question throughout the 6 months immediately preceding registration. An employees' union may consist of any number of workers not fewer than 15.

An industrial agreement is a contract or collective bargain between a union or association of workers and an employer or union or association of employers, which when duly executed and filed with the clerk of awards of an industrial district is enforceable in the same manner as an award of the court. Such agreements may be for any term not less than 6 months or more than 3 years, but remain in force after the expiration of their term, except in respect to parties who retire therefrom by giving formal notice of their intention, until modified by an award of the court or a subsequent agreement.

Proceedings before a board are undertaken upon application by either party to an industrial dispute, who may be represented by agent in such proceedings, but shall not conduct his case by counsel or solicitor without the consent of all parties thereto. Boards have the powers of summoning witnesses, administering oaths, hearing and receiving evidence, and maintaining order granted to courts of justice. The board embodies its decision in a recommendation, which, if

accepted by the parties to the dispute, is incorporated in an industrial agreement. Failing an appeal from the recommendation of the board to the court of arbitration within one month of the date when such recommendation was filed, the latter operates and is enforceable in all respects as an industrial agreement.

A dispute may be referred directly to the court of arbitration by a majority of the employers or the workers interested therein, without prior hearing before a board; or a majority of the parties on either side may appeal to the court from the recommendation of a board, within 30 days of the filing of the latter with the clerk of awards, and any board may refer a dispute pending before it to the court. Lawyers appear in cases before the court only when all parties so agree. In addition to the powers of taking evidence granted the boards, the court has authority to require the production of books and papers relating to questions in dispute, to accept as proved formal matters proved or admitted before a board, to exercise the powers of the supreme court in taking evidence upon deposition in distant places or out of the State, and to compel any party to the proceedings to give evidence as a witness.

The court may accept such evidence, whether strictly legal or not, as in equity and good conscience it thinks fit. It also may order either party to pay to the other party costs and expenses, including expenses of witnesses, or apportion such costs between the parties, but can not allow costs on account of agents, solicitors, or counsel. Both the boards and the court, or their authorized agents, have authority to enter and inspect premises, and to interrogate employees, in any matter relating to a dispute under their advisement. When technical questions are involved, experts may be appointed—one by each party—to sit as assessors, but not as members, of the court.

The decision of the court, in which a majority of the members must concur, is legally enforceable without the consent of the parties, and extends to every employer and every worker in the industry for which the award is given, unless otherwise specified, including those not originally parties to the dispute. The court may limit the award to any town or area, or may extend its provisions to any person, employer, or industrial union within an industrial district, or may review and amend an award already given. The award may fix what shall constitute a breach of its provisions, and what sum, not exceeding £500 ($2,433), shall be the maximum penalty payable by any party in respect of any breach.

The jurisdiction of the boards and court extends to any industry, which is defined to mean "any business, trade, manufacture, undertaking, calling, or employment in which workers are employed." A "worker" is "any person of the age of 16 years and upward, of either sex, employed or usually employed by any employer to do any skilled or unskilled manual or clerical work for hire or reward in any indus-

try." The court is empowered "to prescribe a minimum rate of wages or other remuneration, with special provision for a lower rate being fixed in the case of any worker who is unable to earn the prescribed minimum." Its jurisdiction also extends to any "industrial matter," a term that will be further defined later, in the discussion of the awards.

The court has jurisdiction to hear cases for breach, and to enforce its own awards, and to deal with offenses against its order and dignity specified in the act.

The law contains a specific prohibition of strikes and lockouts in the following terms: "Any person who (a) takes part in or does or is concerned in doing any matter or thing in the nature of a lockout or strike; or (b) before a reasonable time has elapsed for a reference to a board or court of the matter in dispute, or during the pendence of any proceedings before the board or court in relation to an industrial dispute, suspends or discontinues employment or work in any industry; or (c) instigates or aids in any of the above-mentioned acts, shall be guilty of an offense, and, upon summary conviction, on the information or complaint of the registrar, or of any industrial union, shall be liable to a penalty not exceeding £50 ($243.33)."

The provisions of the act apply to members of industrial unions employed by the government as if the latter were a private employer. In case of railway servants, the association of locomotive employees is compelled to register, and other associations may register under the act. Such societies may enter into industrial agreements and petition an award of the court, like employees on private undertakings, but only the court, and not any board, can act upon such petition.

In the comments upon the New Zealand arbitration law, in the report upon labor conditions in that colony, it was pointed out that the boards of conciliation had not worked successfully and were rapidly falling into disuse. The same is true in Western Australia, and the registrar, in his report upon the working of the act, published in 1904, suggests that "the act would be much simplified and the settlement of industrial disputes would not be retarded if this section and all other provisions relating to boards of conciliation were omitted." * * * "The chief reasons for the avoidance of the boards are (1) the want of finality attaching to their recommendations, and (2) the fact that their recommendations affect only the parties to the dispute and not (as in the court's award) other persons in the industry in the locality. It is further found, on examining the reports of proceedings, that nearly all the cases heard by the boards have been reheard by the court, on the reference in each case of the party dissatisfied with the board's decision." Of the 131 industrial disputes heard in the State in 1902 and 1903, 108 were referred directly to the court without prior hearing before a board, and of the 24 cases that came before the boards 16

were subsequently appealed to the court; and even when a board's decision has been accepted some question of interpretation or ruling under the recommendation or the act itself is often brought under the notice of the court for settlement. An effort was made to abolish the boards when the revised act of 1902 was passed, but at that time only four or five disputes had been adjudicated under the former law, and it was deemed expedient to give the boards a further trial, partly on account of the fact that the scattered population and long distances in Western Australia made it inconvenient to bring all cases before a single tribunal. The writer interviewed a large number of people in different parts of the State who had had practical experience with the working of the law, as representatives of employers or employees, without finding a single instance where the retention of the boards as at present constituted was favored. Two persons thought the boards might be made useful if their powers were extended. The secretary of the Perth Employers' Association said: "I should not recommend dropping the boards of conciliation altogether, but would make the decision of a board final on all matters where they came to an agreement, allowing an appeal to the court only on those points upon which the board failed to agree." A labor member of Parliament expressed practically the same view: "As at present constituted the boards are useless. Perhaps their jurisdiction could be extended so as to make them valuable if the court would refuse to reopen issues that had once been settled before the board, even though the case as a whole were appealed." The minister of labor considered the boards valueless, and stated that they had settled but one case in his district. The Perth Trades and Labor Council has recommended to the Government that the sections of the arbitration act relating to boards of conciliation be repealed.

The minister of public works said: "I am convinced that the boards of conciliation are unnecessary. They are a failure in my mind, and I am speaking from considerable experience in conducting cases for the workers. I don't know of any case where a board's recommendation has been adopted. There is no appeal to them now, as the parties go directly before the court in order to save unnecessary expense." An employers' representative on a board of conciliation said: "Conciliation boards are simply a waste of time. New South Wales acted wisely in not having them. Labor men used to cite employers before the board simply to get their side of the case, and so fight them to better advantage before the court. Our board (in the Perth and Fremantle district) has not had a sitting for 15 months." A former representative of the employers on the arbitration court said: "The boards are a dead letter and ought to be out of the act. If you are thinking of legislation of this sort in America, have no conciliation boards." The secretary of the Fremantle Trades and Labor Council,

the president of the Perth Trades and Labor Council, the secretary of the Railway Employees' Association, and a merchant-manufacturer who is one of the largest employers of labor in Perth, agreed in expressing practically the same opinion.

In the original draft of the bill for the revised law of 1902, among the powers of the court enumerated in the preliminary section of the act a clause was included granting authority to settle "the claim of members of industrial unions of workers to be employed in preference to nonmembers." This clause was twice passed by the lower, and rejected by the upper, house of parliament, and finally left out at the close of the session in order to save the bill. It will be remembered that the correlative clause respecting "the claim of members of an industrial union of employers to preference of service from unemployed members of an industrial union of workers" was allowed to stand. The arbitration court has interpreted this specific rejection of the clause as a denial of the right to grant preference to unionists, or, as we should say, enforce the closed-shop principle, which might otherwise have been assumed under other clauses of the act. In this respect the law of Western Australia differs from the laws in force in New Zealand and New South Wales. In New Zealand the court, supported by a decision of the supreme court of the colony, assumed under the general provisions of the law the right to grant preference of employment to unionists, which was later conferred by amendment to the statute, and in New South Wales such power has been expressly granted to the court in the original act.

The Western Australian act differs from the New Zealand law in containing no provisions for dealing with disputes in related trades, for the continuance of the operation of awards until the making of new awards, or for prohibiting the dismissal of workers or the discontinuance of work by the worker pending the final disposition of an industrial dispute. The last provision was included in the New Zealand act in order to protect workingmen witnesses from dismissal, or intimidation by fear of dismissal, during the pendency of a case before the court. The registrar, in his last report upon the law in Western Australia, has recommended that amendments covering all three of these points be made to the existing act. The New Zealand law was amended to provide for disputes in related trades because the truckers in a mine struck, thus throwing out of employment the miners, who were already under an award. In that colony unorganized workers, or organized workers not registered under the act, may strike if no award has been made covering their industry. In Western Australia the prohibition of strikes and lockouts is absolute instead of conditional, and therefore the need of authority to deal with related trades is less urgent. Nevertheless it is a convenience for all parties, especially for employers, to have the conditions of employment in all the

occupations or trades followed in a single industry settled at one time. By the terms of the New Zealand act all building trades are defined as related occupations.

The administration of the act in Western Australia has been vigorously criticised by the labor people, chiefly because the president of the court has refused to grant preference to unionists, has interpreted the minimum wage to be the minimum existing wage as determined by evidence, or at least a wage based upon such evidence, and not a fair or union wage conditioned to some extent by the prosperity and profits of an industry, and because he has refused to fix piecework rates. These points will be more fully considered in connection with the New South Wales law in another part of this report. This practice of criticising the court has been common wherever an arbitration law has been in operation, and can hardly be avoided when matters of such general public interest as those coming before that tribunal are under adjudication. As the functions of the court are legislative rather than judicial in most instances, public discussion of its actions does not raise questions relating to its dignity or reflecting upon its impartiality to the same extent as in case of ordinary courts of justice. The only case brought for contempt of the court in Western Australia was initiated by a union of employers. It was brought against a daily newspaper for publishing comments upon a question before the court for adjudication. As the incident raises an interesting question as to the relation of state industrial regulation to the freedom of the press, the paragraph objected to is quoted at length:

The Amalgamated Miners' Association, in entering their vigorous protest against the whole piecework system, very properly say that it is "simply trading one man's necessities against those of another." It is also contended, and with seeming truth, that the men are more careless under the piecework than under the day-labor system. This can be understood to be the case for many reasons. Where the pay is cut so fine at the instance of the employer, it is easy to see that the men, in their anxiety to earn wages, might take less precautions than they would have to take if, as would be the case under day labor, the management would have to be in a large degree responsible for accidents.

The president of the court stated that "The article is sufficiently serious in its nature to warrant us in calling upon the publisher to show cause why he should not be committed for contempt of court." The complaint was not entertained, however, on technical grounds relating to the court's jurisdiction, as the proceedings were taken specifically for contempt; but the judge intimated that a case might be brought by the union under another clause of the arbitration act, which provides that "If any person writes, prints, or publishes anything calculated to obstruct or in any way interfere with or prejudicially affect any matter before the board or court, he shall for every

such offense be liable to a penalty not exceeding £50 ($243.50)." However, no further action was taken by the plaintiff.

The disposition to influence the decisions of the court through public opinion, and to regard it really as a representative legislative body, is further evidenced by the petition of the coastal trades and labor council that the act be amended so as to allow a two-thirds majority of the unions to remove their representative. There was considerable criticism on the part of both employers and workers of the provision which allows the governor to appoint members of the court from any persons nominated by the unions without regard to the number of unions supporting that particular representative. Thus it has happened that persons nominated by a minority of the unions and supported by fewer unions than other nominees have received the appointment.

In order to avoid the repetition of many points, and to obtain a better comparative view of the operation of compulsory arbitration under different conditions, the details of the awards and the juristic principles and precedents developed in the administration of the law in Western Australia will be considered in connection with those of New South Wales.

In summarizing the effects of the act in Western Australia the registrar says in his report for 1903:

The above legislation has promoted, consolidated, and regulated unionism. By far the greater number of unions of workers registered have been established since and for the purpose of registry under the act. In case of employers unions were practically unknown until the experience of masters under the act showed the necessity of organization.

Industrial peace has been promoted. Strikes and lockouts being absolutely prohibited by section 98 of the 1902 act and the court and boards being constituted, disputes which otherwise might have been a menace to and a great financial burden upon the State have been amicably settled by conciliation and arbitration.

As a result of the decisions on the industrial disputes dealt with, the hours and conditions of labor and rates of wages of the workers have been, in all the leading industries, regulated and determined for periods covered by the awards.

The attitude of employers and of those not directly affected by the act is more favorably disposed toward compulsory arbitration in Western Australia than in New South Wales. In the debate upon the second reading of the bill of the revised law of 1902 every speaker, including several employers, approved of the principle of compulsory arbitration involved in the act. General emphasis was placed upon the preventive influence of the strike penalty. Only one case was brought to the attention of the writer where it was claimed that the influence of the act had been to prevent the investment of capital in manufacturing operations in the State, and in that case the investor resented

the interference of trade-union officers rather than any conditions imposed by an award. One large employer and capitalist in the coastal district said: "I know of no specific instances where the act has driven capital away from the State. The decisions of the court have usually been very fair, although the demands filed by the men have been unreasonable." The following adverse opinion is from a large employer of labor, who is also in an official position to have extensive experience with the act: "From the time of the big strike in 1890 I was in favor of compulsory arbitration. But after our experience here we find that it has not filled the bill. I feel that the court goes beyond its proper functions and opens up many matters that destroy the usefulness of the act. For instance, in the gold fields it classified occupations so rigidly that small miners, who must employ the same men in a number of different capacities, were greatly hampered or unable to carry on. An arbitration law should settle disputes, not create them, as our act has done. Our experience has been that unless every award is in favor of the men the court gets nothing but abuse from them. (There is no judicious and impartial support of its jurisdiction.) We have had no actual strikes of importance, but the men in our business will boycott a job we do not settle on their own terms. Personally I consider the principle of compulsory arbitration a good thing, but I consider the act as administered here, with hard and fast conditions, an evil. I have come to the conclusion that the law has done more in Western Australia to unsettle business than is compensated by any benefits we have derived from it."

Another employer said: "I am adverse to the arbitration law. It enables a union to step in and disturb the otherwise harmonious relation existing between an employer and his men. And it is unquestionably hampering manufacturing in this State." A former representative of the employers on the court said: "The arbitration act has failed in three points: (1) It has not attained industrial peace in any true sense of the word; (2) it has unsuccessfully attempted to fix a minimum wage, which is economically impossible; (3) and it has proved unequally binding on the two parties under its jurisdiction, holding the employer but not the employee."

On the other hand, a manufacturer who is probably the largest employer in his line in the State said: "I have better control over my factory than I ever had before during the eight or nine years we have been running, because of the arbitration award. I think I can speak for the whole of the boot trade in this, and I am comparing present conditions with the trade-union terrorism before the act went into effect. My present business would be 50 per cent larger than it is had it not been for the reign of arbitrary trade unionism. Personally I get as much work from 80 employees now as I got from 100 before we had the award. Prior to arbitration we had a number of strikes, and

besides that the unions used to 'put a ring around my machines'—that is, limit their output. Since the award I have been able to work these machines. We have practically no apprentices, and only one or two migratory boys in the factory; but all of my men get a shade over the minimum wage. My men abide by the award, and are better contented than when we had union rule."

Workmen generally favor the act, desiring only that the powers of the court be extended to matters not now within its jurisdiction. However, some of the better organized unions are not disposed to take advantage of the provisions of the law, preferring to maintain their independence and settle their own accounts with employers. The secretary of the coal passers' union at Fremantle said: "I hope our union will never come under the arbitration act, though the law does good in some cases." A number of similar expressions were heard from labor men in New South Wales.

Such objections as the workers present to the present act relate mostly to its administration. The secretary of the Amalgamated Miners in Western Australia said: "The law works fairly well, the difficulty being in its administration. Every judge who has acted as president of the court has placed a different interpretation upon some clauses of the act, and we have had four judges since 1902, when the law went into operation. This was unusual, as one change was caused by death and another by illness; and when we have a permanent head for the court this trouble will be over. There is great difficulty over the minimum-wage clause. The present judge holds that the court has power to fix only the wage of the least competent man, leaving employers to grade upward from that minimum." A labor editor in Kalgoorlie called attention to the same difficulty, and to the fact that contradictory definitions of the minimum wage had been employed in different awards. It was pointed out in the New Zealand report that no uniform practice had been followed in this phase of administering the law in that colony. The minister of labor referred to the same question in his comments upon the law: "Our first judge, Justice Moorehead, and his successor, Justice Burnside, understood the term minimum wage as used in the act to mean a standard wage. Judge Parker, however, has acted upon the assumption that the term means the wage of the least competent man. Until this decision was made all went well with the law and the men were satisfied. If there had been no arbitration act in force at the time the Eastern Gold Fields Miners' case, which I conducted, was tried, we should have had one of the bitterest strikes in the history of Australia. The men were better organized than anywhere else in the Commonwealth, with the possible exception of the Newcastle colliery district in New South Wales, and had ample funds. There had been rumors of a proposed reduction of wages in the gold mines for some time. We were 400 miles from the

coast, commanded the situation, and were prepared to fight. Soon after the arbitration act came into effect, notice of the proposed reduction was posted, but instead of downing tools we took our case into court, and although an award was given creating a considerable reduction in wages, the men obeyed it without demur."

The principal industry of Western Australia is gold mining, and the conditions under which it is carried on are exceptional enough in that State to justify special consideration of the working of the arbitration law in connection with this occupation. There are two principal mining districts, known respectively as the Eastern and the Murchison goldfields. The former is situated between 360 and 550 miles inland, and is reached by a railway from the coast at Fremantle. This railway passes for the most part through country that is practically a desert during the dry season, and is supported solely by the gold-fields trade. It is owned by the Government. Water for both domestic use and for the mines is piped more than 350 miles from watersheds in the coast ranges. The chief centers of this field are Coolgardie and Kalgoorlie, the latter, with its suburbs, a thriving city of nearly 15,000 inhabitants.

The Murchison district is over 250 miles from the nearest port town of Geraldton, and is likewise reached by a single line of railway from the coast. Although in country too arid for agriculture, the mines of this district are supplied with water from local sources. The two principal gold mining centers of the State are therefore isolated communities, supported by a single industry and dependent upon one line of communication and distant markets for the necessaries of life. Wages and the cost of living are high. There is not a flexible supply of labor. A general strike in either field would mean destitution for the workers and very serious embarrassment for the companies. The interest of both parties in maintaining industrial peace is therefore very great. While there are no places in the United States where exactly analogous conditions exist, because none of our mining fields is so remote as those of Western Australia from large population centers, yet in some of our Rocky Mountain camps, such as Cœur d'Alene and Cripple Creek, situations have arisen that one could easily imagine duplicated in Kalgoorlie.

As intimated in the statement of the minister of public works quoted above, the relations of employers and employees were somewhat strained when the Amalgamated Miners' Association cited the principal employers of the Kalgoorlie field before the arbitration court, in August, 1902. With the greater development of the district and the completion of the railway the cost of living had fallen, and the excitement of the boom period, that continued for some years after the first discoveries, had somewhat abated. Mining had changed from a purely speculative to an industrial basis. While new claims were constantly being filed and exploration was continued, the limits of the best paying

reefs were pretty well known, and the prospector element had yielded in importance to the population of wage-earning miners who had settled in the principal camps. Some new adjustment of wages and conditions of employment was inevitable. The miners were well organized, and though divided into two rival unions, they were united in their determination to prevent a reduction of pay. Action was taken by the miners upon the posting of notices reducing wages in certain mines. Both of the unions appeared as appellants in the case.

The court sat 4½ days and heard 49 witnesses and 3 addresses by the representative of the employers and of each of the unions. Considerable evidence was taken as to the cost of living in this case and in those subsequently heard in other districts of this and the Murchison field. According to statistics furnished by the Western Australian chamber of mines the award wages for Kalgoorlie varied from 5 to 16⅔ per cent above the minimum wage paid in the mines previously.

In no occupation for which wages were fixed by the court in this award was a lower rate of pay established than the minimum paid at the time the case was heard, though in case of a large class of unskilled labor the award minimum and the lowest rate paid at any mine before the award were the same. In other districts for which awards were subsequently granted there were 42 cases where the minimum wage established by the award was higher than the minimum paid in any mine in the district prior to the award, and 16 cases where the minimum fixed by the court was less than the minimum paid in any mine previously. The largest increase amounted to 15 per cent, and the largest decrease to 7½ per cent of the minimum wage formerly paid. In some instances the hours of labor were increased, and in others decreased one hour a week. Surface men usually work forty-eight hours, and underground men forty-seven hours a week. No figures are given that enable a comparison to be made between the rates of pay fixed by the award and the average wage previously paid in all the mines subject to the court's decision. Therefore the statements of the men that their pay was upon the whole reduced, and of employers that wages were upon the whole increased by the award, are without statistical verification.

The court attempted, in a sort of rough and ready way, to adjust wages to the cost of living in the different camps. This was done by forming arbitrary divisions in the fields, according to the distance of their mining centers from the coast, and adding one English shilling (24 cents) a day to the wage of best-paid miners, and proportionately to the wage of other employees, accordingly as the sections in which they worked were successively more remote from the nearest seaport. The following tables present in a concise form the wages thus established, and the cost of staple provisions in the different districts, as brought out in the evidence before the court.

AWARD WAGES PER SHIFT IN EASTERN AND MURCHISON MINING FIELDS OF WESTERN AUSTRALIA.

[Underground workers, except in the Kalgoorlie district, worked 47 hours a week, in 6 shifts; all surface men and underground men in the Kalgoorlie district worked 48 hours a week.]

Occupation.	Eastern fields.			Murchison fields.		
	Kalgoorlie.	Menzies.	Leonora-Laverton.	Cue-Nannine.	Abbotts.	Peak Hill.
Boiler cleaners	a$2.43	a$2.72	$3.65	$3.04	$3.16	$3.53
Bracemen	2.84	3.04	3.24	3.04	3.16	3.41
Cyanide vatmen	2.84	3.04	3.24	2.92	3.16	3.41
Engine drivers	a3.24	3.53	3.77	a3.24	a3.24	a3.24
Engine drivers (main shaft)	a3.24	3.89	4.14	a3.65	a3.65	3.83
Horse drivers	a2.84	b3.08	b3.08	b2.88	b3.12	b3.37
Machine men (shaft sinking, dry)	3.49	3.69	3.89	3.53	3.77	4.01
Machine men (rising, dry)	3.37	3.57	3.77	3.41	3.65	3.89
Machine men (driving, stoping, etc.)	3.24	3.45	3.65	3.24	3.49	3.73
Miners (hand-drill)	2.84	3.04	3.24	3.04	3.28	3.53
Mullockers and shovelers	2.56	2.76	2.84	2.76	3.00	3.24
Platmen	2.84	3.04	3.24	2.92	3.16	3.41
Surface laborers	2.43	2.64	2.84	2.64	2.88	3.12
Timbermen	3.24	3.45	3.65	3.24	3.49	3.73
Toolsmiths	a2.92	3.45	3.65	3.35	3.59	3.83
Truckers	c2.56	2.76	2.84	2.76	3.00	3.24
"Wet ground" (extra)	d.41	.41	d.41	.20	.20	.20
Mechanics (journeymen)	a3.65	a3.65	a3.65	a3.65	a3.65	a3.83
Mechanics (helpers and laborers)	a2.43	a2.84	a2.84	a2.64	.....	a3.24

a Prevailing rates of wages; no award.
b Including 24 cents pay for feeding outside of shift time.
c Kalgoorlie truckers receive $2.43 a shift where trucks are filled from chutes.
d For shaft sinking only.

PRICES OF VARIOUS ARTICLES OF FOOD IN EASTERN AND MURCHISON MINING FIELDS OF WESTERN AUSTRALIA.

Commodity.	Unit (lbs).	Wholesale price at Perth.	Eastern fields.						Murchison fields.					
			Kalgoorlie.		Menzies.		Leonora-Laverton.		Cue-Nannine.		Abbotts.		Peak Hill.	
			Cost at mine.	Retail price at mine.	Cost at mine.	Retail price at mine.	Cost at mine.	Retail price at mine.	Cost at mine.	Retail price at mine.	Cost at mine.	Retail price at mine.	Cost at mine.	Retail price at mine.
Bacon	1	$0.24	$0.25	$0.30½	$0.25½	$0.36½	$0.25½	$0.36½	$0.30½	$0.42½	$0.31½	$0.36½	$0.32	$0.42½
Fresh meat	1	.....	.....	.24½	.....	.25½	.....	.24½	.....	.22½	.....	.22½	.....	.24½
Butter	1	.41½	.42½	.44½	.42½	.42½	.43	.48½	.33½	.48½	.34½	.48½	.35½	.61
Drippings	2	.30½	.32½	.42½	.32½	.48½	.33	.54½	.39½	.42½	.40½	.....	.41½	.42½
Flour	50	1.28½	1.52	1.94½	1.55	2.67½	1.58½	2.67½	2.09	2.19	2.49½	3.65	2.63½	3.89½
Oatmeal	7	.36½	.39	.48½	.39½	.48½	.40	.48½	.40½	.65	.45½	.71	.47½	.79
Rice	1	.05	.06	.07	.06	.10	.06½	.10	.06	.10	.07	.12	.07½	.10
Onions	1	.02½	.02½	.04	.02½	.03½	.03	.05	.02½	.04	.03½	.08	.04	.10
Potatoes	1	.01	.01½	.04	.01½	.03	.01½	.05	.02½	.04	.02½	.08	.04	.10
Coffee	1	.26½	.27½	.36½	.28	.36½	.28½	.42½	.31½	.42½	.32½	.42½	.33	.42½
Tea	5	1.16½	1.25½	1.82½	1.27	1.82½	1.28½	1.82½	1.31	1.82½	1.34	2.43½	1.35	2.43½
Sugar	1	.05	.06	.07	.06½	.08	.06½	.08	.06	.07	.07	.08	.07½	.10
Jam	2	.14	.17½	.22½	.17	.22½	.15½	.24½	.20½	.24½	.22½	.28½	.23½	.28½

Taking an arbitrary ration of one-fourth pound tea, one-fourth pound coffee, one-half pound sugar, and 1 pound of each of the other commodities whose prices are given in the above table, and the average wage in the 12 occupations uniformly regulated by awards in the 6 districts, and using the Kalgoorlie figures as an index, the relative variation of award wages and of the cost of food in the districts in question is expressed by the following percentages.

RELATIVE AWARD WAGES AND COST OF FOOD IN THE EASTERN AND MURCHISON MINING FIELDS OF WESTERN AUSTRALIA.

	Eastern fields.			Murchison fields.		
	Kalgoorlie.	Menzies.	Leonora-Laverton	Cue-Nannine.	Abbotts.	Peak Hill.
Average wage	100	107	113	103	111	119
Cost of food	100	108	115	113	123	134

A different combination of figures might make the cost of food appear to vary in quite a different ratio, but the percentages here presented indicate that a practical artificial adjustment of wages to cost of living might lead to some rather bizarre results. Evidently this principle alone can not guide a court in fixing rates of pay, and its partial application in the present instances was vigorously criticised by employers. They have pointed out that as railways have been built to the richest centers in the fields, the cost of living is usually lowest in precisely the places where the mining industry is best able to pay a high wage; but the principle adopted by the court in these awards has been to make the poorer mines, located where food, fuel, and other supplies have to be freighted at great expense and the cost of operating is highest, pay very much more for their labor than mines relatively more favorably situated. The action of natural economic law would bring about this result, even if there were no arbitration court; and though the method of determining wages adopted by that body is so simple as to be almost amusing, and has been aptly described by an editor as "taking the richest mining camp possibly in the wide world as a center, measuring off circles around it, and increasing all wages paid in similar employments for every inch of the radius;" and it may be true that such a process "spells extinction at every step for some employer attempting to follow the industry, until finally a point is reached beyond which no employment is possible," yet an award does no more than to define rather more rigidly than before conditions already existing. In a semidesert country like the interior of Western Australia, profitable mining development is always conditioned by transportation facilities to an even greater extent than elsewhere, simply because all food and supplies must be imported from very distant markets.

Yet the effect of these awards has very possibly been to discourage new development, by bringing clearly and prominently before investors the high labor cost of putting a new mine on a producing basis. The report of the Western Australian chamber of mines thus refers to this subject: "We say advisedly that the decisions of the court of arbitration have been the direct cause, not of mere stagnation, but of serious curtailment of the sphere of employment hitherto furnished by that industry (gold mining). Let us suppose for a moment some

mine of sufficient promise to warrant expenditure of capital in opening up and proving, but which is not an exceptionally rich show. Would any sane individual, either by himself or in concert with others, face such a proposition on the basis of the wages fixed by the court of arbitration in any outlying district? And if this is so, if the pursuit of the industry in the prospecting stages has been rendered impossible except in case of mines of unusual richness, what future can be legitimately hoped for, and what effect must the exhaustion of existing mines have on the number of workers engaged in the industry?" A mining official said: "The arbitration act hampers expansion in mining in two ways. The high wages it creates prevents speculative development of fields and individual mines that might prove very productive if once opened up; and they prevent our working low-grade ores already discovered, which are abundant throughout the surrounding country."

At the expiration of the Kalgoorlie award, which is most important as affecting the largest gold-mining district in the State, the employers voluntarily entered into an industrial agreement with the unions, renewing the old terms, with some slight concessions to the workers. The companies restored the 47-hour week for underground men, which had been increased to 48 hours by the award. They also raised the wages of riggers from 10s. ($2.43) to 11s. 8d. ($2.84) a shift, and supplied some omissions in the award by fixing the wages of mechanics' laborers at 11s. ($2.68), oilers at 10s. 6d. ($2.56), and foremen at 11s. 8d. ($2.84) a shift. This agreement was accepted without demur by four of the five unions affected. The judge refused an appeal by the fifth union to bring certain points, to which they objected, into court. An agreement was also entered into at the expiration of the Cue-Nannine award, which reduced wages slightly in that district, without recourse to arbitration.

The court has refused to abolish the contract system, but has directed that such agreements shall be in writing, contain a clear specification of the work required to be done, the price for which it is to be done, the price at which stores and explosives will be supplied by the company to the contractors, and the dates of the progress payments to be made to the men. The unions officially wish to do away with contract and the mine managers wish to retain the system. In the testimony before the court it was not shown that contract miners usually earned less than those receiving wages, although this claim is often presented by the men. A union official showed the writer a settlement account of a party of 10 contractors who had earned only 4s. 6d. ($1.10) a shift, which was considerably less than their cost of living. However, in a detailed statement showing work done, stoping and driving sulphide ore on contract, in the "golden mile" at Kalgoorlie, where payment was based on linear footage bored, the average

earnings of 6 parties of miners, totaling 14 men, working on 5 different levels, 1,620½ shifts, were 14s. 1d. ($3.43) a shift. These are the net profits of the men after paying for stores and explosives. Their award wage would have been 13s. 4d. ($3.24) a shift. The labor cost of breaking out ore on these contracts was a shade under 50 cents a ton.

Miners sometimes claim that the contract system is used as a means of evading the terms of the award. One union officer said that contracts were let for carpenter work, cleaning cyanide vats, and even for tool sharpening. A mine official said: "Mine owners want to retain freedom of contract. Doubtless managers have employed the contract system to avoid some of the evils of the arbitration court awards. Usually shaft sinking is let by contract, because that is a kind of work that owners want rushed through, and where the supervision of workmen would add relatively more to the cost. Practical considerations of this sort usually determine whether or not work is contracted. The average earnings of contractors are fully equal to award wages, but not so uniform. The advantage may lie with either party. The time and cost of doing work underground can not be predicted exactly because the material to be worked can not be seen. Some contractors are now earning as high as $6.09 a shift." One of the members of the court also referred to economies in supervision, especially where work was being done in obscure headings, effected by letting work in contract. The evidence before the court appears to indicate that some of the best workers and many of the nonunion men favor this system of working. This is but a phase of a question that will be considered elsewhere, in connection with the minimum wage, relating to the alleged leveling effect of a statutory wage upon workmen.

New South Wales sent one of its prominent judges to New Zealand in 1901 to investigate the working of the arbitration law in that colony, and upon his report enacted a somewhat similar law, embodying the principle of compulsory state arbitration of industrial disputes. The main difference from the New Zealand law is that no provision is made for boards of conciliation or for preliminary conciliatory procedure before bringing the case up for arbitration. The manifest failures of the New Zealand act in this direction doubtless were the occasion for this modification. The essential provisions of the New South Wales act are as follows:

(1) The governor is directed to appoint a registrar whose duties are: (a) To issue certificates of incorporation to unions registered under the act; (b) to record industrial agreements (or collective bargains between unions of employers and unions of employees); (c) to receive officially applications for a reference of an industrial dispute to the court; (d) to certify to any order of the court.

(2) The act provides for the incorporation of any trade union or any branch of a trade union, or any employer or employing corporation or company, or group of the same, that has in the aggregate employed upon an average 50 persons during the 6 months preceding the application for incorporation. The unions upon complying with the provisions of this act as to incorporation, including the filing of their rules with the registrar and the approval of these by him, become for the purposes of the act corporations endowed with the usual powers, except that they are not liable to have their property taken in execution except under the act. A union may have its registration as a corporation canceled by the court upon application by the registrar. Any application to register an industrial union may be refused if another union is in existence to which the applicants might conveniently belong. Industrial unions have three special privileges not shared by ordinary trade unions or associations of employers: They can bring references to the court; they can enter into industrial agreements enforceable by the court; and they have the right to nominate candidates for appointment upon the court. But jurisdiction of the court is not confined to unions or their members in the application of its orders and awards.

(3) The court consists of a supreme court justice as president, and a representative of each the employers and the employees, appointed by the governor from nominees of the unions of the two sides, respectively. The term of appointment is 3 years, and the salary of lay members is £750 ($3,650) per annum and expenses when traveling.

(4) The court has full power to determine its own rules, to take evidence, to inspect books in camera, to enter and visit for purposes of inspection or information any industrial establishment concerning which a reference is before it, to reopen any reference, and to assess costs, except that it shall not allow costs for the attendance of a lawyer in behalf of any party. Lawyers, however, are allowed to plead before the court. The president of the court alone shall decide upon the admission of evidence.

Proceedings in the court are not removable to any other court by certiorari or otherwise, and there is no right of appeal on technicalities to any other court.

The arbitration court is expressly authorized to (a) fix a minimum wage and slow-worker rate; (b) grant compulsory preference to unionists; (c) make any of its decisions, or any custom or regulation of any industry, or any term of an industrial agreement a common rule in any industry; (d) grant injunctions to prevent a violation of an award; (e) expel members from unions; (f) dissolve unions by ordering a cancellation of their registration (but this power is clouded by technical uncertainties arising out of the wording of the act at present); (g) impose penalties and inflict fines up to the amount of £500 ($2,433)

upon any union, or £5 ($24.33) upon any member of a union, for breaches of an award or order of the court.

(5) The act prohibits strikes and lockouts under a penalty of £1,000 ($4,867) or two months' imprisonment, and makes inciting or participating in such a disturbance a misdemeanor.

(6) Prosecutions for breach of any award may be brought before a court of first instance, with right of appeal to the arbitration court itself.

(7) Provision is made for the registration of industrial agreements, as before mentioned, which are enforced by the court.

(8) The life of the act is limited, it being provided that it shall terminate, unless reenacted, upon June 30, 1908.

To begin a strike or lockout is a misdemeanor under the act, and the court has held that it has no power to punish this offense, but that prosecutions for violation of this clause of the statute should properly be brought before the regular criminal tribunals. In thus making issues arising from offenses against the act itself, "questions which are or may be subject of proceedings for an indictment," and holding them to lie beyond the court's direct jurisdiction, progress has certainly been made toward that separation of legislative and judicial power, which has always been a salutary principle of organic law. Even as it is, the discretion of the court is the only security that a person has that he may not be convicted of violating the court's commands by virtue of an interpretation amounting virtually to an amendment of an award. In New Zealand a pecuniary penalty for offenses of a similar character against the provisions of the arbitration law may be inflicted by the court, and a conviction secured carrying with it financial consequences and social losses greater than those involved in what are technically serious criminal acts, with a possible ultimate recourse to penal sanctions, without the protection of criminal procedure or jury trial. One of the most important advances made by the New South Wales act, then, over previous legislation of the same character, has been in the express and implied provisions creating a separation of the judicial functions, as involved in the punishment of breaches of awards and contraventions of the act itself, from the delegated legislative powers conferred upon the tribunal which it constitutes. In a debate in the present session of parliament the attorney-general of New South Wales, who is author of the present law, said: "In their essence the determinations of the court are the same as the regulations under the factory acts, and it is only proper that they should be enforced in the same way." Though in case of trials for breaches of awards this separation of the two spheres of authority is not complete in the act in question, a beginning has been made which, with the constantly increasing burdens of the court, points the way to a final and absolute divorce of legislative and judicial powers. If under the pres-

sure of business, which is already becoming a most serious problem, the arbitration court should be wholly relieved of all necessity of interpreting its own awards and punishing their violation, even upon appeal from the lower magistrates, a very positive advance would have been made toward a recognition of orthodox juristic canons in this body of legislation.

The New South Wales act gives the court jurisdiction over the employees of the government railways, while in New Zealand this authority has been granted only with important reservations. The Commonwealth arbitration bill was withdrawn by the ministry which proposed it, in 1903, on account of a controversy over this point, although the law later enacted gives the Federal court jurisdiction over industries conducted by a State or other public authority. The matter may be mentioned here simply in order to indicate that the principle involved is quite distinct in the two instances. The individual States of the Federation own their railways, and administer them either through a special board of railway commissioners or through a separate ministry or department. The compensation, promotion, and general working conditions of employees are regulated in some instances by administrative ordinances, and in some instances by acts of parliament, or by both of these. If a State cares to divide authority over the railway service between its regular administrative officers and an arbitration court it is perfectly competent to do so; or it can decide that the public welfare will be better consulted by leaving undivided authority over the railways and their employees in the hands of a single department of the government. The argument in favor of the latter course is that the railway commission or the responsible officer at the head of that department is better able to adjust salaries and the general conditions of employment to the varying demands of the service than is an outside body. But the whole matter is a question of policy, pure and simple, and wholly within the jurisdiction of the local parliament.

In case of the Federal Government, on the other hand, there are constitutional principles involved, and it is held by many persons that to assume jurisdiction over the state railway employees would be an unjustifiable and illegal invasion of state's rights. A decree of the Federal arbitration court raising wages, for instance, may become tantamount to an order to a state parliament to increase its appropriations for the support of its railway service. Before this tribunal state governments will be placed in the position of private employers. It is only by an extraordinarily loose interpretation of the Federal constitution that such a power can be conjured into the hands of the central government, and the fact that this construction has been adopted in the recently enacted Commonwealth arbitration law shows how widely the theories and ideals of many public men in Australia

differ, as regards the principles of Federal government, from those held in America.

The development of compulsory arbitration in actual application to industrial disputes, the silent and ceaseless way it absorbs powers and becomes a potent regulator of industry, has been examined in the report upon labor conditions in New Zealand. It would be an unnecessary repetition to go over all this ground again in case of New South Wales and Western Australia, where many New Zealand precedents have been adopted; therefore, in the present report, consideration will be confined to such developments and principles arising in the application of the arbitration law of those States as present novel features or old features with a novel emphasis.

A most important difference between the New Zealand act and that of New South Wales is that while the former forbids strikes and lockouts only after one of the parties thereto has voluntarily come under the jurisdiction of the court, by filing an application for the reference of the matter in dispute to that tribunal the latter makes a strike or lockout a misdemeanor, if begun or instigated "before a reasonable time has elapsed for a reference to the court of the matter in dispute." While, therefore, strikes may and do occasionally occur in New Zealand, in cases where a trade is not under an arbitration award and there is no disposition on the part of either employers or employees to appeal to the law, a strike or lockout, *quâ* strike or lockout, is a violation of the law in New South Wales, without regard to any previous recourse to the intervention of the court. The offense in the first case is analagous to a violation of an injunction granted pending proceedings, and in the latter case it is a direct violation of a penal statute.

The first case that came before the court in New South Wales led to a clear enunciation of the principle that the law was intended to prohibit strikes and lockouts; that this was the central and essential principle of the law, and that the court would punish any act looking toward a violation of the spirit as well as the letter of these clauses of the statute. The reference in question was brought by the Newcastle Wharf Laborers' Union against the Newcastle and Hunter River Steamship Company (Limited). The official summary of the case is as follows:

Various disputes had from time to time arisen between the claimants and the respondent company with regard to the terms and conditions of employment. In April, 1902, the respondent company determined to dispense with the casual system of engaging labor on their wharfs, which had been in force for the preceding 18 months, and to take on constant hands. Preference of employment on these terms was offered to the members of the claimant union, who, however, declined to work on the terms offered, though they were willing to accept a provisional arrangement pending a reference to the court. To this the company would not agree, and engaged a number of non-

unionists, who displaced the members of the union. The court were of opinion that the company honestly believed that they were legally entitled to force the members of the union out of work in the exercise of the right of freedom of contract, which they claimed.

Held, that the company had been guilty of a breach of the act, and that its action was "in the nature of a lockout." [a]

Semble, an employer may be guilty of an act "in the nature of a lockout" without closing his place of employment or suspending work.

The right of freedom of contract has been considerably modified by the industrial arbitration act. Though parties may still make voluntary agreements, existing terms and conditions of employment can not be disturbed at the will of one party alone. The object of the act being to secure continuity of industrial operations, in the absence of mutual agreement as to alteration of existing conditions, resort must be had to the court, which will decide "according to equity and good conscience."

The respondent company having altered the conditions existing at the time the dispute arose, the court ordered that the status quo should be reestablished, and that the members of the claimant union, who had been displaced by nonunionists, should be reemployed by the company upon the terms stated in the award. The claimant union was ordered at all times to supply the necessary wharf labor, the company to be at liberty to make good any deficiency by engaging nonunionists.

The important principle is thus enunciated that the arbitration act has so modified the right of freedom of contract that, "though parties may still make voluntary agreements, existing terms and conditions of employment can not be disturbed at the will of one party alone." This is the basic principle underlying the New South Wales statute—a new canon of private law first made a general enactment and clearly defined in that State. In New Zealand the Government has assumed the right to make and enforce a new contract of service upon the application of either party thereto; in New South Wales the court has assumed the right to enforce the implied contract necessarily existing between every master and servant until, either by mutual agreement or by its own intervention, that contract has been modified.

In a second case, brought before the court shortly after the one just mentioned, a union of shipwrights had withdrawn its men from certain work as a result of a disagreement as to classification of work with the shipbuilders' and the shipjoiners' unions. The men were forced to return to work, though they had meanwhile secured engagements elsewhere, under a penalty of £5 ($24.33) a member and £100 ($487) upon the

[a] The court in Western Australia seems to hold the view that a lockout is not committed when the employer substitutes an entirely new set of men for those dismissed. This opinion is based upon an opinion of the full court to the effect that in order for an act to constitute a strike or lockout it is necessary that "the intention of the workmen in the one case and of the employer in the other should be that the employment shall be continued if a satisfactory settlement of the matter in dispute can be arrived at."

union for violation of the court's order. They were directed to bring any matter in dispute with the other unions before the court in the regular manner, but they were not permitted to interrupt employment as a result of that dispute.

A third case arose from the action of the manager of a copper-mining syndicate in reducing the wages of the smelters in his employ without previous consultation and agreement. The reduction was made in consequence of reduced profits in the industry. The court, however, made a retrospective order for payment of wages at the original rate from the date that they had been reduced. In his decision the judge again said: "There can be no alteration of conditions of employment, except by the mutual consent of the parties, until the court determines what the conditions shall be."

The converse is not true—that the contract can not be altered against the mutual consent of the parties thereto. The court can impair the validity of a private contract already existing, without the consent of either party, upon the application of a third person not a party to the contract itself. This important power of the court is conveyed in the following clause of the act, authorizing it to—

Declare that any practice, regulation, rule, custom, term of agreement, condition of employment, or dealing whatsoever in relation to an industrial matter shall be a common rule of an industry affected by the proceeding.

This means in substance that a union may have a rule of that organization applied and enforced in the whole trade in the State; that any clause of a collective bargain made by one employer with his employees may be extended by the court to all employers under its jurisdiction, and that a previous different agreement between any one or group of such employers and his or their employees is no bar to such extension; that a custom that has grown up in one locality, possibly in response to the more perfect organization of labor in that vicinity, or for other causes, may be extended to other localities where these conditions do not exist. All this lies within the discretion of the court, and it is claimed a custom is thus made a common rule at times without the previous knowledge of many employers thereby affected. However, the court prescribes that every reasonable effort shall be made to secure fair notice of an extension or a projected extension of a condition by means of a common rule to all concerned in its application. This is another phase of what was discussed in the New Zealand report as the "colonial award," and would of course be in direct violation of our constitutional provisions prohibiting the legislature from impairing the validity of private contracts, were such a law attempted in America; yet the court could hardly fulfill its purpose without this authority, as is suggested in the following published statement of the former attorney-general of New South Wales, who is the author of the act.

A shearers' union registered under the act applied for the cancellation of the registration of a rival union, alleging, among other reasons for granting the application, that an industrial agreement between the rival union and the pastoralists would be a bar to any order of the court regarding the pastoral industry. To this the attorney-general replies:

This contention is not considered sound by most of those who are competent to speak as to the intention and meaning of the act, and I am not aware that it is supported by the opinion of any lawyer. If it is correct, the act can be defeated every time an attempt is made to put it into force by the making of a contract between two or more private persons who might be prejudicially affected by the court's decision.

Probably the matter of second importance within the court's jurisdiction is that of preference to unionists. This is a point, in addition to the one just mentioned, where an almost necessary power of the court would be in conflict with the State and Federal constitutions of the United States; for by this grant of power parliament delegates to the court authority, which our legislatures do not possess, of special and class legislation. The provision of the New South Wales act reads as follows, under powers of the court, authorizing it to—

Direct that, as between members of an industrial union of employees and other persons, offering their labor at the same time, such members shall be employed in preference to such other persons, other things being equal.

The power here granted is supplemented by the following clause, defining "industrial matters:"

The employment * * * of any person or persons, or class of persons in any industry, or the dismissal of or refusal to employ any particular person or persons or class of persons therein.

Under these clauses the court has held that it possesses authority to order that a nonunionist seeking employment shall, as a condition precedent to his obtaining it, agree to join the union within a specified time after his engagement. It is doubtful, however, whether the court would exercise the power, which it probably possesses under the second clause just quoted, and which has been exercised by the New Zealand tribunal, of directing that nonunionists already in the employment of a firm shall be replaced by unionists applying for engagement subsequently, although the union can not, when the order is given, supply the men required by the employer. The policy of the court is not to order preference where an employer in the past has habitually given preference to union employees. If preference is granted, it is usually subject to the conditions established by the precedent of the New Zealand court—that admission to the union shall not be restricted, that fees and dues shall not exceed a specified sum, and that the union shall keep an employment book open

for the inspection of employers at a convenient place for consultation during business hours. In case of colliery employees the court has enforced the rule that when a reduction in hands takes place the last taken on shall be the first to go.

Preference to unionists in Australia has given rise to a serious political question that has not presented itself up to the present time in New Zealand. In the latter colony the labor men are not organized into an autonomous party, as in the different States of the Commonwealth, and the trade unions are not directly political organizations, although they possess considerable indirect influence in elections. They are not, as in Australia, the primary units of a political labor league, whose members are taxed for campaign purposes. They are bound by no pledges to support any particular candidate or platform. In Australia, as was explained in describing the organization of the labor party, the unions are integral parts of the political machine. A member of a union in some instances has not a free ballot on election day. One of the most powerful unions had until recently a rule, which will be quoted later in another connection, imposing a fine of £3 ($14.60) upon any member voting or working against a labor candidate. The rules of the political labor council, Victoria, require each union joining to pay $5.11 affiliation fee; and each member of an affiliated union to pay 2 cents a quarter to the election fund. Similar provisions are found in the constitution of the New South Wales Political Labor League. The executive of the latter body has 16 prominent trade union officials among its 23 members. Some unions require that a man shall possess an elector's right in order to be eligible to membership. An Australian labor federation has been formed by the cooperation of trade unions throughout the Commonwealth, which levies 24 cents on its members for the purpose of financing Federal labor candidates. The writer was present at a meeting of a trades and labor council where a motion to raise a fund by a levy on the unions for the purpose of paying the campaign expenses of labor candidates was discussed and supported by a large number of the delegates present. Although the motion was amended so as to recommend that the Political Labor League make such a levy for the purpose indicated, the practical effect of any action the league may have taken pursuant to this recommendation was exactly the same as if the fund had been raised directly by the council. One of the speakers said: "Politics are the very foundation of our constitution, and the success of the council is largely attributable to the political labor movement." The secretary of an employers' association thus voiced his criticism of the political influence of compulsory preference to unionists in the arbitration awards:

Compulsory preference to unionists means compulsory labor partisanship, and creates a vicious circle of labor power. The union

leaders are the political leaders and hold office by virtue of the trade-union vote. They make laws that compel every worker to join a trade union as a condition of securing employment. Trade unions form the Political Labor League—the labor party organization. Therefore the labor leaders virtually compel every wage-earner to join their party and vote for them. In other words, they use the legislative machinery to give themselves permanent political tenure.

An attorney who has represented employers in important cases before the arbitration court said:

In the case at Broken Hill (a principal mining center) an application for an award was made by the Barrier branch of the Amalgamated Miners' Association shortly before election, although there was little prospect of their securing higher wages under prevailing conditions, and special stress was laid upon the claim for preference to unionists. It was commonly reported that the union brought this application with the end of strengthening its ranks so as to defeat Ferguson, the candidate for parliament. Ferguson is a labor man, but had some quarrel with the Political Labor League. The Amalgamated Miners' Association has a rule requiring members to vote for labor candidates. If the Australian Workers' Union (to which reference is made later) has repealed this rule in its own constitution, it still maintains it in spirit. Many cases are brought before the court by a small body of men controlling a small union, in order to secure a preference to unionists clause, and thus strengthen their ranks and their own political and labor influence, although there is no economic occasion for a dispute and no discontent exists among the great majority of workingmen employed in the industry.

The Commonwealth bill establishing a Federal arbitration court, which has recently become a law, contains a provision, inserted against the will of the labor ministry in power at the time, which allows the court to grant preference subject to two important restrictions intended to meet the difficulties just mentioned. Preference shall not be granted unless (1) "the application for such preference is, in the opinion of the court, approved by a majority of those affected by the award who have interests in common with the applicants," nor shall it be granted to any union (2) "so long as its rules or other binding decisions permit the application of its funds to political purposes, or require its members to do anything of a political character." The registrar of the New South Wales court, in speaking of this matter, said: "There should be such a firm administration of the unions by the court as to compel them to limit their activity to legitimate industrial ends, and prevent their intruding into politics." However, the returns of the last election do not show that preference of employment to unionists has especially strengthened the political labor party in New South Wales, as compared with other States where this privilege does not exist.

Another phase of the preference-to-unionists question which occasioned considerable unfavorable comment manifested itself in Sydney

in June, 1904. In December, 1902, the Sydney Wharf Laborers' Union entered into an industrial agreement with the Stevedores' Association of that city, which was accepted and made an award by the arbitration court. While the parties were before the court an informal discussion took place as to the power of the workers' union to limit its membership, the chief point raised being the means to be used in securing competent men. Waterside occupations are often a recourse of loafers, criminals, and other lawless or undesirable characters, who take up the business for a few weeks in order to tide over a special emergency or secure an opportunity to pilfer cargo; therefore discretion in selecting and rejecting applicants for admission to longshore unions is often necessary for their good standing and efficiency. In the course of the discussion the president of the court incidentally made the remark: "It may be the union might take the risk and say, 'We will close our books now for a month or 6 weeks.' As a court we have no power to interfere in that particular matter on this application." Supported by this somewhat equivocal suggestion, the union did close its books about 18 months later. In the interval the award had been made a common rule applying to all persons engaged in stevedoring. Three nonunionist wharf laborers, regularly employed by a steamship owner, applied for admission to the union, and upon being refused, on the ground that the books were closed, brought their grievance before the arbitration court.

According to the secretary of the union, that body took the action because they understood they were justified in doing so by the opinion of the judge expressed at the time the award was granted and by subsequent legal advice taken by the union upon this point. Evidence presented before the court showed that not more than 2,000 of the 3,000 members of the union were employed at one time, and that power to close the union's books would be one of importance in affecting real wages—that is, the average earnings of the men—under the award, although it would affect in no way the rate of wage that stevedores would have to pay for the service of wharf men. The secretary quoted the judge as saying that if such an influx of men into the union occurred as to change the conditions of employment under which the award was granted, by rendering work excessively irregular, the union might be justified in closing its books, so long as there was no complaint of dearth of labor by employers. The immediate occasion for closing the books was stated to be that not over 50 per cent of the members of the union were ever employed at one time, so that the average worker was not able to earn a living wage under the terms of the award; that the government has recently closed the harbor to net fishing, and a large influx of the Greeks and Italians formerly engaged in that industry was anticipated; and that firms had adopted a practice of sending any discharged employee or laborer applying to them for

assistance down to the wharf, often with a job in his pocket, although he had never before done any work on the waterside. Such men displaced old unionists and then asked to join the union. No complaint had been made by any employer that the union was not able to furnish him all the labor he required, under the conditions of the award. Another grievance of the union, not referred to by the secretary, appeared to be that the members insist on every man having an equal chance at all work offered, and oppose salaried employees engaging in their occupation or any men holding permanent positions at regular pay doing wharf laborers' work. The three men refused admission to the union, who took their case to court, were permanent employees of a shipping firm and had been in the same service for a number of years, although they had not previously joined a union.

The arbitration court ordered the union to open its books and admit the three workers bringing the complaint, and later to pay costs to the amount of $15.34 for litigation in connection with the case. The judge remarked that he considered the action of the union, as disclosed in the affidavits of the complainants, autocratic and tyrannical in the extreme. The award was amended to make preference apply only so long as the union admitted any person of good character making written application, without ballot, upon the payment of an admission fee not exceeding $2.92 and annual dues not above the same amount.

Several labor men, including two prominent trade union secretaries, criticised the action of the Wharf Laborers' Union in much the same terms as those used by the court itself, and said that the exclusive policy adopted by that organization was likely to prejudice the whole question of preference to unionists, and injure the labor party politically. One union secretary said: "I think that every man should belong to a union, and that by closing books you create a class of compulsory scabs who will fight union men at every opportunity." Many considered the formal closing of a union's books impolitic, though they evidently sympathized with the object which it was thus sought to attain. The Sydney Coal Lumpers' Union, another of the longshore trades, has sought to keep efficient men, who were in regular employment and therefore unpopular with the casual workers, out of the union by blackballing them on ballot. An incident of this sort, where the lumpers refused to coal a ship employing nonunion men or to admit the men to whom they objected to their union, occurred about the same time as the wharf laborers' trouble, but in this case no award existed and no remedy was sought before the court.

Employers in New South Wales were almost unanimous in criticising compulsory preference to unionists as the worst feature of the arbitration act. "It causes the chief trouble," "It causes all the trouble," were expressions frequently heard when that law was under discussion. The power it gives to union secretaries is dreaded. The

secretary of an employers' union said: "Even if the unions are forbidden to engage in political work, as is proposed in the Federal law, if they are granted preference of employment under arbitration awards, there is enough power left in the hands of the union secretary, in sending men to jobs under the regulations provided in the awards, to make him a little political boss in his union, with effective power to keep anyone not under his dictation out of work." Another employer attributed the congestion of business before the court, which has become a very serious embarrassment in both New Zealand and New South Wales, to the claims for preference to unionists. "Every union sees the advantage to be gained by compulsory preference, and realizes that it only requires a small matter to give them a case before the court, and so every union has rushed into court with its preference demand and congested business by artificial disputes. Obviously the original intent of the act was to bring in preference only when a strike was imminent otherwise." Many of the arguments advanced against granting preference by employers are arguments usually directed against trade unionism in general—that it robs the individual workman of ambition, introduces a dead level of work and workmanship into trades, favors "ca-canny," makes the union a close corporation, an aristocracy of labor, monopolizing the labor supply, and is an infringement of the personal liberty of the workman.

The miners are so well organized in New South Wales and Western Australia that in both States their representatives attached less importance to preference than did other labor leaders interviewed. In some places an attempt has been made to secure preference indirectly. In New South Wales colliery awards, as already mentioned, managers have been ordered by the court to dismiss men on the "last come, first go" principle, which gives the older employees, who are usually union men, a pretty secure lease of employment, and prevents a gradual nonunionizing of the force by substituting little by little unorganized for organized workmen. An attempt was made to secure a similar rule in the Collie coal fields of Western Australia, but the court refused to make the order. An objection made to such a provision by employers is that it forces them to retain insubordinate or inefficient workmen, although better men are to be had at the same wages. Especially in a new country like Western Australia, it is pointed out, where many industries are just starting, a population of skilled workers is not always present at the outset of an undertaking, and the men first engaged may not be competent to carry on the business after it has been developed. However, the court in New South Wales has not seen fit to extend the "last come, first go" clause to any industries where the embarrassment last suggested is likely to be experienced.

The chief argument in favor of granting preference to unionists is derived from the fundamental theory of the Australasian arbitration

laws, and was thus summarized in the New Zealand Report: "The law constituting the court is based upon the assumption of unionism, and its machinery can be set in action only by these organizations. Without them the act itself becomes inoperative. Anything that justifies the act justifies the existence of the unions and forms a valid argument for their encouragement. The court is not empowered to deal with workers as individuals, and the very life of its jurisdiction depends upon the organization of employees." Justice Williams said, in a New Zealand case: "The act confers no status on a workman who is not a member of a union. Giving preference to unionist does not affect any right of a nonunionist workman. The whole scope of the act is to give the court jurisdiction to restrain employers on the one hand and trade unions and their members on the other."

The practical argument usually advanced by workers in support of the claim for preference is that inasmuch as they have given up their right to strike in coming under the act, the law should secure them in the rights which they formerly obtained by means of strikes; that the court should be empowered to consider any matter which might form an essential part of a demand made upon employers under threat of a strike. Great unions, like the Colliery Employees' Federation and the Federated Seamen, who have conducted the most important strikes in the past, should not be asked to relinquish the preference to employment which they have already secured and maintained for their members for many years, in order to submit to an award that could not legally make provision for the maintenance of this privilege. The men further maintain that preference is no more than equitable, because only unionists incur the expense of obtaining awards and are primarily liable for penalties for breaking their provisions. Members of a union registered under the law can not withdraw without notice and payment of all dues. The funds in the treasury of a union and the dues owed, often representing the accumulation of years, may be seized in execution by the court for the breach of an award. Even the rules of the union must receive the approval of the court. Unionists claim that they are entitled to the consideration of preference in return for these liabilities to which they submit themselves, for the rights which they relinquish, and for the expenses which they alone incur in prosecuting an award. It is also claimed that without the protection of an award a union can not exist in face of determined attack from employers. The writer was repeatedly told by labor men that unless there was preference for unionists in the awards there was practical preference for nonunionists in the workshops; that employers weeded out their union employees under various pretenses, especially if the men had taken a prominent part, either as officers of unions or as witnesses, in cases before the court. In Western Australia, where preference is not granted, the specific instances where men were

said to have been discharged because they testified against their employers in court were very numerous. Cases in four trades were reported to the writer at one time. It was very difficult to verify such allegations, because the testimony of the employer and of the employee as to the real cause of the latter's dismissal seldom accorded. Nevertheless there were cases where the complaint of the workmen that they were discriminated against for taking active part in court cases or union business was evidently justified. In one case an employer testified in court that a witness on the opposite side, who was employed by him, was a competent and satisfactory workman, and then ordered his dismissal soon after the award was given. In another instance men who had been constantly employed for four years in the same establishment were similarly dismissed. Indeed, an employer sometimes admitted that he tried to get rid of men who gave him trouble in this manner. The president of a trades and labor council said: "Union officers are boycotted by employers, and therefore unions have difficulty in getting competent officials and become invertebrate."

Where preference has once been granted, this fact gives the court a strong hold over the organization receiving the right for securing compliance with an award. For the judge is empowered, "with a view to enforcing an award," to cancel the registration of any union, and thus deprive it of all privileges and standing under the law. It is sometimes claimed that employers' interests are considered in other ways in granting preference. A New Zealand writer thus puts this aspect of the case: "Compulsory preference protects employers from the possible factiousness and aggressiveness of a minority in a trade, since the demands of a union would be those of a whole or a majority in a trade—and the common sense of most is always a protection; all members of a trade being unionists, the employers' choice of men can not be restricted by preference; and last, but most important, it is a boon to those employers who are willing to favor unionism and who desire to have the awards faithfully kept, but who are sometimes driven under existing conditions to employ nonunion labor and cut rates." Up to the present time, however, these advantages do not appear to have impressed themselves upon employers very forcibly.

To an outside observer it would look as if the grievances on both sides were exaggerated. It is doubtful if the preference clause in an award works special hardship upon the average employer in the administration of his business. At least it was very hard to pin any employer interviewed down to a concrete instance where it had done so; and even where this was possible, the hardship complained of was in no case so great as those frequently attending the adjustment of relations between employers and unions in America. In Sydney a person qualified to speak of this matter said: "I have made special efforts to discover real grounds for the complaints of employers as to

preference, and have not found a case where the latter's interests were prejudiced, except occasionally where preference operated so as to induce him to discharge some old employee who was too aged to work." A fact probably more significant than any testimony (pointing in this direction) is that out of some 29 or 30 industrial agreements filed under the arbitration act, 24 contain clauses granting preference voluntarily conceded by employers, and this is also the case with two agreements filed under the Western Australian act, where preference is not granted by the court. Although these concessions were doubtless made in most instances in order to avoid an appeal to the court, and with the consideration in view that that tribunal usually favored the workers in their application for this privilege, nevertheless, had any exceptional hardship been worked by this provision, it doubtless would have been contested more vigorously.

On the other hand, official statistics of the membership of the unions belie the statement that when preference is not granted these organizations are weakened or die out as a consequence. Incidentally, the same figures tend to show that the influence of preference in recruiting unions, and therefore increasing their political power, has been overestimated. At least, after allowing for the possible effect of outside and undetected factors upon the figures, these are the conclusions that seem to follow from a comparison of the membership and growth of unions of workers in New South Wales and Western Australia since the arbitration acts have been in force.

It will be remembered that preference of employment to unionists has been almost uniformly granted in the awards of the court in the former State, and has been refused in every instance on the ground of lack of jurisdiction in the latter State. Therefore we have an opportunity of comparing the effect of the law upon unionism with this single factor present in one case and absent in the other. Under both acts the unions are required to report their membership to the registrar of the court once a year. The figures thus obtained showing the strength of the workers' organizations in each State on or about December 31 of the years since the laws have been in operation are as follows:

MEMBERSHIP OF UNIONS OF WORKERS IN NEW SOUTH WALES AND WESTERN AUSTRALIA, DECEMBER 31, 1901, 1902, AND 1903.

State.	1901.	1902.	1903.
New South Wales	58,203	62,384	70,500
Western Australia	8,920	11,442	15,294

Therefore, while union membership has increased but 21 per cent in New South Wales, where preference is granted, during the three years during which the act has been in force, it has increased over 71 per cent in Western Australia, where preference is not granted. Western Aus-

tralia, however, has been growing in population more rapidly than New South Wales. Nevertheless, taking Coghlan's figures for the number of inhabitants in each State on June 30, at the end of the years 1901, 1902, and 1903, and comparing with the strength of the unions at the end of each year, it appears that while in New South Wales the proportion of the total population enrolled in unions of workers increased from 4.22 per cent in 1901 to 4.96 per cent in 1903, in Western Australia it increased from 4.60 per cent to 6.89 per cent in the same period. In a new country like the latter State, with a mining population and larger proportion of males among the inhabitants, the absolute percentage of unionists is naturally greater than in an old settled and partly agricultural and pastoral community like New South Wales. Also a large share of the increase in population in Western Australia during the last 3 years has been due to the immigration of persons likely to become enrolled in workers' unions. These conditions account in part for the more rapid growth of unionism in that State. Yet the figures do not indicate that lack of preference has had a particularly wasting effect upon those organizations. The following figures, showing the growth of unionism in a single occupation in the two States, throw another side light upon this question. The statistics are taken from the census reports upon occupations for 1901, the reports of the minister of mines of each State for 1903, and the reports of the registrars of the arbitration courts.

PER CENT OF MINERS IN UNIONS IN NEW SOUTH WALES AND WESTERN AUSTRALIA, 1901 AND 1903.

State.	Persons engaged in mining.		Membership in miners' unions.		Per cent in unions.	
	1901.	1903.	1901.	1903.	1901.	1903.
New South Wales	36,845	37,559	9,687	12,963	26.3	34.5
Western Australia	19,439	18,219	4,432	5,572	22.8	30.6

In this occupation the unions have gained strength, in proportion to the total number of persons engaged in the industry, more rapidly in New South Wales than in Western Australia. Part of the increase in the older State is in this case to be ascribed directly to preference to unionists. After the Broken Hill award, previously referred to as an instance where the preference clause was said to have been sought for political recruiting purposes, the membership of the Barrier branch of the Amalgamated Miners' Association increased more than 1,100, or nearly doubled in a single year. On the other hand, however, in the shifting fortunes of the gold fields a single Western Australian union lost more than 1,200 members, or nearly 20 per cent of the total strength of miners' organizations in the State. Had it not been for this abnormal loss, which appears to have been in no way connected

with arbitration court awards, the Westralian unions would have enrolled more than 37 per cent of the total persons employed in the industry, and have shown a much higher rate of increase than those of New South Wales. In short the statistics do not show in any way that compulsory preference to unionists has a controlling influence upon the enrollment of unions. Doubtless it does increase their membership in a marked degree in certain instances; but when the effect of the awards is averaged over the whole body of workers in a State, there is no evidence as yet that proves preference alone to be a determining cause in the growth of labor organizations. Theoretically it ought to be such an influence, of course, and it might manifest itself as such in the course of time; but if we were given the figures just quoted, without knowing the details of the laws in operation in the two States, it would be impossible to infer from them which court had granted and which refused preference of employment to unionists.

The question of rival unions and the so-called "bogus union" has played an important part in the history of arbitration in New South Wales. Possibly the largest employing industry in the State is wool growing, and the shearers' union is prominent both for numerical strength and on account of its historical struggles with employers. This organization is opposed by an equally strong and united organization of graziers, with large financial resources, known as the Pastoralists' Union. The official name of the shearers' society is the Australian Workers' Union, and it is a composite organization, embracing in its membership not only shearers and ranch laborers in general, but also small farmers and even country shopkeepers, who at some time or other have qualified to join its ranks and remained members of the society. Shortly after the arbitration law went into effect a "Machine Shearers' Union" applied for and secured registration under the act. The Australian Workers' Union also had previously registered. So there were two organizations covering the same occupation and territory. The older union had some 21,000, and the new union, by the time its bona fides and registration had been challenged, about 1,200 members. The new union was formed, according to its own claims, by men who refused to submit to certain offensive rules of the original organization. The regulations objected to included the following:

Political fund.—Branches may expend a sum not exceeding 1s. (24 cents) per financial member per year for parliamentary purposes, providing always that a two-thirds majority of their members declare through a plebiscite vote in favor of such expenditure. Branches deciding in favor of expending 1s. (24 cents) per member for parliamentary purposes shall place same to credit of a parliamentary fund, which may be used in connection with either State or Federal elections.

Any branch authorizing the expenditure of 1s. (24 cents) per member for parliamentary purposes shall set aside the sum in a separate

fund after each annual audit without any further vote being necessary, unless demanded by the branch committee or general meeting. In such case the question shall again be submitted to a plebiscite of members of such branch.

The parliamentary fund available at the time of an election shall be equally distributed amongst the various electorates within the branch boundaries in which there exists a duly constituted league to assist in the return of candidates who have been duly selected and indorsed by the Political Labor League and approved by the union.

Any member of the Australian Workers' Union voting or working against the selected labor candidate approved of by the union shall be fined the sum of £3 ($14.60).

The new union asserted that it was opposed to political work being undertaken by a trade organization, to the detriment of exclusively trade-union functions. Further, the machine shearers claimed to be in favor of contract shearing, or working for shearing contractors, which was forbidden by the older organization. A contractor moves from ranch to ranch with a full power-driven machine-shearing outfit, much as the steam thrasher moves from farm to farm in the United States during the thrashing season, with a fixed number of hands, who are provided with regular work and accomplish much more than the intermittently working hand shearers under the old system. The new method is considerably more economical and enables a smaller number of men to do all the work of shearing on the stations. So there is said to be a phase of the old question of opposition to machinery and improved organization of industry involved in the dispute of the two unions. The old union, on the other hand, claimed that the new organization was not bona fide, and that it was secretly supported and encouraged by the Pastoralists' Union in order to lower wages and defeat the ends of unionism in bettering the condition of the worker.

Both unions having been registered under the arbitration act, there has been an effort on the part of each union to secure a cancellation of the registration of its rival, but both organizations still hold their ground. The old union altered its rules so as to remove those objectionable in the first instance, but the new union was by this time so well intrenched in its position that any action abolishing its rights was looked upon as questionable by the court.

When the Australian Workers' Union failed to secure sole registration through the arbitration court, its leaders secured the appointment of a parliamentary commission, of whom the general secretary of the union was the first chairman, to investigate the whole question anew. The constitution of the commission was thrice changed, its partisan character being modified by dropping the officer of the union just mentioned from its membership. This commission was later found to be unconstitutional by the full court of the State on the ground that it was formed to investigate a private question under the jurisdiction of and

already decided by a court of justice, and therefore was an invasion of such jurisdiction. However, before this judgment was given, the commission made public a report, in which it was shown that the Machine Shearers' Union had been in all probability formed, officered, and financed by persons working in the interests of the pastoralists. The rivalry between the two unions constitutes a condition favorable to employers, who can play one against the other in the matter of wages.

The case of the Australian Workers' Union, in applying for cancellation of its rival after repealing the objectionable features in its own rules, was prejudiced by the fact that in a dispute with the pastoralists, which will be mentioned later, the union had been held in a suit in equity to be guilty of a conspiracy to induce certain employees to break their contracts, an injunction had been granted against it and some of its officers, costs had been awarded, and the court had sequestrated the funds of the union.

Notwithstanding the fact that two unions are registered, the attorney-general of the State, who is the author of the act, points out that there is nothing in the present situation to prevent the Australian Workers' Union from applying for and securing an award governing the shearing industry, and that the presence of another union in the field does not affect the probable terms that would be granted in an award the conditions of which were based upon evidence produced before the court. In the New South Wales arbitration act the clause relating to the registration of two unions in the same industry makes it discretional with the court to grant or to refuse such registration. But in Western Australia the prohibition of such double registration is absolute. In the latter State, also, it is prescribed that a union granted registration shall consist of employers or workers in "any specified industry or industries in the State." In New South Wales any society registered as a trade union may also be registered as an industrial union under the arbitration act. The provision as to specified industries in Western Australia has forced the so-called composite unions to limit their membership to certain occupations. The Australian Workers' Association in that State now admits only "men working in and about a mine" in its gold fields branches. This union therefore comes into conflict with the Amalgamated Miners, as both cover the same industry, although with sufficient differences in their membership to allow of both being registered under the arbitration act. But in this State there has been no such contention between the two bodies over the question of registration as has just been described in New South Wales, and the two unions appeared jointly in the application for an award in the eastern gold fields. In fact the question of bona fides was the principal one involved in the contest between the rival shearers' unions.

A second case involving the respective claims of rival unions arose in Sydney, where two organizations of builders and general laborers came into conflict. In this instance an older and apparently stronger organization was unable to secure the cancellation of the registration of a competing union, through a technicality; the authority to cancel such registration being lodged so vaguely in the act that the court hesitated to assume jurisdiction in the matter. In another case, the restaurant employees' union, having priority of registration, was able to bar out a rival union which attempted to register.

Two rival unions of employers have been formed in the retail trade, one representing more especially Sydney and the other representing country interests. The metropolitan union secured prior registration under the arbitration act and succeeded in defeating an application for registration by the country organization. It is claimed that a few department-store proprietors, who compete with small storekeepers throughout the State by mail-order business and custom drummed up by retail travelers, and whose interests are otherwise opposed to those of country traders, control the registered union, and that the membership of that society is largely, though not exclusively, confined to Sydney merchants. The country organization is said to have some 1,500 members, all of whom are bona fide traders outside the metropolis.

The prominence of these questions of preference to unionists and registration of unions in connection with arbitration laws is due to the theory of the laws themselves. The acts are based upon the assumption of unionism, as was pointed out in case of the New Zealand law in the quotation from the report upon that colony. The Right Hon. Charles Kingston, previously referred to as the originator of this legislation in Australasia and its present strongest advocate, a lawyer by profession and long and prominently in public life before the labor party rose to power, thus succinctly summed up his views upon compulsory arbitration in relation to unionism, in a personal interview with the writer: "Our arbitration laws applied to labor are 'company law' (i. e., corporation law). You subject your capitalistic corporations to special jurisdiction, so should you do with labor. When you allow capital to organize, it is subject to certain state requirements, and you submit the incorporating individuals to special legal liabilities and restrictions in return for the rights you give them; so should you do with labor if you allow it to organize. You require capital to incorporate in order to exercise certain capitalistic powers; you should require labor to incorporate to exercise certain collective labor powers. Every argument based on social grounds that you can advance for the one is equally applicable to the other." In viewing the practice and procedure of the arbitration courts, and the sphere of legal theory toward which they lean, it is evident that they incline to follow the

precedents of equity jurisprudence. It is upon these two pillars of equity and corporation law that the logical construction of the present acts rests.

An attempt was made at the last session of parliament to pass certain amendments to the arbitration act in New South Wales, enlarging the powers of the registrar and the court in the matter of registering and of canceling the registration of unions, and giving the former certain judicial rights of calling evidence, analogous to those of a master in equity, when inquiring into matters relating to the incorporation of industrial unions. It was also proposed to allow district judges as well as petty magistrates to hear trials for breaches of awards, at the request of the president of the arbitration court, and to designate certain factory inspectors as inspectors of awards, with special powers to investigate cases of suspected violation. The same trouble of collusion between employers and employees to defeat the terms of an award that has been reported in New Zealand, and more frequently in Victoria, appears to have occurred in New South Wales. These proposed amendments, however, were defeated in the upper house. The action of that body was probably due to a clause in one of the proposed amendments, apparently containing retroactive legislation, intended to apply to the difficulty of the rival shearers' unions.

One feature in connection with the administration of the arbitration act in New South Wales that has not manifested itself with the same frequency in either New Zealand or Western Australia has been the number of appeals made to higher tribunals for interpretations of the law and decisions regarding the authority of the arbitration court. Two of these cases involve the application of the common rule, though in the first of them other questions of equal or greater importance were in dispute. Both incidentally throw a certain amount of light upon the petty intrigues that occasionally breed beneath the mantle of the law.

The New Zealand awards apply to single industrial districts and considerable dissension had arisen in that colony from the efforts made by employers or employees working under what are believed less favorable conditions in one district to secure an extension of the more favorable conditions prescribed by the award of an adjoining district to their own locality, or the conditions of their own locality to a neighboring district. Cases have occurred where employers and employees in one district united to resist an effort made by employers and employees in another part of the colony, suffering from their competition, to force new conditions upon them through an award of the arbitration court. Something of the same division of interests has manifested itself between the metropolitan and the rural parts of New South Wales, and even within the ranks of employers in Sydney itself. Men at the head of large establishments have attempted to secure regulations in their industry, through entering into an industrial agreement with their

employees and having it made an award of the court binding upon all employers, that would seriously hamper their small competitors in business. Similarly the meat dealers in suburban and residential parts of Sydney were suffering from the competition of a few city dealers, who had shops near the central railway station or the ferry wharves, and had built up a large trade with men employed in the business portion of the city, who made purchases on their way home from work between 5 and 6 p. m. In order to cut out this competition the residential dealers, who were a majority of the Master Butchers' Association, entered into an industrial agreement with their employees closing their shops at 5 p. m. four days of the week, 1 p. m. on Wednesdays, and 9 p. m. on Saturdays. Upon application by the parties this agreement was made a common rule, applying to all employers in Sydney. A city dealer named Clancy, whose business was prejudiced by this decision, violated the award. Previously other dealers in the same position had petitioned the court to be excused from the early closing provision of the award, upon the ground of injury to their business, but had been refused. Clancy's case was appealed to the supreme court of the State, and thence to the supreme court of the Commonwealth, upon two issues: That the award was in contravention to the early closing act, which allowed dealers to remain open until a later hour, and that although the defendant kept his shop open after the time fixed in the award, he did not retain any of his employees in service later than the hour for closing set by the court, but carried on his business alone or with the assistance of members of his family not receiving wages. On final appeal Clancy won upon the latter issue, the supreme court of the Commonwealth holding that the arbitration court could prescribe in an award, made upon the terms of an industrial agreement, conditions of employment more favorable, but not less favorable than those prescribed by statute; but that it could not interfere in the common-law right of a merchant to carry on his business in person, where no relation of employer and employee existed.

The second decision referred to was upon two cases carried to the supreme court of the State, and was to the effect that an industrial agreement could be made a common rule by the arbitration court.[a] Quite the opposite result follows from the terms of the Western Australian act, as interpreted in that State, for the court has held that any award made where an industrial agreement already exists must be in the exact terms of that agreement, unless all of the parties to the agreement agree to an amendment; that only an award whose terms have been determined upon original evidence, and therefore after the same procedure as if no agreement existed, can be made binding upon all employers of a district, and that any terms in an agreement relating

[a] The supreme court of the Commonwealth has since reversed this decision.

to matters not within the jurisdiction of the court—such as preference to unionists—are repealed when the agreement is dissolved to make way for an award. This decision has practically stopped the making of industrial agreements in Western Australia.

In an earlier case the supreme court of New South Wales was called upon to interpret the definition of domestic servant as used in the act. The law is expressly stated not to apply to employment in domestic service, and a case was brought to determine whether or not this exemption covered hotels and restaurants. The court held that such establishments came under the provisions of the act, as they were institutions conducted for the purpose of making profit, and therefore industries in the sense of the law. The last decision to be mentioned is more important as indicating the extended jurisdiction held by the court in the way of regulating business.

In a dispute between the brickmakers and brick carters' employees and the employers' union, the issues settled contained, among other provisions, the following:

Panmen, one to be employed at each pan, but when 2 pans feed from 1 shoot a boy or man to assist; loft work, one man to be employed at each shoot on present speed; if speed is increased, another man to be employed; boy labor, boys to be employed only at wheeling coal, or as assistant to panmen or machine men; if employed at other work to be paid men's wages; no boy under 16 to be employed; minimum wages to be $1.22 per day; wet weather, the majority of men on outside work to decide if it is too wet for work; setters' conditions, four men to be employed on a Platt machine making 2,000 bricks per hour, where distance from machine to kiln does not exceed 60 yards; if more than 2,000 bricks are made, or if distance exceed 60 yards, extra men to be employed; two men on machine making 1,000 per hour, with 60 yards distance; if more than 1,000 per hour, or more than 60 yards distance, extra men to be employed.

The employers applied to the supreme court of the State to have these issues struck out of the claims of the applicants for an award, on the ground that they did not lie within the jurisdiction of the arbitration court. The supreme court held that the matters protested did lie within the jurisdiction of the arbitration court, but in giving this decision the chief justice concluded with the following remarkable comments:

It is also beyond all question that the arbitration act, as in force in this State, is an act which is in derogation of the common law. It does encroach on the liberty of the subject as regards person and property. It creates new crimes unknown to the common law, or to any previous statute. It interferes with the liberty of action of both employer and employee. It precludes the one from giving, and the other from obtaining employment except upon terms settled by the court. It has the effect of preventing persons from obtaining employment at their own specific calling except upon terms imposed by the court. It deprives the employer of the conduct of his own business and vests the

management in the tribunal formed under the act, and it can prescribe terms of management which, however injurious they may be, the employer must comply with, under penalty for any breach of their order. There are many other matters to which I might refer, such as the operation of the common rule upon persons who have not been before the court. Finally, it is an act productive of the most alarming and deplorable amount of litigation, with its concomitant ill feeling and ill will between employers and employees, who are under this act forced into two hostile camps. I believe the object in passing the act was to promote peace and good will between employer and employee. I fear it has not had that effect.

Naturally such strong animadversions upon the act from the supreme bench were not allowed to pass without reply from the friends and commendation from the adversaries of compulsory arbitration, and a controversy was aroused in which an entirely judicial attitude was hardly maintained by either party. The Sydney labor council in an official reply asserted that in intrenching upon the common law and the "liberty of the subject" the arbitration law was simply advancing along the line of all progressive legislation for ameliorating the condition of the working classes, such as factories' acts and employers' liability laws; that in interfering with the employer in the conduct of his own business it was simply affirming the principle that labor, as one of the most important factors in production, is entitled to a voice in determining the conditions under which production shall be carried on; that the court does not apply the common rule without giving a fair opportunity to all persons thereby affected to obtain a hearing, or after the rule is made, to obtain exemption from its application, and that the deplorable amount of litigation complained of was due largely to the presence of lawyers in the court.

In interpreting the limits of their jurisdiction the arbitration courts of Australia have given attention to the precedents already established in New Zealand, and in many purely formal matters they have followed the practice of the court in that colony. The analysis of awards presented in the report upon labor conditions in New Zealand would hold good, except as to details and matters affected by terms of the Australian acts already mentioned, of the large body of decisions given by the courts in Western Australia and New South Wales. Almost any matter usually included in a collective bargain between employers and trade unions in the United States, excepting the closed shop in Western Australia, comes within the purview of these tribunals. In addition, the New South Wales court has entered upon the exercise of many regulative functions that it would hardly be considered practicable to discuss between employers and employees in America. Furthermore, an award is much less flexible than a collective bargain. The latter agreement can be adjusted to local conditions in any establishment, with the mutual consent of all parties interested, more readily than an

award, which is the law of the land, and retains its utility only when rigidly enforced. Laxness on the part of a union in enforcing every detail of an award in all the establishments regulated by it might establish a precedent prejudicial to future claims of that union before the court. Therefore the amount of control and restriction residing in an award is considerably greater than is involved in a collective bargain embodying identical terms, even assuming that the bargain is honorably observed to the satisfaction of all parties concerned in its provisions.

The Australian acts borrow their definition of industrial matters, which defines the jurisdiction of the court, almost verbatim from the New Zealand law, with the reservation as to preference to unionists already noted in Western Australia. The authority to grant preference in the New South Wales act is contained in a special paragraph. All three statutes have a separate clause empowering the court to fix a minimum wage, with provision for a lower rate for incompetent workers.

The theory of the minimum wage has been considered in connection with the Victorian law. Three classes of evidence are admitted for determining this issue in New South Wales and New Zealand, and to a less extent in Western Australia: (1) The customary or average wage already prevailing in the industry; (2) the cost of living; (3) the condition of an industry—the profits it is paying. Evidence of the first kind is the only evidence now admitted before the Victorian wage boards, and constitutes the bulk of the evidence presented in all cases. The second class of evidence is of relatively more weight in places like the Westralian gold fields, where rapid development is taking place and wide fluctuations in the cost of commodities are common. In an old settled commercial center like Sydney there is more or less agreement as to what constitutes a living wage—that is, what it costs to support a family according to the usual standard of living among workingmen; and the court always fixes the minimum at or above that amount. The third kind of evidence, as to the profits of an industry, is more often a contentious point than either of the others. Frequently it is presented by employers to show that their business will not allow them to carry on under the conditions which would be established were the claims of the workers granted. Recently the Sydney tanners attempted to have an industrial agreement, voluntarily entered into by themselves and the master tanners of that city, made a common rule applying to country employers. The latter were able to show to the satisfaction of the court that such an extension of the agreement or award would compel them to close their establishments and throw their workmen out of employment. Similarly employers have produced their books or balance sheets to show the inability of their business to carry an increased labor cost in a number of cases in

both New South Wales and Western Australia. On the other hand the dividends of companies and other indications of their probable profits are advanced by the workers as a reason why their wages should be increased by an award.

The worker throughout Australia defines the minimum wage as a living wage. A labor representative in Western Australia said: "We maintain that an industry that can not afford to pay a living wage is a menace to the welfare of the community, and ought not to exist. It depresses the standard of living and prosperity of the whole working class. The judge here has said, however, that he would never give a decision that would hamper an existing industry, whether it paid a living wage or not." An attorney identified with labor interests in New South Wales said: "I believe we have reached in Australia the bedrock principle that the first charge on every industry shall be a living wage to all employees. If an industry can't afford such a wage, it should collapse." Something of the same sort is implied in the clause of the Victoria factories act of 1903, directing the court of industrial appeals, in any application to revise the determination of a board, to "consider whether the determination appealed against has had or may have the effect of prejudicing the progress, maintenance of, or scope of employment in the trade or industry affected by such price or rate, and if it is of opinion that it has had or may have such effect, the court shall make such alterations as in its opinion may be necessary to remove or prevent such effect, and at the same time to secure a living wage to the employees in such trade." Everything depends upon the definition of a "living wage," and the difficulty of the regulating authority in interpreting the law is therefore not affected by formal definitions or commentaries of this character. Practice must be determined by the special conditions present in each case brought before the court.

No attempt has been made by the court in New South Wales to define the minimum wage, but the precedent of the New Zealand court has been followed in fixing such a rate of pay as seemed from the total evidence suitable. This has been at times higher, and at times may have been lower, than the average wage prevailing previous to the award. The assumption has been, therefore, that "minimum" as used in the act, means a minimum mandatory by virtue of the court's decision, and does not necessarily bear any relation to the lowest or the lower rates of wages paid in the trade prior to that decision. The court in Western Australia has taken a different view of the matter, however, and has struck out on a new and independent line in its interpretation of this important term. According to the president of the court, "The legislature did not direct or authorize the court to fix a fair average wage, but to 'prescribe a minimum rate of wages or other remuneration.' I take it that the meaning of these words is that

the court is to say what is the least rate of wage that shall be paid to a worker in any particular trade possessing the least skill and experience; a rate of wage that is applicable to the carpenter or the saddler who has just learned his trade—just out of his apprenticeship. It is the least rate of wage to be paid to a man able to work at that trade." It has been pointed out with considerable show of justice that, as the words quoted from the act were borrowed by the legislature of Western Australia directly from the New Zealand law, after that law had been in operation for a number of years and had been repeatedly interpreted by the judges of the colony in a sense different from the one just presented, the intent of the legislature presumably was to use the words with the meaning given them in New Zealand. It is also difficult for the labor people to see the equity of a law that forbids them to strike, upon the ground that a sufficient substitute is provided in compulsory arbitration, and then denies them the right of using that court to obtain one of the principal objects of a strike, an increase of wages. Probably the view taken by the court in Western Australia is due to some extent to the exigencies that that tribunal is forced to face. Cost of living and rates of wages tend gradually to become uniform in Australia, because the population is mobile and near the coast, sufficiently numerous to supply labor for all the enterprises at present developed, and in a country that normally produces a superabundance of the primary necessaries of life. Sea freights are about equal for all the States of the Commonwealth. At present Western Australia retains a portion of her interstate tariff, according to the agreement when she entered the Federation, but this is diminishing 20 per cent a year, so as to cease entirely at the end of 1905, five years after Federation was accomplished. Manufacturers are therefore feeling more severely the competition of old-established industries in the eastern States, and the importation of cheaper commodities from those parts of the Commonwealth is lessening the cost of living. A decrease in the formerly high rate of wages is consequently demanded in order to meet these new conditions. So the arbitration court of Western Australia has been facing a situation different from that encountered by the courts in New South Wales and New Zealand, because it has been forced to adjust terms of employment to conditions progressively less favorable to the workingmen.

In one recent instance the court in New South Wales has been appealed to by the employers to effect a reduction of wages in the iron trades. This industry is suffering from an exceptional depression and is forced to meet considerable competition from England, where wages in proportion to output are much lower than in Australia. The case had not been tried when the material for this report was gathered.

Time and piecework rates are both to be regarded as functions of wages. The hours of labor are normally 8 throughout Australia, although some trades have always been exceptions to this rule. In New South Wales the time of kitchen hands in restaurants and hotels has been fixed at 77 hours a week, and butcher shop employees are required to work 54 hours a week. In both instances the award reduced the time formerly worked. The only case that came to the attention of the writer where the hours of labor were lengthened was in the Kalgoorlie gold fields miners' award, where the time of underground workers was raised from 47 to 48 hours a week; but the shorter working time formerly prevailing was in this instance voluntarily restored by the employers in a subsequent agreement with their men. Overtime and holiday rates are specified in the awards.

The adjustment of piecework rates to time wages and the allowance or nonallowance of piecework are among the most tedious and vexing questions that come before the court. Incidentally the question of contract may be involved, as has happened in the awards in Western Australia. All the Australasian arbitration laws and the Victoria factories act empower the regulating authority to prohibit piecework. As a rule workers attempt to have the awards stipulate that time wages only shall be paid. In some trades, however, a "log" or piecework price schedule is drawn up by or on authority of the court. This applies especially to tailoring and garment making, bootmaking, the harness and saddlery trade, and, in some instances, to the furniture trade. Some of these logs are said to contain 3,000 items, and when a court or board has once completed such a schedule other courts usually follow the line of least resistance and borrow the work of their colleague to apply in their own State or districts. For instance, the boot log drawn up by the Victoria wage board has been adopted in Western Australia, with an increase of 12½ per cent on account of the higher cost of living in the latter State.

The court or board sometimes fixes time wages only, leaving to the parties the adjustment of piecework rates to those wages. Employers generally favor this arrangement, as it gives them better control of their factories; but workers usually oppose it, probably because the employer tries to proportion piecework pay to time pay, according to the rate set by his fastest workmen.

The court in Western Australia has refused to regulate contract working, on the ground that the provisions of the act are not specific enough to justify taking away the common law right of every man to contract as he likes. This point was mentioned in connection with the gold fields miners' award, though that instance did not illustrate how wide was the application of the principle. The contract system has been extended to many trades where day wages are customary under normal conditions, in order to evade paying award terms

and compensation claims in case of accident. Advertisements appear in the papers, not for day workmen, but for mechanics to take contracts to build so many feet of wall, paint a house, or erect a shed. In New South Wales many employers in the iron trades assert that the fact that they can not enforce a piecework and contract system in their shops is the determining factor in causing the present depression in that industry, making it impossible for them to compete with foreign firms.

The economic effect of a statutory minimum wage appears to be to create a uniform wage, not adjusted closely to the efficiency or productiveness of the workmen throughout an industry. But the degree of this effect probably varies in different trades and occupations. The Victorian Commission of 1903, who were favorable to compulsory arbitration, say of New South Wales: "The marked tendency to reduce the efficient worker to the minimum wage is everywhere visible, and employers are emphatic in declaring that while they could, and did, pay a good tailoress 30s. ($7.50) a week, good as well as indifferent workers had now to receive the all-round wage of 20s. ($4.87). If, they put it, they are forced by law to pay too much to some of their employees, they must, in self-defense, in order to keep working expenses within reasonable bounds, pay less to others than they deserve." Official wage statistics in the States where such regulation exists are not in a form to allow a satisfactory verification of this fact. They do not distinguish clearly the different classes of workmen, as adults and minors, helpers, journeymen, and foremen. Figures presented in the New Zealand report, however, point to the conclusion that wages do tend to seek the level of the award minimum. Trial tables, prepared to show the effect in New South Wales and Western Australia, were found to contain so many sources of possible error as to be of no value. Sufficient time has not elapsed since these laws have been in operation in Australia to allow their effect to be clearly shown. The variation of the tendency in different industries might be considerable. In highly skilled occupations the capacity of individual workmen counts for more than it does in mining or lumbering. Testimony as to the effect of the awards, therefore, varies according to the experience of individual employers. Wages above the minimum were said to be paid in the clothing trade in New South Wales, notwithstanding the statement quoted above. The manager of a boot factory in the same State said: "We don't hold our men down to the minimum wage. Our cheapest men are those to whom I give the most money. I make the foreman of each room judge of his employees, and he must make his room pay—and pay wages that will produce that result." Another manufacturer said: "The minimum in the boot trade is £2 5s. ($10.95) a week. I am paying some of my operatives £2 10s. ($12.17), others £2 15s. ($13.39), and some up to £3 ($14.60) a week." A manufactur-

ing saddler and harness maker's books showed that he was paying from 10s. ($2.43) to £1 ($4.87) a week above the award minimum to several of his workmen. When the boot trade determination went into effect in Melbourne, the books of a large factory in that city showed a change of but 13s. ($3.16) in the total pay roll as a result, although there may have been a readjustment of wages among different workmen. A clothing manufacturer in the same city stated that the determination made no change in his wage sheet for 900 employees. One of the larger employers in Western Australia said: "The carpenter's minimum under the award is 10s. 6d. ($2.56) a day. We are not paying a man in our employ, even inferior workmen, under 11s. 6d. ($2.80) a day." On the other hand, the clerk of the arbitration court in that State, said: "The minimum wage is the maximum wage in large industries." He cited the fact that a combine, controlling the important lumbering industry of that State, reduced its wages quite uniformly to the award minimum, though the latter was lower than the average wage formerly prevailing. A colliery manager in New South Wales, said: "Before the arbitration act went into effect we always paid our better men a higher rate than the others, but we can't do so now without provoking discord and jealousies that interfere with the work."

Employers very generally complain that the more uniform wage established by the awards causes a dead level of workmanship and output among workmen, gauged usually by the workmanship and output of the poorer hands in the establishment. For this reason partly employers do not like to employ inferior workmen, even at lower wages, where an award is in operation. Therefore, as in Victoria, slow workers are thrown out of employment by an arbitration act, even though the court has made some arrangement by which they may be employed at a lower rate than the minimum wage. A boot manufacturer in Sydney said: "Quite a number of my former employees—not one or two, but quite a number—have started small shops, where they work under sweat-shop conditions, because they were thrown out of work by the award. About 40 or 50 of these small places have been opened in Sydney lately. One of my former employees was in here less than an hour before you entered. He was formerly a clicker. He, with his wife and his son, and one hired boy, can manufacture some lines cheaper than we can in the factory under our award, and so we buy those lines from them. When a new agreement, which we are just concluding, goes into effect I shall discharge a number of hands who have been in my employ 12 and 15 years. Two are in delicate health and the others are good enough workmen, but just naturally slow. I can't afford to keep them at the minimum fixed in the agreement. I do not believe in cutting down the wages of my better men to the minimum in order to retain slow men. When wages are on a dead level you sooner or later get a dead level of work, paced

by the slowest man in the factory. I started here in Sydney 30 years ago as a working journeyman. If our present system of regulated wages had been in force then, I should still be a journeyman." A representative of the saddlers made a similar statement concerning conditions in his trade in Sydney. An employer in Melbourne said: "If we employ slow workers, even at some special wage, as is now required under conditions imposed by the board, our other men work down to the slow workers' level and the efficiency of the whole force is impaired. When boys get to be 21 or thereabouts they are discharged and thrown on the streets because they can not earn the minimum wage."

As in New Zealand, the Australian courts have at times fixed a graduated scale of wages for apprentices and other minor employees, according to their age and length of service. The awards also go beyond the factories acts in limiting employment of children. Courts have a right to order that apprentices shall be indentured, and workers usually try to have this made a requirement in the awards. In Western Australia the court has refused to regulate apprenticeship and the employment of minors in several important awards governing skilled trades, notably in case of the carpenters and joiners, where it has been customary to do so in New South Wales and New Zealand. But here again the conditions peculiar to a new country with young industries and a rather nomadic population have governed the action of the court.

Where the powers granted a court to regulate industry are comprehensive and are liberally interpreted by the presiding judge, as in New South Wales, the provisions as to details in an award may become so numerous as to cover nearly the whole administration of a business. Hitherto almost any conceivable matter relating to an industry might be included in the claim of a union before the court in that State. In case of the saddlers it is said the union wanted the time book abolished, which would have prevented an employer's knowing the labor cost of an article made in his shop. As long as these comprehensive awards were granted a vast amount of technical evidence was introduced upon matters often quite beyond the understanding of anyone not practically familiar with a trade. Although the judge may appoint expert assessors as advisers of the court in such cases, experience shows that proceedings are not greatly shortened by this means. Even in instances like the saddlers' award in New South Wales, where employers and employees get together and agree on a number of items before bringing points in dispute to court, a case may occupy several days and come up intermittently for weeks. This particular case was one in which the workers fought strenuously to prevent what they considered excessive division of labor in manufacture, upon the ground that it "reduces the standard of the worker

so that when he is thrown on his own resources he can not earn his living as a mechanic." They succeeded, with the result, according to figures shown the writer in the books of one establishment, that an employer paying less wages than previously sometimes finds the labor cost of the articles he manufactures increased. The aggregate wages of two men working in team before the award, including average piecework earnings of the stitcher, were $22.51 a week, and after the award, when time wages were paid both, $19.41 a week; but the actual cost of making the bridles these men manufactured had increased on account of the less skilled man being required to do a skilled man's work, and vice versa. In a second instance the labor cost of girths had risen from $1.03 to $1.16, the salary of the cutter remaining as before; but the stitcher, who was paid by the piece, and previously earned on an average $11.69 a week, was able to earn but $8.52 a week under the schedule fixed by the award. Here again the cutter's time was wasted stitching and the stitcher's time was wasted "bungling at cutting." In a third case where the output remained stationary the following was the pay roll before and after the award:

	Before award.		After award.	
	Number hands.	Aggregate wages.	Number hands.	Aggregate wages.
Cutter	1	$13.99	1	$13.99
Second hand	1	8.52	2	23.37
Boys	2	3.89	1	1.46
Total	4	26.40	4	38.82

The labor cost of production was increased over 47 per cent in this last instance, though no such result would be evident to one reading the award itself. When a nonexpert court attempts to regulate the details of a manufacturing industry the effect of such interference is rather a matter of chance than of exact calculation.

Where an award increases the labor cost of production unduly, however, employers find a remedy in some cases by introducing machinery. Arbitration awards at least were referred to as a reason why machinery had been introduced by a number of manufacturers and mine managers, although it may be doubted whether this was the sole reason for their increasing the mechanical efficiency of their plants.

Workers have also attempted to restrict or prohibit the employment of female labor through the awards. In the application for an award in the tobacco trades in New South Wales the union of workers claims the prohibition of female operatives. The determination of the printing trades board in Melbourne threw female compositors out of employment. The same end is being approached indirectly through apprenticeship regulations in the Sydney boot trades awards. In all the

respects mentioned the workers are following the regular trade union programme, with the object of excluding lower-priced labor from the trades and thus raising the standard of wages and of living among the working classes. They argue that as long as a large fraction of the able-bodied adult male workers of a community are unemployed it is better that they should do the work there is to be done at a wage that will enable them to support their families in comfort than that the natural dependents of those ablest workers should be brought into competition with them, lower their wages below the amount necessary to support a family, and thus create an artificial necessity for female and child labor. But state regulation to secure this end increases the cost of production, often in erratic and unanticipated ways, and may possibly, at least in its initiatory and experimental stage and under modern competitive conditions, limit the sphere of employment and raise the cost of commodities to such an extent as to neutralize the benefit of higher wage rates. The main point to which it is desired to call attention in the preceding paragraphs, however, is this: That no deduction can be made from the wage clauses of an award as to its total effect on the labor cost of production—that is, its economic effect on the community. What appear to be purely regulative clauses and ancillary matters oftentimes count up far higher in dollars and cents than any expressed money item in the court's order.

The power of the court to make the terms of an award or agreement a common rule applying to all employers in a State has already been referred to in other connections. An economic effect of the common rule would theoretically be to centralize at a single point all industries of the same character having a product capable of wide distribution. The court prescribes a set of uniform regulations governing this industry over a large area. Theoretically there must be some one spot, or at most two or three spots, in that area where these regulations can be most economically applied. Under more flexible conditions there is a give and take. A center of manufacture favored in one direction takes full advantage of that favorable condition and thereby compensates for some local disadvantage under which it suffers. A country town may maintain a woolen mill or a tannery by virtue solely of the lower rents and cost of living in the locality, and therefore lower wages, thereby competing with an urban center having cheaper transportation. Were a court to make an absolutely uniform award, applying throughout an entire State, in many industries there would be a widespread redistribution of industrial plants. On the other hand, if an award does not apply to a pretty wide area, constant friction and bickering ensue on account of some party resenting the special privileges granted to another and haling him into court to show reason why he has been so favored.

Several industrial agreements, notably those of the tanners and the retail storekeepers in Sydney, have contained a clause stating that they shall not go into effect until they have been made a common rule throughout New South Wales. Of course the court tries to use discretion in granting applications for the common rule, and hears voluminous evidence upon the merits of such applications whenever they come up; but it probably seldom closes a case with a clear conviction that every consideration worthy of weight has been fairly presented to its attention. In an ordinary suit at law the sphere of evidence and the issues are limited; in an application for the common rule every issue in an original award may be multiplied by the number of towns in a State. When it was proposed to make the retail storekeepers' agreement a common rule in New South Wales an attorney held briefs for 300 different suits brought by merchants in as many country towns in protest. As an attorney said, "The common rule applies very well to some staple industries, such as coal mining, where the conditions are more or less uniform throughout the State; but when it is applied to small industries and retail traders, where the conditions vary widely sometimes in the same street, with great difference in product or turnover, rents, and class of custom, the small man is crushed out. Under the arbitration act, also, a dealer may enter into a collusive agreement with his employees, and then bring it into court with an application that it be made a common rule, with the express object of driving his weaker rivals out of business. Every person in the business must then come before the court, or run the risk of having the rule imposed upon him. It is very hard, and often a matter of great delay, to secure an exemption after a rule is in force. The applicant can not recover his legal costs under the act in such a case." However, in coal mining, or gold mining—as was seen in Western Australia—uniform awards are impracticable.

Another phase of the common rule principle crops out in a ruling of the court that an award shall apply to all persons actually engaged in the occupation regulated irrespective of other working conditions. Under this ruling a merchant has been convicted and taxed costs for employing ordinary laborers, instead of journeymen coopers, to open and head up tallow barrels; the Vacuum Oil Company had to pay a fine and considerable costs for having boys employed about their warehouse tightening hoops upon casks of oil received from America. Employers of this class seldom have an opportunity to appear in court when an application for a common rule is made to protest against its extension to their own business, as the fact of such extension is often a matter decided by some subsequent interpretation of the rule.

The enforcement of a common rule over an entire State is often a matter of considerable difficulty; for the detection of breaches even in a restricted area under close factory and union inspection is not easy,

and the expense of prosecution and the obstacles to securing evidence increase very rapidly with the size of a district. The saddlers' award in New South Wales covers 879 saddlers, of whom about 50 per cent employ hired labor; only 6 have more than 10, and 3 have 20 or more employees. Naturally no union branches exist in the small towns where these employers carry on business. The exigencies of country custom require irregular hours of work, wages are normally lower than in the metropolis, and no regulation of apprenticeship exists. Most of these employers probably were quite ignorant of the provisions of the award and never thought of protesting against its being made a common rule. By the terms of the award all apprentices must be indentured in one of the four branches of the trade for a period of five years, in the proportion of one to two journeymen in collar, harness, or bridle making, and one to three or a fraction of three journeymen in saddle making. Under a strict interpretation of this provision, more than half of the employers in the State could not employ a boy in their shops. The regulations as to wages and hours, it is claimed by employers, were equally inapplicable to the conditions of country trade.

The measures taken to enforce the common rule in this instance call attention directly to the serious problem presented by the administration of the awards. In New Zealand it was found that a demand had arisen to have special inspectors of awards appointed, who should investigate and prosecute breaches, and that for lack of some such provision the union secretaries were at times delegated to settle claims against employers out of court—a method of procedure obviously calculated to lead to friction and possible scandal. Under all arbitration laws, including the new Federal act, unions or officers of unions are allowed and usually do prosecute for breaches of an award and recover penalties for such breaches and costs in case the suit proves successful. The payment of penalties to the unions is justified on the ground that the unions or their members are the damaged or aggrieved parties and incur the cost and trouble of prosecution. In the saddlers' award therefore it fell upon the Sydney union to prosecute for breaches throughout the State. City employers in that business were not averse to, if they did not instigate, having these country breaches prosecuted, as an enforcement of an award made for urban manufactures favored them in competition with country makers. In February, 1904, the secretary of the saddlers' union reported to the president of the court that he had notice of 29 breaches at various points in the country, and had been directed by his union to settle them; but that he wished special instructions, as it "might look like blackmailing" to do so. The president of the court said that it was impossible for the court to visit all the country towns to try these cases, and that it would be a hardship on the employers to bring

them to Sydney, and suggested that the secretary carry out the instructions of his union, and settle as many cases as possible out of court, and, if possible, secure the cooperation of the employers' union (a Sydney organization) in enforcing the award. The secretary of the union appears to have acted conscientiously in the matter, but his union directed him to settle breaches on a basis of the return railway fare from Sydney and, in some cases, $2.43 a day expenses. This naturally aroused some criticism, as in practical operation this method made the cost of a settlement amount to $15 or $20 in several instances—a sum that looked large to a country saddler who had unintentionally violated the award by working Saturday afternoon to repair a broken harness or by employing an unindentured boy to stitch on buckles during the school vacation. The court made a minute with reference to this action, advising that the amount asked for in settlement should be a proportionate fare for the distance traveled from town to town, with compensation for time lost at each town, coupled with any costs the union had incurred, the total distributed among the persons who had committed breaches of an award in the town in question. However, the union refused to settle on this basis, and voted to prosecute all breaches subsequently discovered before the court. In justice to the workers it should be said that they do not as a rule favor this method of outside settlement, but desire to have every breach legally tried and penalty imposed by a regular tribunal. The secretary of the saddlers' union just mentioned said: "The act will never be complete until there are inspectors of awards. The local police should be appointed local inspectors, with power to examine books and take testimony of workers under oath, and forward the same to the court. The court should then fix all penalties or terms of settlement." An attorney familiar with the operation of the act said: "The present system makes unions spies on employers, and causes unnecessary irritation. The administration of the awards of the court should be vested in police and factory inspectors." An amendment to effect this was defeated at the last session of parliament in New South Wales by the vote of the party opposed to the labor people. A similar amendment to the act in Western Australia is sought by the labor party in that State.

One of the most embarrassing features in the administration of the act has been occasioned by the congestion of business in the court. This has been felt in New South Wales to a far greater extent than in Western Australia. The difference in the two cases is due partly to the fact that the latter State is comparatively small and has fewer industries and less diversity of conditions than New South Wales, and also to the course that the court has adopted from the first in limiting the issues it would consider in an award to the fewest possible. Piecework, apprenticeship, the common rule, preference to unionists, and

industrial regulation in general have not been allowed to take up the time of the Western Australian court, and lawyers have been excluded. Interpretations, breaches, and technical points have formed the subject of more cases than have actual applications for awards in New South Wales. At the end of June, 1904, the president of the latter court announced that thereafter that tribunal would limit its attention to 5 major considerations in disputes—wages, overtime, hours, preference to unionists, and the common rule. The New Zealand court has suffered from the same difficulty of overwork; in the Wellington district, which is but one of the 4 principal districts into which the colony is divided for purposes of the act, the court was reported to be 136 cases behind its schedule at the close of June, 1904; and 115 of these cases were for enforcement of awards. Excluding the more numerous cases for breach, interpretation, common rule, and applications for recovery of union subscriptions, the number of industrial disputes or applications for an award or similar regulation of an industry filed for hearing before the court in New South Wales was as follows upon the dates in question: June 5, 1903, 38; October 1, 1903, 46; January 1, 1904, 54; April 1, 1904, 62. In other words, there was a prospect of the unheard cases of this character about doubling in a single year. The business transacted by the court during the two years ending December 31, 1903, was as follows:

Disputes filed	93
Disputes for hearing	54
Applications to the court filed	259
Applications to the court heard	171
Applications to recover union subscriptions filed	219
Applications to recover union subscriptions heard	109
Judgments given in disputes	22
Days during which the court sat (about)	300
Industrial agreements made common rule	11
Awards made common rule	9

In addition a large amount of business of a formal character is done before the registrar. Criminal proceedings were taken before other courts for violations of the strike and lockout clauses of the act.

This constant litigation, and especially the ever-present threat of pending awards, doubtless embarrasses employers and constitutes an element of uncertainty in business. These difficulties were not anticipated when the act was passed. The delays thereby occasioned are a source of equal complaint on the part of employers and workers. The former attribute the congestion of business to artificial disputes fomented for political ends or as a means of socialistic propaganda by a minority of the workmen engaged in an occupation, They say that the preference to unionists' clause is accountable for many applications for awards not demanded by existing conditions of employment. Indeed these applications are said often to be filed against the

wishes of a large body of employees. According to a newspaper report, only 6 persons were present at a meeting of the New South Wales Stenographers' Union when the detailed demands of that society, to be embodied in an application for an award, were drawn up. On the other hand the workers say that proceedings before the court are needlessly protracted by the presence of lawyers as representatives of the two parties. One labor representative said: "Lawyers create technicalities. They are professional rivals, and each tries to get a point on the other. They don't know enough about the real merits of the industrial matters in dispute to employ these effectively in argument; so they turn off into law points and make technicalities that merely confuse the real issues between the masters and their men." The workers suffer as much inconvenience as employers from delay. Indeed they claim that employers make them submit to harsh conditions occasionally, knowing that they can not strike and that they can not get an application for an award heard for a year or 18 months to come. The secretary of one union said: "We filed application for an award in December, 1903, and now (June, 1904) there are still 48 cases ahead of us." There was much less complaint on this score in Western Australia. Although there were 17 cases pending in August, 1904, this was said to be due entirely to the ill-health and the changing of the judges serving as president of the court.

The most usual remedy suggested by workers for this condition is to increase the number of courts and to exclude lawyers from their proceedings. Some wish a traveling (circuit) court for the country, with provisions for a joint sitting with the metropolitan court and a revision of awards. Another suggestion was that the second court should deal exclusively with mining cases or one or two specified industries having the largest extent and most similar conditions of employment. Several labor men suggested a small court to relieve the arbitration court of cases for breach of award and the collection of union dues. It was proposed that the arbitration court should review the decisions of the lower tribunal in camera if necessary. The president of the arbitration court remarked, when these suggessions were mentioned, that most decisions would probably be appealed from a lower court in any case, thus doubling the work, and if two courts had equal jurisdiction the awards might conflict. Others thought that a freer use of existing courts, to relieve the arbitration court of breach cases and similar matters not directly involving industrial regulation, would remedy the difficulty. The combination of legislative and judicial functions in a single tribunal is after all responsible for much of the embarrassment experienced in attempting to distribute jurisdiction. Where there is a possibility of doing so, litigants are never satisfied until the law or award has been interpreted by its own maker. If there were an appeal from our civil courts to

the legislature whenever a law was violated, continuous sessions and expedited procedure would be of no avail in clearing away the mass of business that would come before that body.

Some have suggested that the registrar be given final jurisdiction in summons cases for breaches and collection of union dues. One labor official said very aptly: "It looks ridiculous for a court that costs the State $20,000 per annum to spend a day finding out whether Tom Jones owes his union 36 cents for dues." One of the largest employers in New South Wales and the registrar of the arbitration court in that State suggested independently a remedy that differs very little from adopting the Victorian wage boards as subsidiary to the court. The employer said: "I favor establishing a conciliation board in each trade, who shall try to come to an agreement, which shall be enforced by the court." The registrar suggested: "The congestion of business before the arbitration court would be greatly decreased if the parties were required to appoint a committee, under a nonpartisan chairman appointed ad hoc by the court, whose duty it should be to eliminate all noncontentious points from the dispute, referring only the matters that could not be compromised to the court. There are conferences at present, but if the conference fails to agree on a single point at issue, they break up, and every point is contested in court. If there were an impartial chairman more conferences would be brought to a successful issue." No demand for boards of conciliation was indicated. Extending the powers of expert assessors has also been proposed. The lack of technical knowledge possessed by the court is felt to be a difficulty in securing fair and workable awards. One labor secretary said in this connection: "The court staggers through to a well-intended decision, but not a practical one." A labor member of parliament in Western Australia mentioned the same difficulty in that State, and thought that the representatives of the two sides on the court ought to be appointed from the trade in dispute, for every case that came before that body. The same suggestion was advanced by a union secretary in New South Wales, and has been adopted in part in the new Federal bill. An employer said in New South Wales: "I have seen our court, when I was present in a case, taking silly positions, showing absolute ignorance and misconception of the real point at issue. This was necessarily so, and no fault of the court. And our lawyers plead their cases like parrots, repeating the things we had pumped into them, and sometimes mixing them so in their arguments as to cause a broad smile to run round the court room." A member of the court in Western Australia said: "A judge, accustomed to legal reasoning exclusively, is not well fitted to interpret and to apply practical economic laws. He is disqualified for this by his habits of thought." A lawyer who had conducted many cases in New South Wales said: "I am in favor of a

permanent court, in view of the fact that permanent judges become accustomed to weighing the evidence presented in industrial disputes. But in special industries assessors should be called in, to have equal voting power in rendering decisions with the permanent members of the court. For example, the court was six days hearing evidence of a technical character in the gas makers' case, and then acknowledged such inability to comprehend the special features and conditions presented as to preclude their giving an award. It naturally detracts from the dignity of a court to have to confess failure of this character. In the case in question, the men agreed to abide by the decision of an arbitrator appointed by the court, who rendered a decision exceedingly unfavorable to the workmen, but which they have been compelled to obey." A manufacturer also thought that assessors should constitute a part of the court.

In the saddlers' dispute the employers desired to have the assessors considered members of the court for the time being, or at least hear the evidence and report upon that; but the judge decided that they must be considered as expert advisers and present a report independently of the evidence. Some of the union men seemed to think that if assessors were appointed as members of the court for each case, an apple of discord would be thrown into the unions, as a number of members would probably work to secure the appointment, and that practical men would not compromise, so that the final decision would be left to the judge, as at present. The secretary of the employers' association in Perth, Western Australia, said: "It is possible that our association will indorse the recommendation of the Trades and Labor Council, that the constitution of our court of arbitration be changed. We want the court so altered that each trade can select a representative to sit in its particular dispute, or all disputes arising at any time in the trade in question. It is bad enough to have one man ignorant of the matters in controversy in a court, without having three of them. When our plumbers' case was on, the labor member, who is a plumber, refused to sit because he might be suspected to be an interested party, and so had a carpenter sit in his place." An award sometimes provides that a board of conciliation, whose constitution is determined by the court, shall sit to consider any points that may arise in interpreting the award itself. The Coal Miners' Association of the western district of New South Wales made the appointment of such a board an item in their claim before the court, which was granted.

The expense of litigation is a burden complained of by both employers and workers. The latter attribute this also to the presence of lawyers in the court, a view that was supported by some employers. The president of the Sydney Labor Council said: "A lawyer's standpoint is not a workingman's standpoint. Lawyers protract cases and fight out points that might be compromised without them, in order to

earn fees." The actual expense of carrying a case through court was ascertained in a number of instances; but of course no account is here taken of the time lost by employers in court, as it is not customary for employers' organizations to pay for time thus lost by their members. Where the expense of workers is given, this item is included, as the unions make a practice of paying for the time lost by witnesses. It cost the employers in the saddlers and harnessmakers' case $1,120 for court expenses. The expenses of the opposing union of workers were $563.48, of which $279.83 went to attorneys. The remainder was paid to witnesses and the secretary, and merely compensated them for time lost from their shops. The conference with employers that preceded the case in court, including one-half the stenographer's fee, cost the union $35.55. The secretary of the Furniture Trades Union of workers in Sydney had made an estimate that the probable expense of securing an award in that trade, including time of witnesses in conference and before the court, printing, and barrister's fees, would be in the neighborhood of $750. The secretary of the Federated Seamen said: "Although we have had no disputes with employers, and our two agreements were filed without litigation, the filing of these agreements and other minor matters before the court, including two prosecutions for breach of agreement, have cost the union between $600 and $700. Our last lawyer's fee was $312.76." The selling agent of the Lithgow collieries said: "The proceedings in connection with the Lithgow collieries award cost the employers in round numbers $12,000 and 3 weeks' time, during the actual progress of the case before the court. Besides that we have had several cases for interpretation of the award, each of which costs us from $200 to $250. The details of our award have been obscure and ambiguous, and it contains many inconsistencies." The secretary of the opposing union in this case said: "In 1899 the colliery employees of this district had a 4 months' strike. About 430 men were out and their loss in wages totaled in round numbers $60,000. Their strike pay, to be sure, was $3.04 a week during that period, but the money came out of the funds of miners in other districts. Our recent award from the arbitration court cost us about $915, besides the pay of the secretary. Of this sum $294.63 was for witness fees, mostly paid to the miners themselves. We paid our lawyer $364.98, which was less than the usual fees. Our arbitration court records cost us $277.59. The miners obtained a rate of pay equivalent to an advance of 9 per cent in wages, or about $250 a week for all the workers in the field. This will pay for our expenses in less than a month." The Newcastle Colliery Employees' Federation, which has about 6,000 members, spent in round numbers $3,000 for legal expenses in 1903. In a fight with a rival union of employers over registration the Country Storekeepers' Association of New South Wales spent about $3,700, and lost their case.

Besides amendments to the arbitration laws in New South Wales and Western Australia already specified or suggested in the previous paragraphs, the workers desire the privilege of being represented by some qualified agent when books and papers are presented for examination in camera. In New South Wales, and in Western Australia they want fuller provision made for bringing government employees under the act. Employers insist upon the equity of two amendments which they consider essential. The following quotations from interviews with an attorney representing employers in a case before the court, and with the manager of a large factory, sufficiently explain the first of these proposed changes and the grievance it is sought to remedy:

It should be made clear in the act that unless a dispute is a substantial dispute in a whole industry the court should not entertain a complaint. It has happened to my knowledge that in an industry having 1,000 employees a case has been brought into court by a union having less than 200 members, so that 100 members could create a dispute, and do so for political purposes.

No demand for an award should receive consideration from the court unless two-thirds of the members of the union have an opportunity to vote upon the demands previously. I know of a case where 17 out of about 800 members in a union passed a demand made upon us. These matters are now worked by a little clique and many of the members of the union have no knowledge of what is being done.

Employers complain that while the awards bind capitalists, on account of their property interests and responsibilities, they are not equally binding upon the workers. This will appear later, when some of the strikes under the act are considered. As a partial remedy for this several employers suggested that unions should be compelled to provide a guarantee fund or bond for the faithful observance by their members of any award given by the court. The secretary of the Perth Employers' Association suggested that both parties to an award or agreement be required to deposit security for its faithful observance. This may be done under the new Federal act.

Practically all the suits for breach of awards brought so far in either State, however, have been against employers. And some employers maintain practices that constitute evasions, but not punishable violations, of awards. The practice of contracting out work—selling materials, and buying finished goods from workmen—is not uncommon. Such outwork has previously been mentioned as the last recourse of the slow worker thrown out of employment by a minimum wage. But sometimes it becomes a regular practice, covering a large portion of competent employees in manufacturing operations, in the same way that a similar kind of evasion has been found practicable in mechanic trades in Western Australia. The limitations upon this kind of work, however, are very narrow. In a majority of employments, and with a majority of employers in all lines of business, it is not only more

convenient and profitable to observe the terms of the awards given by the court, but there is an honest disposition to do so on the part of all concerned. It is fair to assume, upon the testimony of workers as well as of employers, that a very large proportion of the breaches are the result of ignorance of the terms of an award, or of a false interpretation put upon those terms by the unintentional offender.

Practical inconveniences are experienced by employers from the operation of the arbitration law that do not appear from a mere inspection of the awards. Unions file demands when making an application to the court that they do not anticipate will be granted, on the same principle that a man suing for damages in a civil court often makes his claim larger than he expects will be allowed. But these demands become, nevertheless, a standard by which workmen not familiar with the inside management of their labor councils gauge their rights, and so dissatisfaction is created where content formerly prevailed. A factory manager said: "One of our unions put in piecework claims that would enable men to earn $48 a week—a demand which they voluntarily withdrew when we pointed out its absurdity; but that rate is still argued to be a fair one by less informed workmen, and they have cut down their output occasionally when on time wages for this reason." A mining employer said: "The uncertainty as to the decision of the court causes workmen to make exorbitant demands. Owners are prone to concede many points in order to come to an agreement outside of court that they would never think of conceding on business lines, in order to avoid having to submit to the uncertain vagaries of the awards." The inconvenience that individual employers incur in litigation is not always to be measured by the time, trouble, and expense of contesting a single award. One large employer interviewed was already working under 7 different awards, with more to come. As he had a model establishment, these awards made very little change in the condition of his employees; but being prominent, he was always cited before the court by the unions. However, large employers, though they bear a relatively greater proportion of the expense of litigation, are sometimes able to turn the law to their own advantage. This has been suggested when the relations of country and urban employers under the awards were mentioned. Another difficulty appears in the administration of employers' unions. Usually employers are assessed for their union expenses pro rata according to the number of men they employ. Naturally they insist on having proportionate voting power in the association. For instance, in the retailers' union the assessment is $2.43 for each employee. After a man has joined a union the payment of this assessment becomes a legal obligation, and the sum assessed can be recovered before the arbitration court. Furthermore, if there is a case pending—and cases do hang fire for one or two years—he can not resign or get

out of the union until that case is adjudicated But the voting power of different employers is not regulated by any law. The association, as in the Clancy case mentioned above, may take action with the pretty well defined purpose of securing special advantages for a majority over a minority of its own members competing in the same business. The secretary of an employers' union frankly told the writer: "When our men got together to draw up an agreement for approval by the court, the first question that arose was, 'Shall we make a fair working agreement, or one that will knock out certain classes of our competitors?' Large employers don't object to these regulations, as in any log or rule that the workers will agree to there are almost sure to be conditions unfavorable to small manufacturers. Under the minimum wage the best men are sure to gravitate to large shops, where economies of administration make it possible to pay the wage asked. The large shop also has the advantage in apprentice conditions." Several specific instances were mentioned to the writer where ulterior motives of the sort suggested were imputed to large employers who had entered into industrial agreements or reached an understanding with their employees as to the terms of an award.

The existence of these unions of employers, required by the act, and the preponderant influence of large employers in their councils, may operate to the disadvantage of the working people and of the community at large. In the New Zealand report attention was called to the fact that an effect of the application of arbitration awards to occupations supplying local needs had been to increase the price of commodities and raise the cost of living. So notable has this effect been in that colony that the secretary of labor has recently addressed an open letter to the premier upon the subject, in which he states that "the prices of necessaries, such as meat, bacon, eggs, coal, firewood, etc., have risen considerably and have helped to minimize any advance in workers' wages." Especial stress is laid upon the increase of rents. It is stated to be "beyond doubt that the advantages bestowed by progressive legislation are gradually being nullified and will eventually be destroyed by certain adverse influences." The immediate remedy suggested is state housing of the citizens. The logical necessity of regulating prices—and thereby profits—where wages are regulated, was suggested in a report quoted on the working of the minimum wage law in Victoria. Employers' unions in both New South Wales and Western Australia agree to maintain certain schedules of prices, either informally or by specific rules and contracts. Before the writer are the by-laws of one of these unions, from which the following is quoted:

That in the event of any store or retailer of bread refusing to sell bread at union prices, the baker supplying said store shall give notice to the secretary of the Master Bakers' Union, and that said store shall not be supplied by any baker belonging to the union, except from the

baker who originally supplied him, and then only on his agreeing to sell at the union prices. After it has come to the knowledge of the baker supplying a store that the said store is selling at less than the retail price, a fine of £5 ($24.33) shall be inflicted if he should not notify the secretary of the union within 48 hours, and a fine of £10 ($48.67) will be inflicted on any baker who supplies the said store under union price after having received a copy of such notice from the secretary. That in the event of any member being convicted of selling bread at a lower rate than that agreed upon at a general meeting, the union shall have power to deal with such member in accordance with the rules and subject to the provisions of the conciliation and arbitration act of 1902.

Now, if we turn to the act in question (Industrial Conciliation and Arbitration Act, 1902, Western Australia), we find the following clause:

All moneys payable to an industrial union by any member under its rules may, in so far as they are owing for any period of membership subsequent to registration, be sued for and recovered in the name of the industrial union in any court of competent jurisdiction by the secretary or the treasurer of the industrial union, or by any other person who is authorized in that behalf by the rules.

A Sydney newspaper says editorially: "The act's insistence on organization compels employers to combine. Whatever differences there may have been among them are sunk in the presence of a new condition which they must unite to meet. Having thus come together under compulsion, they can safely be expected to use their combination for the good of the trade by agreeing to raise prices or maintain them when they could be lowered. Just as the importer adds something to the customs duty he pays, so the employer who is ordered to pay higher wages adds to the new charge that is passed on to the consumer." And again: "First the employees organize and apply to the court successfully for higher wages, shorter hours, and other concessions. So the cost of production is raised. Then the employers, who have had to organize in self-defense, say, and truly enough, that they must raise prices to cover the increased cost of production. But while they are about it they agree to use their chance to obtain a larger profit."

Although New South Wales ships wheat to Great Britain, the cost of bread is half a cent a pound higher in Sydney than in the latter country, and nearly half a cent a pound higher in New Zealand, which also exports wheat, than in Sydney. Meanwhile, as the paper just quoted suggests, the public has no locus standi before the arbitration court. "The court may make awards which will have the effect of raising the price of food without the party most interested being allowed a hearing." The whole question may well be closed by a quotation from a trade journal, almost every sentence of which was corroborated by employers a number of times in different interviews:

There is an important point to be kept in mind, namely, that so far as the members of the Employers' Association are concerned the arbitration court's regulations under which they work are mainly of their own making. They are mostly concessions which employers have made to employees on condition that the court made them a common rule for nonmembers, who were likely to be more seriously prejudiced by their enforcement than members, which thus enables members to pass their full weight, and a little more, onto the public. The act encourages the formation of rings among traders by putting them in possession of powers of exploiting the public and oppressing their small competitors.

The court can modify the price of a commodity indirectly, or rather the fluctuation in prices, in other ways than by defining conditions of employment. In the Newcastle Colliery awards the court ordered that managers should determine the selling price of coal, so far as the sliding scale of wages was dependent thereon, twice a year, at intervals of six months. Previously the Colliery Owners' Association had been in the custom of regulating prices according as the demand for the commodity and the supply of coal on hand varied, without regard to fixed dates. Naturally the effect of the award has not been to annul the effect of demand and supply upon prices, even in a country so remote as Australia, but the statutory maintenance of a fixed hewing rate throughout six months is said indirectly to regulate the movement of prices.

A considerable class of merchants, middlemen, and professional men in Australia either approve of the arbitration laws or are neutral toward such enactments. Mr. Wise, formerly attorney-general of New South Wales, and author of the act in that State, said that the law had fully met his expectations and had conciliated support where opposition formerly existed; that it had been opposed by extreme socialists and labor agitators, but had received the support of the sober body of workingmen; and that it had prevented sympathetic strikes and furthered industrial peace without hampering industry. Most employers in Australia oppose compulsory arbitration, at least as enforced by the present laws, and their hostility is rapidly becoming a more or less partisan class sentiment, which manifests itself in a uniform coloring in all testimony received from them as to the operation of the act. As one of them said: "Industrial matters are discussed in Australia, not upon economic grounds, but upon grounds of political expediency." As far as detailed testimony regarding the general influence of the law goes, the same opinions were expressed, in almost the same words, by different individuals three thousand miles apart, the same objections were voiced, and the same general features of party alignment upon the question were apparent. The workingmen as a body being committed to such legislation, there are few dissentient voices in their ranks. One used to hear at every turn the reported words of some

labor leader in New South Wales who claimed that the workingmen were being sold under the act "like bullocks at Smithfield." This is the catch quotation of adverse labor sentiment, and one generally hears it in the mouth of those who oppose the labor party. There are many trade unionists who do not consider arbitration a panacea for labor troubles, or advocate its universal application. One labor man said: "The well-organized unions, like the boiler makers, stone masons, and shipwrights, don't want arbitration; because they can gain their point quicker by laying off work than by going to court. Mushroom unions, organized since the law went into effect, where only 2 or 3 men work in one place, have got most of the awards and the chief benefit from the act. The coal miners are an instance of a strong union that has been assisted by the law." A member of the Sydney bricklayers' union said: "The building trades don't need the arbitration law. They get what they want without it. The bricklayers, stone masons, plasterers, and I think the slaters, haven't asked for an award. But I believe the act has done a vast amount of good in the manufacturing trades. Practically all workingmen, all over the State, favor the law." When the writer was interviewing a contractor erecting the largest office building then in process of construction in Sydney, the latter pointed to the work and said: "There is not a man working on this job who is under an award." The president of a labor council when spoken to on the subject, said: "If we had as good trade union organization as you have in America, we could get twice as much as by arbitration. The arbitration law helps especially workers who are too cowardly to come out into the open. Our stronger unions are not always benefited by arbitration." The secretary of a typographical union said: "While I favor arbitration, the act deprives us of our virility as a union. We are imposed upon in cases where it would not happen if we could strike. When we have a case, we get 'blue-moldy' before it comes off." The secretary of one of the oldest and strongest unions in Sydney said: "I never was in favor of the arbitration act. I look at it from the point of view of a union that got all it wanted without the act. It is a good thing for unorganized workmen and weak and poorly organized unions; but the well-organized trade unions are worse off than before the law was made. For 25 years before the act was passed our society never had a serious strike to get what it asked for. We believe that if we go into court we will get less satisfactory results than in the past. It takes all the money a union has to get an award or to defend itself against employers who are trying to get an award against its interests; and then it takes all the money a union can scrape together afterwards to see that the award is kept." This officer belonged to a union that was about to defend itself against an application of employers to have

the court reduce the union rate of wages 10 per cent. Such outspoken opposition to the act is very exceptional among trade unionists, and should not be understood as representing a widespread general sentiment among working people. Even the secretary of a socialist tailoresses' union, who was on principle opposed to arbitration laws or any other legislation that recognized the wage system, said: "The act must be given credit for having kept up the wages of tailoresses who had work during the last two bad years. Without the law, the girls would have had to take anything."

Some of the unfavorable comments made by employers in discussing the act were as follows. A contractor and builder: "I do not approve of the law. It creates disputes. Workmen are like people who go to a medical lecture in the best of health, and return fancying they have every disease described by the lecturer. The constant recourse to the court creates imaginary evils and grievances. Never in the history of New South Wales were there half as many legitimate trade disputes as there are cases now pending before the court. I should favor the act if it really brought us industrial peace, but it does not do that. I believe that a majority of the working people in this State know very little accurately about the act and its effects; but they have a general idea that it is labor legislation, and so must be in their interest. They consider that the act has been devised entirely for their benefit, and not that it is for the benefit of both employers and employees. Under the arbitration act no consideration is given to different arrangements and administrative ability in different shops. The court practically fixes a hard and fast maximum of output in a trade, although the same exertion in one shop may turn out 50 per cent more than an equal amount of exertion in an unprogressive, out-of-date establishment. The former loses all the advantage of improvements, and so progress in an industry is checked." The last remark might apply in some occupations, possibly very directly in the brickmakers' award already mentioned, but the effect of an award is the opposite of that suggested in other cases, and leads to the substitution of machinery for men. The president of the Sydney Chamber of Commerce said: "As a body the chamber of commerce is wholly opposed to the arbitration act. When the act was proposed, I, with many others, favored it—at least its general principles. We were given to understand that it was a remedy to be resorted to only in case of real grievances or serious disputes involving a strike or some similar interruption of industry. Instead, a little coterie of labor leaders manufactures disputes, and by means of preference to unionists use the court as a machine to increase the number and enrollment of unions, and so their own influence." A shipping employer said: "The act is not fair at present. I favor compulsory arbitration, but

the act is one-sided. The workmen have a hold on their employers, but the employers have no hold on their men. If the men want to strike, they can evade the law." A boot manufacturer said: "The mechanical nature of the awards works constant injustice and hardship." A woolen manufacturer said: "I am opposed to the present law. There is no finality in the demands of the workers and the obligations imposed by the court. I think the act in some form will remain. In theory compulsory arbitration is all that can be desired, but in practice up to the present it has proved quite the reverse. I don't think the difficulties that present themselves are to be remedied by amendments to the act or by reforming its administration. They arise from the misuse of the act by the unions." A tanner said: "We have tanneries in both New Zealand and New South Wales. The New Zealand act is administered more fairly and judiciously than the act in New South Wales." A boot manufacturer said: "Arbitration is a good thing, but it is misused. I would be in favor of the act if it were not used to create difficulties." A steamship owner said: "I am opposed to the act. The main objection is to compulsory preference to unionists, which creates an artificial labor market. I would not so much object to the act if the question of unionism were left out of it altogether. Its intent is laudable." A harness manufacturer said: "I believe we should be far better off without any act at all. I could be in daily controversy with the court, and am compelled to break the law a dozen times a day." Another employer in the same business said: "I would see the act repealed. I should be sorry to see it improved to be made more tolerable than it is, because it is fundamentally bad. Workmen are rendered dissatisfied and fractious, and their product is decreased. They expect the court to do for them what they formerly recognized depended on their own efforts." An employers' representative said: "As a native-born American, I should be very sorry to see our act in the United States." A mine owner said: "Even your Colorado trouble is not so bad as our arbitration law. Your outbreaks settle things for a time. The arbitration law is our Colorado beetle; it is always with us and we can't exterminate it. Employers are constantly putting up with injustice rather than go to law." A woolen manufacturer said: "We rather court a fairly regulated wage; but we oppose this constant tinkering with wages, and we must have authority to employ whom we like, without hindrance from outside."

On the other hand, one of the largest mine proprietors in New South Wales said that he was very well satisfied with the award under which he was working, and had no complaints to make. Another employer, with a large manufacturing establishment in Sydney, said: "Although the act has not been altogether successful here, I rather favor arbitration, and think it might be used to stop strikes. I have

seen a great deal of trouble in the manufacturing districts of central England, where industries and communities were ruined by strikes." These neutral or favorable opinions were very rare among employers; probably rarer than opinions adverse to the act among workingmen. The practical difficulties of administering such a law are much greater in a State with considerable manufactures, competition from neighboring States within the same tariff boundaries, and a large urban center, like New South Wales, than in an autonomous colony where rural conditions prevail, like New Zealand. The president of the New South Wales court said: "Arbitration is certainly a bigger problem than we anticipated."

While both the Australian laws prohibit strikes unconditionally, they do not specifically provide for cases where employees refuse to begin work and hold off for higher pay. An instance of the latter sort occurred in New South Wales in 1902, when the shearers, under the direction of the Australian Workers' Union, formed a camp of several hundred men at the opening of the season in order to prevent shearers from going to work at a lower wage than that demanded by the union, and even used force to intimidate nonunion workmen. Of course, there was no contract, even implied, in this case between the shearers and their employers, as the season's work had not yet begun, and the arbitration court consequently did not intervene. Its authority to do so appears to have been a disputed question. The employers secured an injunction against the union leaders, and eventually an order of a court of equity sequestrating the funds of the union, thus breaking the "strike." The employers now ask for an amendment to the law to provide for this case, that, in its ultimate implications, might be construed to go much farther than the labor leaders have yet ventured in the way of regulation; for it might be interpreted as not only a provision compelling men to go to work, but conversely compelling employers to provide work. The form such an amendment would take, as advocated officially by the Pastoralists' Union, would be as follows: "No organization of employees shall order its members to refuse work for the purpose of enforcing compliance with demands made by them or other employees on an employer, and no organization of employers shall order its members to refuse to give employment for the purpose of compelling their employees or aiding another employer in compelling his employees to accept any term or condition of employment." This simply means more regulation solicited by the advocates of freedom from government control in industrial matters; but it is a regulative remedy to cure an evil arisen under a regulative act, and does not involve an indorsement of the principle of the act itself. As sheep have to be shorn at a certain time in order to get the full returns of the clip, it is extremely improbable that the pastoralists would ever attempt to force down wages by refusing employment

to shearers; and as the court fixes a minimum and not a maximum wage in case any industry is under an award, the power of the employers to force down wages is already limited; so the restriction nominally placed upon them by the proposed amendment is only apparent. Another cessation of work involving the same principle occurred in the shipbuilding industry in Sydney. A company had opened a new dock at some distance from their principal works. The men demanded a quarter of an hour extra time, for travel pay, when they were sent to this dock, claiming that it was the same as working on a ship in stream; the company disputed this, and asserted that the new dock was an integral part of their works, and men going to it were not reported until they arrived at the scene of their labors. The works were tied up two weeks over this dispute, but the men deny that there was a strike, as they had not begun work at the new dock.

Two unquestionable strikes, one of them of some magnitude, have occurred in the colliery employees working under an award of the court. The first and principal of these happened at Teralba, a coal-mining settlement a few miles from Newcastle. The facts of the case, presented from a labor standpoint by the secretary of the Colliery Employees' Federation, were as follows:

In accordance with the award of the arbitration court an accountant had ascertained the selling price of coal at Rhonda and Northern Extended collieries for the previous 6 months, upon which wages for the following 6 months were to be based. The piecework price would accordingly be 42 cents a ton, for coal hewn and filled by the miner and weighed in the gross at the pit's bank. The men had anticipated a better rate.

The Pacific Colliery, in the same neighborhood and with the same conditions of working, had been paying for some time a higher rate (62 cents a ton). The general reduction taking place over the district amounted to 8 cents a ton for coal weighed at the bottom of the screen, and an equivalent where coal was filled in the gross. The Pacific Colliery was one of those benefiting by the reduction made under the award. The men in this colliery were willing to accept the proportionate reduction prevailing throughout the district. But the company had filed a case in court and wanted wages fixed near the level prevailing in Rhonda and Northern Extended collieries. (These collieries are all within one-fourth of a mile of each other.) Without waiting for the case to be decided in court, they ceased to work the mine, asserting they had no trade. They offered their men a tonnage rate slightly better than that at Rhonda and Northern Extended collieries (amounting to 47 cents a ton), and were willing to pay any difference the court might award later (in favor of the men). This the Federation declined to do, as the case had not been properly before the court, and therefore was not parallel with that of the neighboring collieries, which were under an award. So the men were idle till May 10, when a temporary settlement was made pending a decision of the court. (This dispute began January 1, 1904, when the new scale went into effect.) About 200 miners were involved. There is no doubt that the action of Pacific Colliery, by keeping the men thus idle, had a tendency to cause unrest, especially in the adjoining collieries of

the Teralba district. (It cost the Colliery Employees' Federation several thousand dollars to support these idle men.)

The selling price of Rhonda and Northern Extended coal having been ascertained to be low, and not giving the results (on the sliding scale) that the miners expected, they suddenly stopped work, at Northern Extended after 2 days, and at Rhonda after 5 days' work at the reduced rates. There were 200 miners in these two collieries and a small neighboring colliery also affected. I went up and attended a meeting and strongly protested against the action of the men. I pointed out to them that no matter how distasteful the award might be it was yet an award of the court that had been deliberately made, and should be respected by them; and that they would best conduce to their own interests by working on until such time as an opportunity might be given to appeal to the court to have the award reviewed. The men refused to take my advice, and doggedly remained out of work. They had no help from the union, and received no assistance from its funds. The men were out nearly 2 months. In the meantime they had been making appeals for aid to the workmen of the various collieries on pay days. This aid when given was purely voluntary and was outside the Federation. It was strictly individual, and there was no compulsion or organized effort in behalf of the men. The contributions were very limited, and the disastrous result for the men could not have been otherwise than it was. By the end of 2 months all the men were in at Rhonda, with the exception of 5, to whom the management objected. The workmen at Northern Extended were not so fortunate. I believe that 40 or 50 men were left out, the company alleging that they had not trade to employ all hands. At the present time upward of 20 of these are receiving aid from the Federation, on account of the action of their employers in declining to put them to work.

At the time many papers pointed to this incident as a breakdown of the arbitration act, when it really was nothing of the kind. It was simply an impulsive move on the part of a mere handful of men, who no doubt repented their act a few days later. The other stern fact was overlooked that, apart from these 200 men, close on to 6,000 miners had loyally obeyed the award of the court, in the judgment given in December, 1903, for a reduction of wages amounting to 8 or 9 per cent to go into operation January 1, 1904. These little spasmodic and erratic actions of a handful of men in no way detract from the utility of the arbitration court, nor do they prove that compulsory awards can not be enforced, or that men will not loyally abide by such rules.

This statement was confirmed, as to all essential matters of fact, by the newspaper accounts of the affair published in Newcastle at the time, and by information derived from employers. The total number thrown out of employment by the strike was stated by one of the employers to have been 615, including laborers and other surface men. Employers also asserted that the moral support of the union was given to the strikers, although official support was denied, and that the practical aid extended to the men by the pay-day collections was considerable. The employers brought an action before the arbitration court to secure damages from the Colliery Employees' Federation, to which the Teralba lodges engaging in the strike belonged; but the

court decided that as the award violated chanced to contain no specific provisions to the effect that work should continue until employment was terminated after customary notice, no breach had been committed. It will be noticed that this was not a prosecution for a strike, under the penal clauses of the act, as the proceedings taken by the employers were for violation of an award already in operation. The men were criminally liable, under the master and servants' act, for leaving work without customary notice. In February the arbitration court granted leave to prosecute 12 of the ringleaders among the miners, under the clause of the arbitration act prohibiting strikes, but the men resumed work, and the prosecution was dropped.

There is no doubt that this difficulty, and the failure of the employers to secure a sufficient remedy through the arbitration court, strengthened the distrust already existing as to the efficacy of the act to bind employers and employees equally, or to assure the continued operation of an industry during the pendency of a dispute. The court evidently held that the men could refuse work by giving the fourteen days' notice, customary in the fields, without incurring any penalty under the act or the award. An employer said: "Our award is virtually stated by the court to be worth but fourteen days' purchase, and we spent $15,000 last year in industrial litigation." It was never claimed, however, by the proposers of this or any other compulsory arbitration act in Australasia that such legislation assured the continuance of employment in an industry under all conditions. Neither men nor masters can be forced by law to follow an occupation or to carry on a business against their will and to their own disadvantage. In case of workers this would amount to slavery, and in case of employers it might amount to direct confiscation of property; but the point where these rights are limited by the arbitration law is not well enough defined by practice and precedent as yet to be instinctively understood by either party to a dispute.

On the other hand, a general strike was possibly avoided in a district where such disturbances have been serious in the past. During the ten years ending with 1898 the total idleness in this field, on account of the four large strikes during that period, was nearly ten months.

When the writer was last in Newcastle, in July, 1904, American coal-cutting machinery was being introduced in the mines that had been affected by this strike. The introduction of machinery in the Maitland district, in New South Wales, was the occasion of some disagreement between employers and men. A short strike that occurred in this field in July, 1904, however, was due to a reduction of wages, according to the sliding scale fixed by the award. The average selling price had been $1.95 a ton for the previous six months, as against $2.07 a ton for the last six months of 1903, and the hewing rate was consequently reduced from 58 to 55 cents a ton. The miners struck against

the reduction, but were persuaded to resume work a few days later. The officials of the Colliery Employees' Federation were active in this instance, also, in urging the men to go back to work.[a]

Western Australia has seen two strikes under the present and one under the former act. The earliest strike was a rather serious affair, but was not illegal, as the act of 1900, like the New Zealand law, prohibited only strikes engaged in by unions registered under the act. A strike had occurred among laborers employed by the state railway department at the port of Fremantle, in June, 1901, which was attended by some violence. This strike had the sympathy of the Association of Railway Employees, but appears to have been only a preliminary indication of unrest among the railway men, culminating in a general strike on July 4 of the same year, which tied up the government roads and threatened to cause a famine in the gold fields. The strike was for an advance of wages in certain branches of railway service. The men were out eleven days, and resumed work after referring their case to an arbiter. They could not appeal to the arbitration court, as their organization included persons engaged in clerical service, who were not allowed to register under the provisions of the law. The act of 1902 is extended to cover employees of this character. The coal miners of the proprietary collieries in the Collie field, in Western Australia, who were working under an award of the arbitration court, struck, in August, 1904, because 18 of their number had been discharged. The dismissal of the men was due to the introduction of coal-cutting machinery. The workers objected to the older men being sent away, and tried to enforce the "first come, last go" rule, which had been refused in the award covering their industry, though stated in the claim of the miners. The matter was adjusted out of court, though it was rumored for a time that the management would prosecute some of the men under the strike clause of the arbitration act.

A more serious strike than any of the others mentioned occurred in the timber industry in Western Australia, in December, 1903. The Millar Karri and Jarrah Company, which controls the principal timber limits and owns the largest mills in the State, had asked for a conference with their men to arrange wages; but the workers preferred to appeal to the arbitration court. The award given fixed a minimum wage--presumably under the less liberal definition of a minimum referred to previously in this report—which was higher for some classes of work, but on the whole lower than the average rates previously prevailing. On December 1, 1903, the date the award went into operation, the company posted a notice to the effect that the

[a] Under date of January 16, 1905, Mr. F. W. Goding, the U. S. Consul at Newcastle, reported a strike of 300 wheelers, throwing out of work 4,000 coal miners, together with many hundreds of coal trimmers, wharf laborers, and others. The strike was the result of a failure to come to an agreement as to wages.

award would be enforced in its entirety—that is, that all workers would be paid the exact rates stated in the award. The men stopped work—not en masse, but gradually—so that by December 9 four of the largest mills of the company, in different parts of the State, were closed, and 3,000 men were idle, besides forest hands and outside laborers. Three mills remained in operation. The company claimed that it was justified in the action it took in reducing wages to the minimum set by the court, on account of the condition of the industry; that no dividends had been paid on the preferred stock for the previous year, and working expenses must be reduced in the interest of continued employment for the men as well as for the managers. The men stated, through their leaders, that they did not take exception to the award itself, but to the interpretation placed upon it by the company; that some men's wages had been reduced $1.08 a day, which clearly was not the court's intention. The conservative newspapers, while criticising the workers, accused the managers of the company of acting without discretion and not following the intent of the court. The general executive of the Australian Workers' Association, to whose branches the timber employees belonged, passed a resolution repudiating the action of the men in striking and ordered them to resume work. On December 10 the matter had been so far adjusted at a conference between the company and the delegates of the workers that the men returned to work. An agreement was entered into by which the wage scale existing previous to the award was adopted with a reduction of 3 per cent. The arbitration court later confirmed this agreement. The secretary of the company said in a public interview, when the affair was over, that as far as the course taken by the men, the procedure of the company and the men in conference, and the whole settlement of the difficulty were concerned, matters took exactly the same course as if no arbitration law had been in existence. The employers could not put 3,000 men in jail for violating an award. Practical experience had changed him from an advocate to a skeptic as to the value of compulsory arbitration. He concluded with the remark: "I think the awards will be adhered to as long as they benefit the men; but when the latter are affected adversely by an award they will slide away from it."

Such incidents can be viewed from two positions. Those favorable to state control of disputes will say that arbitration laws are not expected to be any exception to the rule that all statutes, even the most stringent, are occasionally violated; that the acts are new, and not thoroughly understood, so that men take chances under them that they would not if there were the example of a number of convictions incurred in their enforcement at hand to record their definite interpretation and proclaim the determination of the community that their provisions should be observed. And even opponents of these acts admit

that they lessen, even if they do not utterly abolish, strikes. One generally gets a long and dreadful record of might-have-been strikes whenever one interviews an ardent supporter of this legislation. But conservative employers in some of the largest industries of Western Australia made such remarks as this, which is quoted from an interview with the principal representative of employing interests in gold mining in that State: "The act has prevented strikes, but it has increased disputes and antagonism between employers and their men." Always the admission is qualified with some such reservation. Labor men do not always admit that they can not strike under the acts in force at present, and threats to do so are occasionally heard in their councils. But as a body the workers are disposed to observe an award, unless the margin between what they expect to get from the court and what they do get is very great. It is doubtful whether any workers would observe every award that might conceivably be made by a sane and normally competent court. There is always the possibility of the error in an award exceeding any limit that the workers think at all fair and equitable; and then it becomes almost impossible to retain them in employment. If they do not strike, they evade the provisions imposed upon them. The benefit of the act is that it prevents an open rupture and cessation of work in that great majority of cases where an award, while not exactly satisfying either party, is not intolerable to either.

The other position is that of employers who argue that the law should be equally binding on both parties to the dispute, or should not exist at all. In these strikes they see evidence of the fact that they can be compelled to do many things by an arbitration court that workers can not be compelled to do. The court can and does enforce its awards as regards employers in practically every instance where a violation is brought to its notice. Neither court in Australia has done this as regards employees. People who take this view argue that while it is true that all laws are violated occasionally, other laws are equally enforced against all members of society. Here is a statute that by its very nature can not be enforced with equal effectiveness against the two classes of people who are subject to its provisions. Though opportunities to do so have occurred, in no instance yet has an arbitration court proved its ability to cope with any serious resistance to its orders by a body of workers. As regards employers the law is armed with a legal sanction; as regards employees it must depend to a great extent on moral suasion.

One of the objections most often advanced to arbitration legislation by opponents is that such laws discourage the investment of capital and check the industrial progress of a country. Sometimes the statement is made that they drive capital out of a country. No specific instance was discovered by the writer where money had been with-

drawn from an industry because of labor legislation in any Australian State. As employers occasionally intimated, there is a possibility that some enterprises that would otherwise have been closed down are continuing because they are unable to liquidate to advantage under prevailing conditions. A large boot manufacturer in Sydney said: "I have spent $130,000 within 18 months in enlarging my factory here, and have closed my Brisbane (Queensland) place. I wish I had my money out of the business. I would not reinvest it in manufacturing under the present laws." This was an instance where the investment had been originally made after the arbitration law had been in operation over a year. Of course there were cases where men were withdrawing capital from business in order to retire, or because they were personally dissatisfied with existing conditions; but where the business was continued on the same basis as before by other parties this could not be regarded as a withdrawal of capital from the country, though originally reported as such. A hat manufacturer in Sydney said: "If I had known as much about labor legislation as I do now, I should not have gone into the business I am in at present." A second boot manufacturer said: "I have business to justify extending my factory, and have acquired land for the buildings; but I shall not put any more money in because of the present laws." A harness and saddle manufacturer made a similar statement. In one case a man intending to transfer his business to Sydney from another State was deterred from doing so by the arbitration act. It was reported to the writer by several persons in a position to be informed that the Bovril Company was prevented from erecting a plant that would have involved the investment of several million dollars in New South Wales by the labor legislation of that State. This company ultimately located the plant in question in Argentina. The investigation made by their representative in New South Wales, however, was undertaken toward the close of one of the worst droughts that the State had ever experienced. The way prospective investors from abroad are impressed by conditions in New South Wales is well expressed in the following memorandum of an interview which the writer had with the representative of one of the largest industrial corporations in America:

We were considering the advisability of making investments that probably would have aggregated $2,000,000 in a steel plant in New South Wales, but gave the project up on account of labor conditions. We do not object to the present rate of wages and general terms of labor contracts; but the uncertainty created by labor legislation makes the whole management and administration of business subject to the caprice of party politics and absolutely deadens the spirit of investment and stops development. The situation is as it might be in the United States if we had a Presidential election every year. So far as I have observed, or been able to inform myself, there is no practical way of holding men to compliance with

an award. That was shown in the Newcastle (Teralba) trouble. An award is a one-sided contract, to which the employer is held by his property obligations and responsibilities, but which the workingman may evade in a dozen different ways. Then the spirit behind the labor policy, in this State at least, has been to bleed the employer to the limit. The profits that constitute the incentive to risk capital in a new enterprise are not recognized as legitimate by the labor people. But unless you offer some such profit, there is no motive for investing. There are not many sure things in business—especially in new undertakings—and unless you allow a margin as compensation for these inevitable uncertainties, you won't get capital. The workingmen and the arbitration court say: "You stand sure not to make more than what we consider a fair thing, and we shall probably judge a fair thing in your business by the profits made in old and established industries—and we may cut that rate down at any time. On the other hand, we offer you no guaranty that you won't lose your whole capital through some miscalculation or unanticipated turn of events. The only sure thing in your deal is that you won't make much. You won't be allowed to judge what a fair profit is, or under what conditions you are to make it."

The remarks just made apply to new industries, and more particularly to investors from outside the country. Those already engaged in business and living on the ground are better able to appraise actual conditions and predict future changes. They are therefore more ready to place their capital in productive enterprises regulated by the court. When interstate free trade and a uniform tariff were inaugurated throughout Australia as a result of federation, a great incentive was given to such local investment in manufacturing enterprises. A parliamentary return laid before the legislative council of New South Wales in 1903, shows that from the date of the introduction of the Federal tariff, October 8, 1901, to the end of 1901, £378,400 ($1,841,484) was invested in factory buildings in Sydney, exclusive of machinery. Eleven of these buildings were for new plants, and 13 represented additions to older establishments. During 1902, £424,418 17s. ($2,065,434.33) was invested in the same city in 143 buildings used for factories or for store and factory purposes, besides £85,353 ($415,370) in other important business buildings and clubs, and £119,140 ($579,795) in power houses, railway shops, lighting and traction plants, and garbage works owned by the public. No similar figures for 1903 were obtainable, but presumably there has been some falling off after the impulse given to manufacturing industries by the Federal tariff. The wider market resulting from interstate free trade occasioned some concentration of manufacturing at Sydney from other States. An unofficial review of building operations in Sydney during 1903, published by a leading and reliable morning daily, affords the following statistics of investments:

Sydney, like London, is an aggregation of municipalities around a business center, which alone constitutes the "city" proper. About

500 buildings of all sizes were commenced, and in most instances completed, in the city, and 3,500 in the suburban municipalities during 1903. Their total cost was estimated at £3,020,793 ($14,700,689), of which £2,489,500 ($12,115,152) represented private, and £531,293 ($2,585,537) public investment. Of the latter, £27,759 ($135,089) was for public schools. These improvements include repairs and reconstruction. The figures are not from official records, as no system of building permits similar to those in American cities exists, but in the city proper the estimates are made up in part from returns made to the water and sewage board. These show that in the city itself 52 warehouses and stores, 44 shops and offices, and 7 factories were built during the year. No fewer than 2,379 one-story cottages and 611 houses of more than one story were erected in the suburbs. It is difficult to compare Sydney with any American city. In population it officially ranks with Boston, but Boston with its suburban towns has nearly double the population of Sydney if we include equal areas from their respective centers. In 1903, 2,841 permits were taken out in the city of Boston for buildings whose total valuation was given as $15,264,940. It is usually to the interest of persons applying for building permits in the United States not to overvalue proposed improvements. St. Louis, a city 20 per cent larger than Sydney, issued 4,802 permits for buildings estimated to cost $14,544,030, and San Francisco, with about three-fourths the population of Sydney, issued 2,136 permits for improvements valued at $17,264,245 in 1903. Therefore nothing in these records tends to show any special stagnation of industry and investment as a result of labor legislation in New South Wales.

Individual industries suffer from errors in the awards, or because competitive conditions are such that a slightly increased cost of production, induced by award conditions, covers the margin between profit and loss. This is especially true, as was pointed out in case of New Zealand, of manufactures of interchangeable merchandise, such as boots and shoes, clothing, and other articles imported easily and cheaply from abroad, or from other States. A manufacturer of this sort in New South Wales said: "Three years ago we were developing the manufacturing side of our business, and putting more capital into that branch each year; but since the awards have come in our policy is to manufacture as little as possible or get out of it altogether. Three years ago we employed over 150 skilled operatives. To-day we employ about 45. Instead of employing workmen in Australia to make the goods we need in our business, we are giving employment to workmen in England and America. However, the law is not quite as bad as the court has made it. Parliament did not contemplate raising wages beyond the point making domestic production possible in competition with foreign production."

When conditions are averaged for a whole State, however, the total

effect of the award does not appear to be to drive many men out of employment or to increase importation at the expense of local production. The statistics of manufactures in New South Wales for 1903 show a slight decrease in the number of persons employed in manufactures, but this is largely to be accounted for by the condition of the iron trades alone, which are suffering from an almost equal degree of depression throughout the Commonwealth. The same sort of a decrease has occurred in Victoria, where amendments to the factories act sought for by employers have recently been enacted after several years of uniform manufacturing progress under more stringent industrial regulations. Of the 66,269 workers employed in manufacturing in New South Wales in 1902, 31,693 were engaged in industries, the products of which came into competition with imported goods. In Western Australia, which has a growing population, but where manufacturing industries compete with less protection from the eastern States each year, the number of establishments has increased from 662 in 1901 to 696 in 1903, and the number of employees from 12,198 in 1901 to 12,569 in 1903. This does not represent normal development, unless we take the exceptional tariff relation with other parts of the Commonwealth into consideration. So many similar reservations have to be made in any other statistical comparisons showing the influence of labor legislation on trade and industrial conditions, that such figures have as yet very little worth. Ten years under a uniform tariff may be required to show the people of Australia just where they stand in competitive relations among themselves and with foreign countries. This one element of uncertainty at present discounts the full value of any statistical conclusions as to the effect of state legislation upon local industries.

Many thinking people in Australia say that the arbitration laws will be entirely inoperative in bad times, and the partial failure of the law during a period of depression and falling wages in the coal fields of New South Wales is cited in support of this opinion. On the other hand, advocates of this legislation point out that during the whole existence of the act in Western Australia wages have been falling very uniformly in the industrial centers of that State, in several instances more rapidly than prices have fallen. The New South Wales act was put into operation in the midst of a severe depression, occasioned by a natural calamity of the first magnitude. The employers' representative on the court in that State said: "The great difficulty under which the present act has labored has been that it was put into operation in a period of great depression—the worst I remember in forty-two years of residence in the State. So these applications for industrial awards by workers have been felt severely by employers." Workers have probably been better off during these hard times, because they had the act, and employers may have suffered. The theory that the act would

fail in hard times seems to be based upon the assumption that employers would benefit—at least equally with the workers—thereby, and secure reductions in wages. If this has not been the case in New South Wales, of course no conclusions can be drawn from the example of that State.

The two principal States of the Commonwealth are, therefore, working two different schemes for state regulation of wages and industry side by side. It was interesting to obtain opinions as to the relative merits of the two systems from workers and employers. Ordinarily a large margin must be allowed for the personal equation due to local rivalry when taking testimony in either New South Wales or Victoria regarding any matter affecting both States. But in this case there was almost absolute unanimity among employers and employees, respectively, on both sides the border. The workers favored an arbitration court; employers favored, in comparison with the court, the wage boards. The preference for a court expressed by the workers was chiefly due to the fact that the board system of regulating wages takes no note of unions or unionists. But it was also to be accounted for in part by the less liberal authority granted the boards in the matter of industrial regulation. The same considerations determined the favorable attitude of employers toward the boards. The Victorian system has some real advantages, however, that were admitted on both sides, or were to be inferred from the suggestions of workers as well as of employers regarding amendments to the existing arbitration acts. These advantages center about the fact that the boards are composed of experts and avoid the friction of legal procedure in adjusting industrial disputes. Neither party likes the law court and lawyer atmosphere of an arbitration tribunal. A government official of strong labor sympathies in Sydney expressed without hesitation his preference for the Victorian boards, on the grounds that they were less likely to give erroneous decisions; that they decided a dispute with less delay, and that they cost less than an arbitration court. A factory manager in Sydney, who had been promoted from the workbench and had labor sympathies, said: "The Victorian wage boards are much better instruments for attaining the ends of arbitration than our court. I would not hesitate to use an argument before the 3 members of our court—a judge, a sailor, and a civil engineer—that I would not think of using before a board of employers and workmen in my own industry." A large boot manufacturer in Melbourne said: "We have a small factory in Sydney. We prefer the Victorian law to the arbitration act in New South Wales, because the wage boards are composed of men who know the trade thoroughly. Our system is also more effective than that in New South Wales, because it is administered by the Government, while the arbitration awards are administered by the trade unions." Other boot manufacturers in both Sydney and Mel-

bourne expressed identical views. A clothing manufacturer in Melbourne said: "Our boards are better than an arbitration court, because we get together with the men and establish conditions that are mutually advantageous," and expressed the opinion that the awards more usually represented a defeat for one of the parties than a compromise between them.

A Federal arbitration bill became a law in December, 1904. This act possesses significance as the latest project for such legislation in Australia, one that has been through the fire of nearly two years' parliamentary debate and caused the fall of two ministries, and because it represents an embodiment of elements from the 3 acts already in force in Australasia, and thus furnishes to some degree a résumé of the experience of their administrators.

The sphere of jurisdiction allowed to the Commonwealth Government in the matter of the arbitration of industrial disputes is defined to some extent by the general powers conferred upon the central Parliament by the constitution and by the enacting law of the Imperial Government. The right to enact such a law is specifically granted by the following clause of the constitution: "Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of a single State." There is also another clause, previously quoted, by which the central Parliament is given authority to legislate in regard to any matter referred to it by any State or group of States, such legislation to affect only the States consenting thereto. The central Parliament also has power to legislate with regard to "trade and commerce with other countries and among the States." By the imperial act constituting the Commonwealth, the British Government expressly delegates powers to the Federal Government to make laws which shall be in force "on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth."

The aggregate authority thus conferred upon the Federal Government in the way of industrial legislation is therefore considerable; but it is not yet defined and delimited by court interpretation and judicial decisions. Among the expressed objects of the arbitration law as embodied in the bill is "to enable States to refer industrial disputes to the court, and to permit the working of the court and the state industrial authorities in aid of each other." The principle of the New South Wales law has been observed in providing an absolute prohibition of strikes and lockouts, under penalty of £1,000 ($4,867). There is an ultimate penalty of three months' imprisonment for any violation of the act.

The machinery set up by the law in the earlier drafts has been modified in the law as finally enacted. The court consists of a single judge who must be a justice of the supreme court of the Commonwealth,

appointed by the Governor-General. There are no boards or representatives of the two parties to disputes elected or nominated by their respective organizations, as in the State and colonial acts. The court may appoint any state supreme court justice his deputy, exercising the powers and functions of the Federal court, during the pleasure and subject to the superior jurisdiction of the latter. The court is charged with the duty "at all times by all lawful ways and means to reconcile the parties to industrial disputes, and to prevent and settle industrial disputes, whether or not the court has cognizance of them, in all cases in which it appears to him that his mediation is desirable in the public interest." The same action is enjoined upon the court during the pendency of any reference. In this respect the precedent of the dormant South Australian law has been followed, and in the injunction to offer to reconcile disputes, whether the court has jurisdiction over them or not, Mr. Kingston, who drafted the original Federal bill, may have had in his mind his failure to secure the cooperation of the governments of other colonies in such an attempt at the time of the seamen's strike in 1894. The court shall have cognizance in its judicial capacity and with compulsory powers of any dispute referred to it by the registrar of the court, by an organization of employers or employees registered under the act, or by any state industrial authority. Individual employers seem not to have the power to bring disputes before the court, though it is possible that the registrar would consider an employer having 100 men in his service eligible to registration under the act. The court may refer the questions in dispute to a conciliation committee, consisting of an equal number of employers and employees, or to a trial board, which may be any state industrial authority, or may be a special body consisting of an equal number of representatives of employers and employees, and a chairman who shall be a judge of the high court or the supreme court of a State. The court has the same jurisdiction, limited by the extent of Federal jurisdiction in industrial matters, that the state courts have, and may grant preference to unionists. A Federal award supersedes any conflicting state award or wage board determination, or order of a state authority. The court may require the unions party to a dispute to give security not exceeding £200 ($973.30), for the faithful observance of an award. It may refer a point of law, in writing, to the supreme court of the Commonwealth for its decision, without the necessity of the parties to the dispute involving the question bringing special suit. Preference to unionists can be granted, as has been mentioned earlier, only to nonpolitical organizations; and with a second important reservation, that "no such preference shall be directed to be given unless the application for such preference is, in the opinion of the court, approved by a majority of those affected by the award who have interests in common with the applicants."

Many interesting questions relating to the respective spheres of state and Federal rights under the constitution have arisen during the discussion of this bill in Parliament, but they still are purely academic, pending the practical application of the law. Mr. Kingston resigned from the Barton cabinet because the ministers refused to make the awards applicable to British and foreign shipping trading between Commonwealth ports. The Deakin ministry was defeated over the question of making state employees subject to the act. The Watson or labor cabinet resigned because of the restrictions placed upon preference to unionists.

Probably the main consideration that induced the members of the constitutional convention to introduce the arbitration clause in the Federal constitution was that it might confer authority that would prevent in the future a recurrence of any such industrial outbreak as the maritime strike of 1890. The seamen were the principal class of workers whom it was sought to include under the act. During the debate upon the bill, however, it was developed that the labor party anticipated securing an interpretation of the law that would allow almost any industrial dispute occurring in any State to come under the jurisdiction of the Federal arbitration court, by virtue of the fact that the unions of the different States were federated, and therefore could extend a dispute purposely beyond the boundaries of any single political division. This was first suggested in case of the shearers, but the principle thus brought to public attention was evidently of much broader application.

However, one of the leading labor members in the Federal Parliament said, in discussing the bill: "A Federal court will have but few cases before it. We know of but 3 important applications likely to be made for Federal awards. That is one reason why we do not need representatives of the two sides upon the court. The representatives of the employees on local arbitration boards will be safer from molestation by employers than they would be if it were a state court." Some employers, in places where labor is more plentiful and the cost of living is lower than in other parts of the Commonwealth, rather favor the idea of a Federal court to regulate wages, and it is barely possible that these parties may bring cases before the court, either to get away from vexatious state awards or to secure an advantage over competitors in other States. The court can make any award a common rule; but it is not required to do so, as its authority extends to defining the district within which any order or agreement or regulation prescribed by the court shall apply. Some of the objections to the bill voiced by employers were as follows: "We oppose the provision of the present Federal arbitration bill which allows the registrar practically to decide when a dispute becomes interstate. We say that such

disputes ought either to be clearly defined in the act or be interpreted as interstate only when a majority of the interested parties so agree. In applying the common rule there should be no differential awards allowed in competing trades, though they might be granted in the building trades." The Perth Chamber of Commerce passed a resolution protesting against the common rule, as its application to foreign shipping would increase freight rates between Western Australia and her eastern neighbors. The workmen in that State have also been uneasy over the possibilities of this provision, fearing that it might be used to force down wages to the rates prevailing in the eastern part of the Commonwealth. It is certain that in the application of the law a number of practical difficulties will have to be met that have not appeared in the administration of state acts, and that the problem of standardizing conditions of employment throughout a country nearly as large, if not so populous, as the United States, can not be solved without doing violence to many local interests.

A person who has not studied conditions on the ground, in a country where government regulation of industry has been attempted, can hardly form an adequate idea of the number and the complicated character of the difficulties that present themselves in the way of such legislation. No inventor ever faced mechanical problems more puzzling than the social and economic problems that the semisocialist lawmaker must encounter. He introduces into his regulator wheels that won't turn around, bearings that jam or play too freely, movements that counteract each other and work at cross purposes, adjustments that can not be reached without taking down the whole machine, and then can call himself happy if there is not some false mechanical principle involved that vitiates his theory of construction. Nevertheless, the arbitration and wage boards laws of Australasia are going concerns. Probably they are rude beginnings, but they represent an advance upon the earliest acts. There is more or less of an organic connection among the different laws in force. Each has been modified by the experience of its neighbors and their predecessors. The total body of precedent included in the arbitration court awards and wage boards determinations is vast in bulk and valuable as a record of experimental industrial regulation. Forms of procedure have been crystallized. The community has been educated in arbitration. In some instances the employers have footed the bills, in others the general public. If the workers have not paid their fair share yet, they may be required to do so at some time in the future.

The experience of Australia in industrial arbitration is of qualified value for Americans. No other country is so like the United States in many respects. Neither has yet inventoried its natural resources. Both are federal republics of great territorial extent. The people are akin, not only racially, but in many ways temperamentally. How-

ever, the conditions under which arbitration laws would be applied in the two countries are vastly different. These differences are both industrial and political.

Australia does not export manufactures. The extent of her market is controlled by her own tariff. If she regulates wages, she can also regulate competition. America could not do this. She must compete under terms prescribed, to some extent, by conditions of employment in other countries.

In Australia regulation of some sort exists in both the great manufacturing States. Interstate competitive conditions are similar, if not exactly uniform. Much greater diversity of competitive conditions exists among the States of the Union. The adjustment of relations between employers and employees in Illinois, working under compulsory arbitration, would have to be conditioned by similar relations in Ohio, working under free contract. The diversity of interests between town and country, between city and city in the same State, between large and small employers, all would multiply a hundredfold the complexity of conditions to be considered by an arbitration judge in America.

There is hardly a State in the Union that could adopt a workable compulsory arbitration law without amending its constitution; and it would probably have to reenforce the original by subsequent amendments before its organic law and the courts that interpreted it were faced around in the desired position. An arbitration award can not control conditions in an industry without abolishing, or at least greatly limiting, the right of private contract. The New Zealand court has held that it can intervene to annul a contract between employers, against the will of both parties, although the contract was entered into prior to any order of the court, and there was no industrial dispute existing locally in the industry in question. No award could maintain itself, nor would industrial agreements be entered into under an act, without the power of the court to make such awards or agreements a common rule, thus making the order of the court supersede every contract existing at the time between employers and employees affected by the court's order. Only in case of preference to unionists, which it is not compelled to grant, has the court in New South Wales provided that "This condition shall not affect any existing contracts for employment during the currency of such contracts; but should they be for an indefinite period, they shall be deemed to have terminated in the month from the commencement of this award." Otherwise the court's order supersedes private contracts in the industry and district affected unconditionally.

The theory of the law requires unions. The logic behind granting them preference is irrefragable, though the practical advisability of doing so may be questioned by many people. An arbitration court

in the United States could not give such an order without exercising authority to pass "special and class legislation." Indeed, the clauses prohibiting such legislation might be invoked with fair show of success against any arbitration law devised on Australasian lines without making a special issue of this point.

Our State constitutions do not usually contain any provision for delegating legislative authority. But the arbitration court, as has been mentioned before in this and the New Zealand reports, is a legislative body. It amends and revises existing industrial statutes and creates new factory legislation.

Due stress has been laid upon the weak points in the arbitration laws of Australia in the above review. All have not been enumerated, but the others are of relatively minor importance or involve contentious issues, where either the facts themselves or interpretations of the law are in doubt. Many of the criticisms of the act are really criticisms of the awards, and impugn the law itself only in as far as they show that arbitration courts are liable to error, and that their decisions may work mischief in an industry. The strongest testimony in favor of these laws is the very fact of their continued existence. Does the public opinion of Australia approve such legislation, we may ask, and the answer must be, Yes. The gains of the labor party in recent elections indicate this. Still more significant is the fact that no political party opposes these laws. Men of different shades of political opinion have different ideas as to how comprehensive the powers of the court should be, and as to the way it should be constituted; but practically all men of weight in public affairs approve of compulsory arbitration in principle, at least in their public utterances. The Federal bill has been carried through the house by four ministries, representing all three of the political parties, and has been passed by that body with the labor party in direct opposition, and by a premier who is at present and from the logic of his position the most outspoken antagonist that the labor politicians have. In Western Australia the arbitration law was passed by the party and drafted by the premier, who went out of power when the labor cabinet gained control. In New South Wales, where this legislation has been put to the severest test that any law of the character has as yet undergone, although the labor party gained at the recent election, all members of the party which passed the law were swept out of power by that event. The present premier, elected as an antagonist of the laborists, has thus expressed himself in a public interview: "I do not go to the extent of saying that the arbitration law is an unmitigated blessing. It is the lesser of two evils, and while disputes in some shape or form are not to be avoided, arbitration is better than brute force. I do not believe in the provision which deprives the employer of much of his discretion as a business man in the conduct of his own business. That, however,

is not so much a defect in the act as a defect in its administration. I am a thorough believer in the principle of arbitration being applied in industrial disputes. I must say that the sixteen years of experience I have had since 1888 has only tended to confirm my belief in the principles of arbitration. I broad-base my advocacy of any act of legislation on the public need and the public good. Much that is complained of in the arbitration act, in my opinion, lies at the door of its administration. I am in favor of giving the act a fair trial, and of amending it as a result of the experience gained during that trial." Possible amendments are foreshadowed, rather than definitely suggested, in the interview, curtailing the right of the court to grant preference to unionists, and confining the intervention of the court to real disputes, where issues important to society at large are at stake. If possible the following quotation is still more significant. There have been no more vigorous and consistent opponents of the arbitration act, as applied in New South Wales, than the two leading Sydney papers. Yet in an editorial commenting upon the recent miners' strike in Colorado, the Daily Telegraph says: "No society can hang together without law, injury to which, therefore, is also injury to the whole public, and should be promptly and sternly stopped in the public interest. And for that reason, as far as its industrial aspect is concerned, this is precisely one of those struggles in which compulsory arbitration could be practiced to the general benefit." The point of this quotation is not that it is inconsistent with the opposition of the editor to the arbitration law as administered in Sydney, but that almost everywhere in Australia, even in the camps of extreme opponents of the labor party, the idea that the State should intervene to settle by compulsion serious industrial disputes is accepted. There is no theoretical objection to compulsory arbitration from any but a very small minority, so small as not seriously to disturb the unanimity of opinion upon that subject. No one in Australia soberly proposes to go back to strikes. The people have struck a lead in their arbitration laws that they intend to follow out to a final issue. They may amend, but they show no disposition to repeal them.

There are two kinds of radical legislation, a kind that conquers attention and commands support from the time it stands on the statute books, that becomes a question of vital interest around which parties rise and fall; and a kind that depends for its existence upon a momentary wave of moral enthusiasm, and is forgotten and allowed to lapse when this has passed. Much of our Sunday observance and more advanced liquor legislation represents the latter, and the arbitration acts of Australia seem to represent the former class of laws. The Australian laws have taken root, and while no man can predict with certainty their future, and a popular reaction may possibly cause their repeal, every tendency at present observable in the country points the other

way. They doubtless will be greatly modified by future amendments. They may not always be administered by those in sympathy with labor, but their central principle, compulsory state intervention to adjudicate serious industrial disputes, promises to persist.

An irresistible conclusion, even to the least sympathetic observer, is that these laws must have accomplished something to command this support. They have not simply "bluffed" their way to their present position. They are reported to have secured for the laborer a clear definition of his right to a living wage, reasonable security against involuntary interruption of employment by the caprice, either of his own leaders or of arbitrary employers, and to have checked sweating in certain lines of manufacturing. They have also assured employers in a great majority of instances, though not in all, against a cessation of industry by strikes. Business men have been able to take contracts and make plans for future operations with this particular element of uncertainty left out. Above all—and here may be the secret of the growing power of the labor party—the general public has not been worried or put to inconvenience and loss by the industrial dissensions of other people. Facts something like these must be assumed to account for the support arbitration laws, notwithstanding their defects, have won in Australia.

OLD-AGE PENSIONS.

The third plank of the federal labor platform calls for old-age pensions, and this, like compulsory arbitration, is a partially realized portion of the workingmen's political programme. New South Wales and Victoria, with more than half the population of the Commonwealth, already have such laws upon their statute books, and Federal legislation of this character is proposed, with the prospect that it will shortly be enacted. Specific power is given the Federal Parliament to pass such laws by the constitution. The principal obstacle to the immediate passage of a Federal law arises from questions of revenue. The Commonwealth constitution provides that for ten years after the establishment of the Federation, and thereafter until Parliament otherwise provides, three-fourths of the customs duties collected by the Federal Government shall be returned to the States, subject to certain reservations and in accordance with provisions of the constitution regulating the proportioning of these funds. Therefore, if the central Government were to incur any extraordinary expenditure like that for a national old-age pension system, such a measure might involve raising four times the revenue necessary for this purpose. The ministry in power proposes (September, 1904) to resolve this difficulty in a conference with the authorities of the different States.

Both of the present Australian laws were passed in 1900. The New South Wales act establishes two classes of beneficiaries—persons over

60 years of age who are incapacitated by illness or injury from earning a livelihood, and persons over 65 years of age without regard to incapacity. In both cases this is subject to the condition that the pensioner shall have been a resident of the State for the preceding twenty-five years, and, if not a native citizen, a naturalized citizen for not less than ten years. The amount of the pension is £26 ($126.53) a year, diminished by £1 ($4.87) for every like amount of income over £26 ($126.53) a year and by £1 ($4.87) for every £15 ($73) of property the pensioner possesses. Where a husband and a wife living together are each entitled to a pension, the amount each can receive is fixed at £19 10s. ($94.90) per annum. The pensioner, by his own exertion, may supplement his income by not more than 10s. ($2.43) a week without prejudice to his pension rights.

The Victoria law is much less liberal. The maximum pension allowed is 8s. ($1.95) a week, and may be fixed at a lower rate if the commissioner believes that the applicant is capable of earning a portion of his livelihood. The statutory maximum is diminished by 6d. (12 cents) a week for every £10 ($48.67) of property the pensioner possesses, or by the value of the board and lodging he may receive. Relatives of the first degree are required to prove their inability to support the pensioner before state aid will be granted. A residence of twenty years in the State is necessary to qualify for a pension. The principle of charitable assistance is much more closely followed in the Victorian than in the New South Wales statute.

It is proposed, however, to revise the law in New South Wales and to introduce more stringent regulations. Instances of flagrant imposition under the law, where well-to-do or even wealthy persons have foisted a parent upon the State for support, have been made public. Some of the offenders in this respect were officials drawing good salaries from the government. It is proposed to force these persons to reimburse the State for the money so obtained. An abuse not specifically mentioned in New South Wales, but which has occurred in New Zealand, is for persons voluntarily to deprive themselves of their property in order to become state pensioners.

The argument in favor of a Federal law is that it would make the condition of pensioners uniform throughout the Commonwealth and simplify the problem of administration, and that it would enable many old residents of Australia, some of them native born, who are in all justice equally entitled to pensions with others receiving this gratuity but who are at present excluded because they have not resided continuously in one State for a sufficient period, to receive the benefit of the law.

Out of the 49,000 persons over 65 years of age in New South Wales, 22,884 are receiving old-age pensions; in Victoria the figures are respectively 67,200 and 12,067. The smaller relative number of pen-

sioners in the latter State is due to the greater stringency of the law. The tendency has been to start this legislation upon a more liberal basis than the finances of the State could stand, with the necessity of retrenching afterwards. If the more liberal New South Wales scheme were adopted in the Federal law, the cost to the Commonwealth would be about £1,735,000 ($8,443,378) annually. But if only persons 65 years of age and over were to receive the benefit of the law, the cost would be reduced to £1,568,000 ($7,630,672) per annum. Australia, however, has been receiving a portion of its population from abroad, and with longer development the number of persons 65 years of age or over will form a constantly growing percentage of the population, while the proportion of aged people qualified to receive pensions by virtue of their long residence in Australia will also in all probability increase. Therefore an estimate of the ultimate cost of old-age pensions based upon present population statistics can have only temporary validity, and the cost of this institution is almost certain to increase more rapidly than the number of inhabitants in the country.

The burden of old-age pensions would at present be no heavier for Australia to bear, in proportion to her population, than is the average cost of army pensions to the people of the United States. In the year ending June 30, 1901, our pension expenditure amounted to about $1.80 per capita for the population, according to the census returns of the previous year, and this was less than the average per capita expenditure during the previous decade. The estimated cost of old-age pensions, if made universal throughout Australia, would be $1.96 per capita for the population in 1903, upon the New South Wales basis, and about $1.39 per capita were the provisions of the law the same as those in New Zealand.

STATE INDUSTRIES.

The fourth plank of the labor platform, calling for the "nationalization of monopolies," has not been realized in any legislation due especially to the propaganda conducted by that party. Government ownership of railways, posts and telegraphs, irrigation works, and of certain shops for manufacturing cars, locomotives, and water pipe, was established long before the party came into existence, and the present trend of land legislation is determined as largely by rural as by workingmen's interests. The Federal labor ministry proposed to nationalize the tobacco industry, which is controlled by a trust or combine in Australia, but this project was dropped when the coalition came into power. Labor and socialist influences are behind less comprehensive measures and policies for government exercise of industrial functions. But some enterprises that have been undertaken by the State in Australia, and have attracted considerable notice because

it is assumed they were inspired by a socialistic motive, were really undertaken to meet practical emergencies, and are regarded from a very conservative attitude by the authorities administering them.

The director of the government export department of South Australia, one of the most notable of the distributive experiments, said: "Our department was started because private enterprise was not ready to take up cold storage; first for butter, then for mutton, wine, apples, and rabbits. We slaughter animals, and manufacture fertilizer. The latter is sold under analysis, largely to fertilizer factories which employ it in manufacturing artificial manures. Our butter output is now sold to the Manchester Cooperative Wholesalers. We send crate and paper, and advance freights to apple farmers, charging against sales, but are now trying to get a cooperative society to handle this fruit in the interest of more careful production and higher standards. We did advance 24 cents a gallon on wine, charging against sales, but a private syndicate has taken up this branch of our business. Most of our creameries are still proprietary." This department was established in 1895, and for the last season reported, 1902–3, showed a slight profit of about $4,000, which paid about 1 per cent interest on the loan for constructing the government plant. The State maintains a sales depot in London. The value of the total turnover for the year reported was about $370,000. Some States provide state batteries for the reduction of ores sent in by small mines and individual miners. Those of Western Australia are fairly representative. A Huntington mill, a tin-dressing plant, and 16 batteries, 7 with cyanide plants, are in operation. In 1903 they treated 49,233 tons of ore, yielding 58,305 ounces of gold, an increase of 25 per cent over the tonnage of the previous year. The value of gold produced was £249,583 ($1,214,596). The charge for crushing is based upon a sliding scale, according to the value of the ore treated. The batteries are run as nearly as possible at cost, and are erected wherever there is enough ore in sight to justify building a plant, provided private batteries are not at hand. These batteries represent an investment of £149,557 ($727,819), and the net earnings in 1903 were £2,359 ($12,356), or 1.7 per cent. The State is also erecting a public smelter for copper ore in the Phillips River district, to be conducted on the same principle. The government also subsidizes private batteries up to 49 cents a ton for crushing ore belonging to small miners in districts where there is no public battery and charges would otherwise be prohibitive. The minister of mines said: "Our object is to encourage the small man, and to enable the miner without capital to work up a reef claim until it becomes profitable."

The last 3 planks of the national platform of the labor party are noncontentious, and do not especially concern present labor conditions in Australia.

Up to the present time attempts at direct government production or distribution have not proved particularly successful in Australia. The Victorian export and butter inspection department was involved in a malodorous scandal, under investigation by a royal commission, in 1904; and an investigation of the Fitzroy Dock, a government docking and repairing establishment at Sydney, the previous year, revealed many abuses, inefficient administration, and political interference in labor appointments and control. In neither State, however, was the labor party in responsible possession of the government. Like the government supported sugar mills in Queensland, and the abortive attempts of the government to institute cooperative settlements and village communities in some of the other States, these official undertakings appear to have resulted so far in loss to the taxpayers. Where such undertakings have been established with the primary object of encouraging private industry, as in shipping farm produce from South Australia, or crushing the ore of small miners in that State and in Western Australia, the possible benefit to the community is not to be measured by the balance sheet of the State at the end of each year. For these enterprises, like our postal system, may distribute their profits imperceptibly to thousands of recipients.

DAY LABOR.

As a step toward government administration of industry, the labor party is strenuously seeking to enforce the day-labor policy, as opposed to the contract system, in the construction of public works. In some States this question yields in immediate importance in the field of controversy only to that of compulsory arbitration. The foci of this discussion are just at present in New South Wales and Western Australia. Some public works have cost an unnecessary sum on account of administrative difficulties incurred in attempting to carry them out under the day-labor system. A classical instance of this is the great pipe line that carries water 350 miles to the eastern goldfields of Western Australia. The report of a commission appointed to investigate the construction of this work, composed partly of members of the labor party, stated that a pipe-trench and manhole excavation had cost about 73 cents a yard, against 36 or 37 cents a yard by private contract. "How much of this excessive cost was due to weak supervision, and how must to government stroke, this commission is unable to decide." New South Wales attempted to determine experimentally the relative advantage of the day labor and contract systems, by providing that two symmetrical pavilions of the Prince Alfred Hospital, in Sydney, should be erected simultaneously, one by each method. The Builders' Association, on account of certain conditions proposed by the government, decided not to tender bids for

the contract. So the entire building was started on the day-labor plan. The results were so unfavorable that a special investigation of the labor conditions prevailing on the work was made by the Public Service Board—a body corresponding to our Civil Service Commission. The testimony showed that while the work done—and this applies especially to stonework—was fully equal to other work in Sydney, the cost was considerably higher; and that workmen did not, as a rule, do as much in the same time and for the same pay for the government as for private contractors. The method of selecting labor, by rotation, according to the date of application for employment, by which good and bad workmen were put together on the same job and all tended to work down to the slowest man, was criticised more vigorously than the day-labor system itself. The report of the commission states in its conclusions that "the total cost of the work will not be excessive."

The day-labor system was introduced in New South Wales about 1894. The minister of public works in that State said that about one-half of the works were still given to private contractors; that bridges requiring several special plants for their construction, tank sinking, and public buildings in small towns, were better done under contract, while railway and tram construction, harbor works, large irrigation works, public buildings, and some bridges were cheaper when done by day labor. Government contractors must pay a minimum wage fixed by the State. The following list of public works, allowing a partial comparison of the cost of the two systems, is taken from a leading daily paper:

COST OF DAY LABOR AND CONTRACT SYSTEMS ON CERTAIN PUBLIC WORKS.

Work.	Character of work.	System used.	Cost.
Byrock-Brewarinna	Railway grading	Day labor	$0.16 cu. yd.
Nyngan-Cobar extension	Railway grading	Contract	$0.36 cu. yd.
Korrowatha-Grenfel extension	Railway grading	Day labor	$0.21½ cu. yd.
Parkes-Condobolin extension (1)	Railway grading	Contract	$0.30 cu. yd.
Long Cove Creek	Storm channel	Day labor	$15.83 lin. ft.
Long Cove Creek	Storm channel	Contract	$14.98 lin. ft.
Broken Hill police station	Public building	Day labor	$8,301.87.
Broken Hill police station	Public building	(Lowest tender)	$9,477.59.
Mudgee post and telegraph office	Public building	Day labor	$6,711.13.
Mudgee post and telegraph office	Public building	(Lowest tender)	$6,097.93.
Road making (Sydney relief)	Grading, etc	Day labor	$43.18 chain.
Road making (Sydney relief)	Grading and metalling.	Contract	$32.14 chain.

In March, 1901, 7,063 men were in the employ of the New South Wales Government on the day-labor plan.

The minister of public works in Western Australia, who is a member of the labor party, said: "Everything depends on supervision and freedom from political influence in the day-labor system. I intend, if possible, to use the system here, selecting able foremen who regard this method sympathetically, and letting it be known that any letters

received by the foreman or myself, from persons of political or business prominence, for the purpose of influencing appointments of employees upon public works, shall be filed in this office and laid before Parliament. The trades hall at Kalgoorlie was built by day labor, and is the best piece of work of that kind in the gold fields." The new trades hall at Fremantle was also built by day labor.

Opponents of the system base their objections not solely upon the alleged higher cost of works constructed by day labor, but upon the unhealthy political effect of having an army of 10,000 men or more, dependent on government employment, exerting the influence of their vote in support of new and unnecessary undertakings and a policy of extravagant public expenditure.

LABOR LAWS.

The demand for uniform industrial legislation, forming the final plank of the "general platform" of the party, is interesting, as indicating the tendency of the labor interests to favor Federal at the expense of State control. The political leaders of the labor class are the loose constructionists of the present generation of public men in Australia. This is a logical outcome of the preponderating governmental sentiment among them. Because of the uniform and more liberal Federal franchise and the relatively more democratic constitution of the Commonwealth Senate, the labor party wields a securer influence in the central than in the state governments. Regulative legislation, moreover, in order to be successful to its fullest extent, must be uniform legislation, territorially coextensive with the area protected by the tariff. Otherwise more or less mobile industries like manufacturing will move to States or jurisdictions where they are unhampered by industrial laws, but from which they can command with practically equal facility their former markets. Even industries like mining, that are fixed to one spot by their very nature, are subject to competition from those working under more favorable conditions on account of the freer industrial atmosphere in which they exist. There is a close interdependence between minimum wage and factory legislation and fiscal legislation for these reasons. So from idealistic motives resulting from his general attitude toward state control, and from practical considerations derived from experience, the labor legislator is usually favorable to extending Federal at the expense of state authority.

The presence of labor in politics has naturally been an influence in shaping state factory laws and other similar acts, though a favorable trend of general public sentiment has contributed largely to the success of the party in getting acts of this kind, embodying its ideas, upon the statute books. The existing labor laws of the different States are a resultant of several forces, chief among which has been the labor

vote; but aside from the minimum wage and arbitration acts, the opposition to such laws has been unimportant, and many of them have been received with equal favor by employees and by a large class of employers. In securing the passage of such acts the representatives of the workingmen have been obliged to overcome inertia rather than hostility.

The factory legislation of Australia began in 1873, when a short act was passed in Victoria prohibiting the employment of females in factories for more than eight hours a day. Subsequent legislation affecting the conditions of employment or relating to the working classes, passed in the colonies prior to 1890, followed closely English precedents. Through a policy of self-help, organization, and public agitation, an eight-hour day had been established without public enactment in most skilled trades and occupations throughout Australasia. In 1890, therefore, the principal Australian colonies began to build up a new system of workingmen's legislation upon a basis not essentially different from that prevailing at the time in England and America.

All the States of the Commonwealth, except Tasmania, have a system of shop and factory inspection and special factory legislation. Tasmania passed a women and children employment act in 1884, prohibiting the employment of children under 12 years of age in any factory, and of children between 12 and 14 years of age for more than eight hours a day, except during the four months of the fruit season, when they are allowed to work nine hours a day in the jam factories. Women are not to be employed for more than ten hours a day. The enforcement of this act is in the hands of the chief police officer, and it has fallen practically into abeyance. Later legislation of this nature has been attempted in Tasmania, and several bills have passed the lower house of parliament, but they have always failed in the legislative council. In the larger towns shops close voluntarily at 1 p. m. on Wednesdays.

The Victorian factories act has been partially considered in connection with the provisions which it contains for minimum wage boards. The beginning of the legislation still on the statute books in that State was in 1885, but no acts earlier than that of 1890 are now quoted. The latest amendment was added in 1903. To all practical intents and purposes, therefore, modern factory legislation in Victoria dates from the last decade or thirteen years, and is contemporaneous with the presence of the labor party in politics. The existing factories and shops act of New South Wales became a law in 1896 and that of South Australia in 1894, though this act was copiously amended in 1900; the Queensland act was passed in 1900 and went into effect in 1901, and the Western Australian law went into operation in 1904. The definition of factory is very comprehensive as a rule. In Victoria it includes all industrial establishments where four or more hands are

employed, all furniture factories and all Chinese establishments where one or more hands are employed, besides expressly including laundries, bakeries, clay pits, quarries, and similar enterprises not popularly considered factories. The New South Wales definition is practically the same, though special exception is made of dairy factories, ships, and shearing sheds. The last are subject to special supervision under the shearers' accommodation act. The South Australian law defines a factory as "any manufactory, workshop, or workroom in which the owner employs anyone." The Queensland act includes bakeries and laundries and any industrial establishment where two or more persons, including the owner or occupier, are engaged, but it excludes ships and mines, shearing sheds, industrial schools, dairy factories, and any private home where all the persons employed in the work of the establishment are members of the same family. Each act provides for the appointment of inspectors with full powers to investigate the working and records of any factory, and for the registration of all factories within the inspection districts; and compels factories to keep books showing age, sex, wages, and overtime worked by each employee, or so much of these data as the requirements of the official report of the inspector may demand. Inspection districts do not include the rural portions of the different States, and the jurisdiction of the act extends only to territory expressly described therein.

The provisions concerning the employment of women and minors are broadly similar in all the States mentioned. In Victoria and South Australia the minimum age at which children may be employed in factories is 13 years, and in New South Wales and Queensland 14 years; with the reservation that in South Australia any child who has passed the compulsory education standard may be employed upon an inspector's certificate, and in New South Wales and Queensland a child may be employed upon a special permit issued by the minister in charge of the department, but no such permission shall be granted to a child under the age of 13 years. There are the usual provisions as to duration of employment without meals, which is limited to five hours in case of females and young persons. Women and children are not allowed to work more than forty-eight hours a week, with certain exceptions as to overtime. There are the usual restrictions upon the employment of females and young persons where dangerous processes are conducted. Sanitary and machinery inspection are to some extent combined in certain of the acts. In Victoria there is a provision, probably directed against the Chinese, prohibiting the use of a workroom as a sleeping apartment, and special regulations are made for sleeping apartments in connection with bakeries. Subject to certain qualifications, the Victorian, New South Wales, and Western Australian acts prohibit the taking of meals in a room where a manufacturing process is carried on, and the South Australian act makes it illegal for

a woman or young person to work during the meal hour. In addition to the usual requirements, there is a provision requiring the interiors of factories to be frequently painted or whitewashed. It is incumbent upon the inspector to investigate accidents, and to require the fencing of dangerous machinery, and in some cases the inspection of steam boilers is under his jurisdiction. The Victorian act has a special provision prohibiting work in any furniture factory or in any factory where Chinese are employed before 7:30 a. m. and later than 5 p. m., and requires that all furniture manufactured shall be legibly stamped in such a way as to indicate whether it was made by European or by Chinese workmen.

Closely associated or combined with the factories acts is the early closing legislation of Australia. The inspector of factories is charged with the enforcement of these laws. They are similar in all the Australian States except Tasmania. The present Western Australian act was passed in 1902. All stores, with a list of exemptions, are required to close at an hour fixed, usually 6 p. m. There is provision for a weekly half holiday, and stores are allowed to keep open until 9 or 10 p. m. one evening of the week. The exemptions include such places as pharmacies, restaurants, fruit stands, and places for the sale of fish and other perishable food products. Elaborate provisions exist in some cases for taking a local ballot to decide what day of the week shall be observed as the half holiday in the different towns.

In connection with the shop and factories act, South Australia made provision, in 1900, for the establishment of minimum wage boards in that State, similar to those in operation in Victoria. It was specified in the act, however, that the appointment of such boards should be upon a resolution of parliament and that they should be elected in accordance with regulations approved by that body. To the present time the upper house of the South Australian parliament has not seen fit to concur in any action likely to lead to the establishment of these boards, and so this part of the act is still dormant. It seems to be the fate of South Australia to have its regulative industrial legislation stillborn. On account of the growth of sweating in the clothing trade, active effort is being made to have a wage board authorized in that industry.

In 1890 Victoria consolidated her laws relating to masters and servants, mechanics' liens, and employers' liability in a single statute. This act, like the factories act, was passed for a limited term, and has been continued in force without amendment, except for the addition in 1891 of several provisions relating more especially to procedure, by a series of reenactments continuing to the present date. South Australia covers the same ground with a workmen's liens act, passed in 1893, and by a series of acts comprising an employers' liability act, passed in 1884 and amended in 1889, and a workers' compensation

for accidents act, passed in 1900. The last law applies only to what are classed as dangerous occupations, and does not require the injured worker to establish negligence on the part of the employer in order to recover compensation. Western Australia passed an act similar to the last mentioned in 1902. These two laws follow the precedent of the English statute, and are to an extent similar to the New Zealand law. New South Wales and Queensland have employers' liability acts. The latest was passed in 1886, and provides that where negligence is proven employees injured in the service of their employer may recover not to exceed three times their estimated annual earnings. No contracting out is allowed, but if the employer pays not less than one-third the premium upon the employee's insurance, he may deduct the amount of any insurance so received from the sum for which he is liable to the injured employee. The New South Wales act was consolidated in 1897. It limits compensation to three years' earnings, and gives the employer credit for insurance effected by him. Negligence must be proven. Seamen are included under the protection of the act.

The Victorian act limits the amount of damages recoverable for injury to the same amount as the Queensland law, and contains no provision with regard to contracting out. The same limitation of damages is made in the original South Australian law, but there is a provision preventing contracting out. An amendment in 1889 extended the protection of the act to seamen. The South Australian compensation act of 1900 applies to railways, waterworks, tramways, electric-light works, factories, mines, quarries, and to engineering and building works. It may be extended to any other occupation by proclamation issued pursuant to an address from both houses of parliament. Only injuries disabling a workman for at least one week enable him to have recourse to the law, and, in case of death, compensation is limited, where there are dependents, to a sum equal to his earnings during the 3 years preceding the injury, or the sum of £150 ($730), whichever of these sums is the larger, but not to exceed £300 ($1,460); or, if there are no dependents, to the reasonable expenses of his medical attendance and burial, not exceeding £50 ($243). In case of partial or total disability payments under the act are not to exceed in the aggregate £300 ($1,460), payable in weekly installments not exceeding £1 ($4.87) nor less than 7s. 6d. ($1.83) and not exceeding 50 per cent of the average weekly earnings of the injured employee during the previous twelve months or any lesser period that he may have been in the service of the employer paying the compensation. The Western Australian act is practically the same as that of South Australia in its general provisions, but an injury must disable an employee for at least two weeks to enable him to recover compensation, and the amount of compensation recoverable is larger.

Workmen complain that the compensation acts do not make sufficient provision for the protection of casual employees, 50 per cent of whose weekly earnings may be a very small sum. In Western Australia cases were mentioned where disabled workers were receiving $1.09, and in one case but 81 cents a week under this law. The act does not bar the workman from bringing action either under common law or employers' liability acts. If such an action fail, the judge may assess damages under the workers' compensation act without further trial, and the employer sued can recover costs from this amount. Employers admit that they are less harassed by impecunious litigants than before the law went into effect. Formerly they were often put to the expense of defending themselves against actions, where if they won they had no chance of recovering costs from the unsuccessful plaintiff. But they assert that accidents have increased since the act went into effect, and that casualty insurance rates have risen from one-fourth of 1 per cent to as high, in some instances, as 1½ per cent on the annual pay sheet. Some of the rates of premium charged in South Australia are: For employees in hardware and wholesale stores, 0.375 per cent; in clothing factories and retail stores, 0.5 per cent; in bakeries, farms where power machinery is used, and stationers' establishments, 0.675 per cent; in newspaper and printing offices, 0.75 per cent; in butcher shops, 0.875 per cent; in breweries, foundries, and smelting works, 1 per cent; and reach a maximum of 1.25 per cent in blacksmith shops, building trades, and laundries.

An effect of the compensation law is said to be that employers discriminate against both unskilled and aged laborers in selecting men. Organized workmen are at an advantage under the law, because their claims are prosecuted by the union. Unorganized men are said sometimes to be intimidated by their employers, so that they allow the two weeks within which they must bring action to pass without availing themselves of the legal remedy at their disposal. The practice of the Amalgamated Miners' Association in Western Australia is to require every member, at the time he draws his second week's accident pay from the society, to sign at the same time as his receipt for this money an application for compensation under the act. The union at once settles or prosecutes the claim.

The mining laws of the different States prohibit the employment of women and children in mines, or of young persons in responsible positions about mines. The New South Wales acts prohibit novices from working alone in coal mines, provide for committees of inspection, consisting of a government inspector, one owners' representative, and two miners; provide that payment shall be by weight where based on amount of product, that the miners may employ a check weigher, and that payments shall not be made in a public house. The provisions of

the recent Western Australian act are practically identical with these. In 1900 New South Wales passed a miners' accident relief act, which was amended the following year. The act as it stands at present creates a body corporate, consisting of a chairman and representatives, respectively, of (a) the department of mines, (b) the employers in coal and shale mines, (c) employers in other mines, (d) employees in coal and shale mines, (e) employees in other mines, for the purpose of administering a fund, raised by an assessment of about 9 cents a week on each miner's wages, and deducted from his pay by the manager; an assessment upon the owners of each mine of one-half the total sum contributed by the employees of the mine, and a sum contributed by the State equal to that paid by the owners. Provision is made for committees at each mine, representing employers and employees, and having a mine inspector as ex-officio member, who administer the fund locally. This local board is authorized to pay a weekly sum of 12s. ($2.92) to an employee disabled by an accident in the working of the mine. In case of death a weekly sum of 8s. ($1.95) is to be paid to the widow and 2s. 6d. (61 cents) to each child under 14 years of age. If the deceased was unmarried the dependent parents or sisters are entitled to receive 8s. ($1.95) a week. An allowance of £12 ($58.40) is made for funeral expenses. The income for the year 1903 was approximately $217,000. At the end of that year the board had about $384,000 invested, and it was anticipated that this reserve fund would have reached $500,000 by the end of the following year. One hundred and forty-five mines and 21,989 employees were under the act. The number of fatal accidents was 32, and of nonfatal accidents, 3,626. The average amount of relief paid in cases of disablement was £2 8s. 5d. ($11.78).

The Queensland law makes a miner's wages a first lien against the mine, and the wage protection act of that State, passed in 1871 and amended in 1884, makes a mortgagee liable for wages for all work done upon a piece of property within 6 months of foreclosing. New South Wales and Western Australia have truck acts which indirectly protect the rates of wages. The Victorian consolidated act, already quoted, provides that a workman may recover wages due him from a contractor against any money due him from the contractee by securing a certificate of court to the effect that such wages are due, which upon presentation to the contractee becomes tantamount to an order of an assignment of the wages to the workman from the money thus due to be paid the contractor. If the contractee neglects or refuses to pay such wages, and thereafter pays the money due to the contractor whom he owes, he becomes personally liable for the debt to the workman. South Australia, in her workmen's liens statute, gives workmen a priority claim against any property upon which work has been done by them for wages not to exceed the sum of £12 ($58.40),

or four weeks' pay. There are the usual trade-union statutes in Australia, legalizing these associations and providing for their registration. Such registration has not been made compulsory, and this legislation, being modeled almost entirely upon English precedents and dating from a time when there was little labor influence in Parliament, possesses no distinctively characteristic features in Australia.

LABOR ORGANIZATIONS.

In Queensland there are 16 workers' unions registered, including the board of management of the Trades and Labor Hall, which represents indirectly a number of organizations. The membership of the registered unions was reported at the end of 1901 as 4,590, a decrease of 150 from the previous year. The figures, however, have no significance, as many organizations did not register. The funds of the registered unions, not including buildings and lands valued at $5,000, amounted to nearly $25,000, and the annual income to as much more. Between $3,000 and $4,000 yearly are distributed as benefits, of which nearly $1,400 was given by the Amalgamated Engineers and $1,200 by the Carpenters and Joiners. The only other benefit organizations were the stone masons, iron molders, and shipwrights.

The Sydney Labor Council represents 70 unions, whose contributions amount to about $1,230 annually. The labor men own a commodious building in that city, and also one in Newcastle. The strength of organized labor in New South Wales has been mentioned in connection with the arbitration law. The Melbourne Trades Hall has some 88 affiliated organizations, whose contributions to that body amount to about $2,350 annually. The assets of this council, including a very fine building, amount to $250,000. In Ballarat, Victoria, also, there is a thriving Trades Hall owning a substantial building. The Amalgamated Miners' Association has about 1,200 members in this district. The Adelaide Trades and Labor Council includes 21 organizations, and a number of unaffiliated unions meet at its hall. The annual income of that organization is less than $1,000, showing that finances are largely managed by the constituent unions. In Melbourne, and presumably in other cities, the central council has no authority to assess unions or members of unions without their individual consent. There are at least three active trades and labor councils in Western Australia—at Perth, Kalgoorlie, and Fremantle. The last two own very good buildings, recently erected by the unions. In some trades there are two unions—as, for instance, the carpenters and joiners, one of which is militant and agitates under the arbitration law, and the other, like the Amalgamated Carpenters and Joiners, is chiefly a benefit organization. There has been some rivalry between composite unions—like the Knights of Labor in America—and regular trade unions in this

State. The first branches of the Amalgamated Miners gradually became composite, and changed their name in order to meet the pressure for admission from unorganized mechanics and laborers who were not numerous enough to form independent organizations at the different mining camps. The new union became a rival of the branches of the Amalgamated Miners, formed later. It has about 6,000 members in Western Australia. The Amalgamated Miners have 3,500 members, all miners. They pay £1 10s. ($7.30) a week accident pay and £50 ($243.33) in case of fatal accidents, plus a levy of 1s. (24 cents) on each member. They also pay £30 ($146) in case of natural death and prosecute all accident claims. A composite union, like the Australian Workers' Association of Western Australia, has grown up in the Moonta copper fields of South Australia. It has 700 members, pays 18s. ($4.38) a week in case of accident, and £25 ($121.66) in case of death, plus a levy of 1s. (24 cents) on adult and 6d. (12 cents) on minor members of the union. Negotiations for an amalgamation of the two Western Australian unions were in progress when the material for this report was gathered.

While the trades and labor councils are not quasi-public corporations in any sense, they are officially recognized to some extent, especially in the matter of finding relief for the unemployed and recommending men for positions on public works. The Melbourne Hall is represented in the board of governors of the state subsidized Workingmen's College. These bodies possess buildings that stand upon ground granted them by the public. But they are quite autonomous in their management, and indeed are often politically antagonistic to the government in power. It has been mentioned earlier that at one time, just as the labor party was beginning to take form, it was proposed to make these councils corporations somewhat similar to the trusts established in Australia for the exercise of certain public and semipublic functions, such as the control and management of parks, waterworks, educational funds, and other public property or interests. This was a movement that never attained realization, and has probably been rendered impracticable by the closer alliance later entered into between the trades halls and the political organizations of the labor party.

THE UNEMPLOYED.

Unemployment is a more serious evil in Australia than in America, if a judgment is to be formed from the public discussion, the measures for relief, and the government expenditure devoted to its remedy. Reasons exist why this should be so. A great part of the arable land is tied up in the hands of large proprietors, and this outlet for unoccupied energy, that has been a most potent influence in maintaining a high standard of wages and living in America despite our

large immigration, has not been available for Australians. Uncertainties of rainfall over extended areas occasion acute depression and distress in agricultural districts from time to time, and suddenly throw a large number of rural workers into the urban labor market. Possibly the genial climate invites to idleness, when opportunity and inducement to work are not pressing. A habit of waiting open-mouthed for the government spoon has made the unemployed clamorous and prominent in public attention. The remedial measures adopted fall into two classes: Government relief works and state-aided land settlements.

There is a government labor bureau for the purpose of finding work for the unemployed in every Australian State except Tasmania. The municipalities seem not to have taken this matter up in the same way as the State governments. In Queensland the clerks of petty sessions, corresponding somewhat with our county clerks, report openings for employment and the names of those needing work, with their qualfications, to the state authorties, who act as a sort of labor clearing house, and from the data thus obtained the officer in charge and his assistants distribute labor as needed and obtained throughout the State. Assistance is given men to reach places where work is to be had, and a general supervision over the distribution of relief funds is usually in the hands of this department. The South Australian bureau now publishes no reports, partly because the director considers it unwise to give much official prominence to the charitable aspect of this public department. The Queensland bureau reported 3,306 unemployed in that State on July 31, 1902, an exceptional number, in consequence of the drought, the full effects of which were then being felt in many portions of the country. During the previous year 6,520 unemployed had registered with the bureau, of whom 4,659 either obtained engagements or reached localities where work was obtainable. As a measure of relief, from 1,500 to 2,000 men were employed on the government railways, at wages ranging from 5s. to 7s. ($1.22 to $1.70) a day.

New South Wales has probably devoted more attention and money to the attempted solution of the unemployment problem than any other State of the Commonwealth. Although relief appropriations had been made earlier, modern unemployment measures in that State date from the crisis of 1886. From May, 1887, to April, 1889, $1,253,776 was spent on relief works, mostly in road building, under a casual labor board. A commission appointed to investigate the results of this policy reported: "It has appeared to us that many of the works entered upon were not of the nature of relief works, either necessary or useful to the public interest; that many persons, and in particular carters, with their plant and ordinary laborers, were employed at full rates who were not in pressing need or from the

ranks of the so-termed unemployed; that to a considerable extent there is nothing left of benefit to the community to support the large outlay of public money, and that the expenditure throughout has not been guarded with that care and consideration which the public was entitled to expect." A system of free railway fares to unemployed laborers offered work in the country was abused by employers, who used this state aid to crowd the labor market in their vicinity. A labor bureau was established in 1892, which attracted large numbers of unemployed, who formed leagues and levied contributions, with the object of getting employment through political pressure. The registrations at this bureau averaged nearly 10,000 a year during the eight and one-half years of its existence. In 1899 an unemployed advisory board was appointed to investigate the whole question anew. Eight thousand unemployed were reported by the labor bureau, and of the 3,000 men in public charitable institutions about one-half were able to do at least part of a day's work. The board commented upon the difficulty which a man of small capital had in making a home on the public lands. Among the measures of relief recommended were employment on public works, assisted settlement on the land, a compulsory labor colony, and a government labor intelligence bureau. In 1901 a board of labor commissioners was appointed, which has remained in charge of this branch of government activity since that date. The commissioners conduct a state employment bureau. Under the new system registrations fell off considerably. The number of different persons registered decreased in the head office from 3,634 to 2,854, and in the country branches from 1,252 to 218 between 1902 and 1903. On the other hand, the number of cases where employment was found for persons registered at Sydney increased from 5,151 to 6,498 during the same period. In the country branches, where registration fell off so remarkably, the number sent to employment fell from 238 to 65. At the female registry office 1,685 applied for work, and 1,357 were found employment during the year ending June 30, 1903. In seasons of especial distress the labor commissioners provide a night shelter for men in Sydney. They also administer a labor depot near Sydney, and a casual labor farm at Pitt Town, upon the site of one of the unsuccessful cooperative settlements attempted by the government. At the labor depot, which was opened on unimproved land at Botany Bay, in 1902, two classes of laborers are received—casual men, who are required to work one hour for a meal and one hour for lodging, and are supposed to be seeking employment when not working at the farm, and about 40 permanent men, who are aged or partly incapacitated, who work regularly, and receive a weekly wage not exceeding 5s. ($1.22) for laborers, and 10s. ($2.43) for mechanics. Casual men are not received more than seven days in succession, and permanent men not for more than three months. They

are amply fed and comfortably housed. About 50 persons are usually in residence. The farm is not yet fully developed and stocked, but already supplies a portion of the food used by the institution, and is being rapidly improved. The average weekly earnings of the inmates for the last year reported were 3s. 5¾d. (85 cents), and the cost of their maintenance 5s. 5d. ($1.32). The casual labor farm at Pitt Town is an older institution, established in 1897, and receives laborers for a longer period than the labor depot. The admissions during the year ending June 30, 1903, were 229, and the average time spent on the farm was eleven and one-half weeks. There was paid as wages £566 1s. ($2,755), much of which represents labor employed in development work. The value of the food raised was £86 2s. 9d. ($419), and of the food purchased, nearly $3,700. This does not include forage sold and used by stock. Firewood to the value of nearly $8,000 was sold from the place. At the time this farm was visited by the writer a dairying department was being installed, which it was hoped would help largely toward making the institution self-supporting. The deficit was reported to be less than $500 per annum.

Victoria appears to have concerned herself less about unemployment than New South Wales. The government does not conduct relief works, provide female registry, or systematically attempt to find public remedies for unemployment. A bureau somewhat similar to that in New South Wales is conducted, where men may register for employment upon public works. Incidentally private employers desiring men may obtain them through this office. In this State also railway passes are furnished men to the place where work has been obtained for them under an agreement for repayment from their wages. From October, 1900, to July, 1904, the value of fares so advanced was $12,093.66, and the repayments were $6,117.40, or slightly over 50 per cent. As a matter of public economy and general convenience, public works not of an urgent character are built, as far as possible, during the slack season for agricultural and pastoral labor. This is especially true of railway and road construction. "Piece work," or the small contract with butty gangs is employed to some extent in road and railway building. Registration at state labor bureaus, where employment is usually found upon public works, does not indicate accurately the actual amount of unemployment. About 50 per cent of those registered in Victoria do not respond to offers of work and are therefore presumably wholly or partly employed. The registration in Victoria fluctuates in accordance with the public works provided for in the estimates, rising rapidly when any special undertaking is made public. In June, 1903, 1,506 were registered, of whom 835 were laborers. The corresponding month of 1904, the number registered had risen to 2,055, but the number of unskilled laborers had fallen to 822. During the year 1,025 men were given employ-

ment on government works. According to the government statist the total number of persons receiving out-door charitable relief in Victoria during the year ending June 30, 1903, was 114,341, while the inmates of institutions numbered 70,540. During the following year 139,771, or more than 10 per cent of the people of the State, received aid from government institutions, and the state inspector of charities estimated that the proportion of persons receiving charitable relief from both public and private sources "would reach nearer one-fifth than one-tenth of the total population."

The Western Australian labor bureau has its head office at Perth, with branches at Fremantle and Kalgoorlie, and agents throughout the State. There is also a female registry department. In 1903 there were 6,850 individual registrations of men and 608 of females at the various offices of the department, and employment was found for 2,996 men and 260 women. Work was therefore found for 44 per cent of all the applicants.

According to the census of 1901, the number of unemployed was relatively larger, in proportion to the total number of wage-earners in New South Wales than in any other State of the Commonwealth. On account of the recent gold rush, the proportion of wage-earners to the total population was larger in Western Australia than elsewhere, and for this reason the proportion of unemployed to the total population is relatively large in that State, though in comparison with the labor market it was less than in New South Wales and Victoria. Figures from Queensland are not available, but the percentages of unemployed in the other 5 States were as follows in 1901:

PER CENT OF UNEMPLOYED OF TOTAL POPULATION AND OF TOTAL WAGE-EARNERS IN 5 AUSTRALIAN STATES, 1901.

State.	Population.	Wage-earners.	Unemployed.	Per cent unemployed among population.	Per cent unemployed among wage-earners.
New South Wales	1,354,846	362,477	24,403	1.80	6.73
Victoria	1,201,170	321,600	16,442	1.37	5.11
South Australia	362,604	102,245	4,045	1.12	3.96
Western Australia	184,124	71,117	3,589	1.95	5.05
Tasmania	172,475	46,324	2,165	1.26	4.67

An investigation of unemployment made by the Bureau of Labor in the United States, showing the heads of families unemployed in the course of a year and the length of time idle, for 25,440 families of workingmen in 33 different states, gave an average period of 4.7 weeks unemployed. This would give a proportion of 9 per cent idle among wage-earners. These statistics, however, are confined to those engaged in industrial pursuits, while the Australian figures include agricultural and mining labor. The figures for Australia were taken

at the end of March, corresponding with the end of September in America, a period when the demand for labor is usually active, while those for America extend throughout the year and cover seasonal periods of slackness due to climatic conditions.

ASSISTED SETTLEMENT.

The government has intervened in nearly all the States to encourage the settlement of labor upon the lands, and several interesting experiments of this character, involving the application of communistic or cooperative principles, are recorded in the work of Mr. W. P. Reeves, of New Zealand, upon State Experiments in Australia and New Zealand. This book is the most readable and exhaustive account of what is locally termed "advanced legislation," its historical antecedents and present results, that has yet appeared. It is written rather from the prosocialistic point of view, and Mr. Reeves was the initiator of compulsory arbitration legislation in New Zealand, facts that should be considered, though they appear not to have materially biased the presentation of facts in the book mentioned. Returning to the land question, Queensland in 1893 passed a cooperative land settlement act under which several agricultural colonies were started. None has succeeded as originally planned. Poor selections of land were made in some instances, in others internal difficulties arose in the colonies. The Alice River settlement begun under this law still exists, but the original cooperative principle has been dropped. The act allowed a body of citizens to form a colony for taking up land, who might, if desired, register under the friendly societies' act. An area not exceeding 160 acres for each member was then set apart from the public lands for the colony by proclamation, for a period of six or twelve years, at a specified rental. It was required that not less than 10s. ($2.43) an acre should be expended upon the land during the continuance of the lease. No member possessed an individual interest in the property or improvements, but the society upon paying a proclaimed price, if any was demanded by the government, became fee-simple owner of the land, which it might then divide among its respective members. Provision was also made for labor colonies to be conducted by 5 trustees, who might be granted not to exceed 10,000 acres of public land, and a subsidy not to exceed £1,000 ($4,867), either conditionally or otherwise, for the purpose of conducting any trade or industry. This provision seems not to have been taken advantage of during the eleven years the law has been in force. Queensland also has provisions for village settlements, where each member holds one acre in a central village and a farm of 80 acres in the vicinity. But this law also is said to be inoperative at present.

New South Wales has an act for the establishment of labor colonies

similar to that just mentioned, which was passed in 1893 and entirely revised by a consolidated act ten years later. The trustees or board of control are made a corporation with authority to select members for the settlement, apportion work among the members, provide for the maintenance of members, and distribute among them wages or profits. The government is to advance upon application an approximate sum of from $75 to $125 for each single or married adult member, respectively, or $100 if the member be married but without children, which must be repaid gradually from the revenue of the colony with 4 per cent per annum interest. Three settlements were formed under the original act, one of which is now used as a casual labor farm. All proved social and financial failures. The consolidated act appears not to have been availed of by settlers.

Victoria was one of the pioneer States to enact legislation for the purpose of encouraging village and labor settlements. Her labor colony law provides for a state subsidy of $2 for every $1 received by the trustees from private subscription. This State also has a village settlement law, and has made provisions for the resumption of large estates voluntarily sold by their owners for closer settlement. A compulsory resumption law will probably be passed the present session of parliament. The village settlement law provides for small leasehold blocks to be let to individual holders or homestead associations, subject to certain requirements as to improvements, cultivation, and residence. In 1902 there were 78 such settlements, with 1,914 settlers residing on the land and 153 not residing but making improvements. The total acreage leased under this law was 55,077 acres, and the total value of improvements was estimated at nearly $1,000,000. During the eight years the law had been in operation state aid to the amount of about $335,000 had been granted to settlers, of which only $600 was allowed the last year reported. The only labor colony established at Leongatha has now become a casual labor farm, and is conducted in much the same way as the labor farm at Pitt Town. There are from 100 to 175 men in residence, the number varying according to the season. They are allowed to remain until they have earned £2 ($9.73). The annual deficit from operation, not including value of improvements made, is about $3,000.

South Australia has a compulsory resumption law, by which the State can acquire large estates at the unimproved value of the land, plus the price of the improvements, plus 10 per cent for resumption. There is also a village settlement act, which stands about half way between similar acts on other States and the labor colony provisions in point of public control. Each proposed village is administered by the state commissioner, and the land is held individually by the members under a perpetual lease. The direct control of the association, which is registered with the commissioner, is vested in trustees. Any

member of the association may be expelled for violation of the rules, or any trustee may be removed by the commissioner, who also has authority to advance government aid to the association to the extent of not more than £100 ($487) for each member. Settlers are allowed individual holdings of 10 acres, which they can work at their own convenience and discretion; but the labor of the colony as a community is regulated by a superintendent. Seven irrigation colonies were formed in semiarid lands along the river Murray under this law with partial success.

A new feature of South Australia's land legislation has recently been introduced at the demand of the labor party, providing that certain tracts of public land, some of which are in the vicinity of Adelaide, may be surveyed into blocks exceeding 20 acres in extent, so long as the unimproved value does not exceed £100 ($487), and leased with right of purchase to persons gaining their livelihood by their own labor. The lessee or his wife is bound to reside on the land at least 9 months in each year. Such leaseholds are not subject to purchase if they are within 10 miles of the Adelaide post-office. A somewhat similar law is in operation in New South Wales, but has not proved very effective. Of an assignment of 560 residential blocks for workingmen on an electric line near Sydney, averaging from one-fourth to 1 acre in area, and renting on an average for $15 to $20 a year, only 7 were applied for and 3 or 4 actually occupied. In Western Australia homestead blocks, or residential lots, are rented to miners for a nominal sum. Western Australia has resumed several large estates for closer settlement, and has two experimental land colonies. One at Hamel is in a district of heavy rainfall, suitable for intensive cultivation. The allotments are from 10 to 15 acres. The second is at Nangeenan, where the clearing is lighter and the rainfall less, with allotments of about 400 acres for sheep and wheat farming. The value of clearing the land is assessed beforehand, and the settler allowed to earn wages not exceeding £10 ($48.67) a month deforesting and grubbing, according to the amount he clears. Settlers usually clear for a time, stop to put in a crop, clear during the waiting season, and then stop to harvest, thus supporting themselves until their land is on a paying basis. The cost of clearing is added to the original price of the land, and the whole repaid by the settler on time payments. The government now proposes to extend further inducements to settlers of small means by a plan which was thus outlined by the director of agriculture:

Our object is to get city people, such as clerks and mechanics, out on small but paying country properties. We propose to set apart blocks of about 1,000 acres in selected localities, which the government will ring fence. After deducting a common and a necessary building site for business or public use, the remainder will be surveyed into 10 and 20 acre allotments. These will be sold to city residents of the

class mentioned on time payments, at about $5 an acre, and planted in orchard fruits by the agricultural department. The department will also keep the land under cultivation until the trees come into bearing, charging the owner with the cost of cultivating and fertilizing, if necessary, which must be paid yearly or half-yearly, and crediting him with the proceeds from any crops raised. When the orchard is giving a fair return, the city owner can move out to his property and make a modest income—enough to support him in his old age. This idea was suggested, because as soon as a man begins to get gray hairs in this country he can't find employment.

Notwithstanding these commendable efforts of the government to favor the settlement of people of small means upon farms, as a whole the land policy of the different States has failed to accomplish this object. The spirit behind the administration of public lands laws in Australia has been, historically speaking, monopolistic. The capitalist has been favored at the expense of the worker. The large estates created at an early date seem to have but whetted the appetite of their possessors for exclusive territorial control. Proprietors are said to have shaped the land policy of the government with the express intention of preventing the laborer from becoming a settler and the settler from becoming a freeholder. A writer of authority, in a position to be free from present party bias, ascribes the excessive urban population of Australia to bad land legislation. As early as 1831, prior to the gold excitement, Sydney contained one-fourth the population of New South Wales. While the squatters favored convict labor they opposed free immigrants. The writer just mentioned, whose views were confirmed from other sources, says: "In short, the squatters, who then ruled the colony, had no desire for the settlement of the country with a numerous, industrious, and virtuous population from the United Kingdom. They desired to have it reserved exclusively for their sheep and cattle." Prior to 1831 public lands were granted to settlers free or against a nominal quit rent; from 1831 to 1839 they were sold for 5 shillings ($1.22) an acre; from 1839 to 1841 the price was 12 shillings ($2.92), and after the latter date one pound sterling ($4.87) an acre, except in 1842, when the old price of 12 shillings was temporarily restored. This last increase in price was in response to a petition from the squatters in which it was stated that such a measure was needed in order to prevent laborers from acquiring land and thus creating a scarcity in the labor market. A prominent gentleman in Sydney, identified with farming interests, said: "Our laws have been made by the large landholders, who have striven in every way to keep the cultivator off the land. I remember personally of a case where an old squatter went home (to England) for a year, leaving his station in the hands of an energetic manager. When he returned he found a fine field of oats growing on the estate. He caused it to be destroyed at once, fearing the knowl-

edge that the land could produce crops might attract settlers to the neighborhood."

The early railway enterprises of the States, undertaken at the expense of the government, were often determined by private land interests; and later, when it was necessary to provide transportation facilities to the country still open for occupation, the cost of reaching such interior or outlying districts was often excessive; so that most of the States are burdened with a heavy railway debt incurred by building and operating unproductive lines and branches required to bring their own lands into market.

Although these evils are now a thing of the past their effect still remains. Liberal land legislation has been attempted repeatedly, especially in New South Wales, where settlers were allowed to go out and select holdings prior to the government survey under the Crown Lands Act of 1861. But no such generous policy has ever been attempted in the eastern States of Australia as that adopted by the Governments of the United States and Canada in their homestead and preemption laws; and bureaucratic administration seems even yet to hamper in this freedom, and at times entirely to discourage the intending settler. Nevertheless, under the New South Wales Crown Lands Amendment Act of 1903, 1,609,768 acres had been acquired by selectors before the end of May, 1904. A considerable portion of this was in comparatively large areas under pastoral leases. Western Australia passed a public land act containing provisions practically identical with the American homestead law in 1898, and 573,585 acres of farm land had been taken up under this law by July, 1904.

IMMIGRATION.

The immigration question in Australia is closely related to the land question. In the early days the land owners did not want free settlers, but did want convict labor. The urban artisans opposed the introduction of convicts and, deprived of the outlet for their energy natural to a young country on the land, viewed jealously even the arrival of free immigrants to compete with them in the crowded labor market of the cities. In 1831, when 50 or 60 families of Scotch mechanics arrived in Sydney, they were assailed in the streets by the resident workmen, with remarks and taunts to the effect that they had come to take the bread out of the colonists' mouths.

There appears to have been a sort of "know-nothing" spirit prevalent in Australia that has not entirely disappeared at the present time. Although the political leaders of the labor party profess a desire to encourage immigration, it is doubtful if they are supported in this sentiment by any considerable portion of their followers. Except during the gold rush to Western Australia there has not been immigration

worthy of mention into the States of the Commonwealth for a number of years. Recently in Victoria more people have left the State than have entered it, and the slight increase of population has depended solely upon excess of births over deaths. In that State the rate of annual increase was but 0.59 per cent in 1901–2, while the excess of births over deaths was about 1.22 per cent of the population. The annual rate of increase of population for the Commonwealth for the decade ending 1901 was 1.8 per cent, while the average annual excess of births over deaths for the same period was 1.59 per cent, showing an increase of population due to excess of immigration over emigration of only 0.21 per cent, although this period covered the years of the gold rush to Western Australia. Between 1861 and 1902 Tasmania lost 982 more people by emigration than she received from other countries. The total excess of immigration over emigration during these forty-two years was only 785,674 for the Commonwealth, and of these 645,456 were assisted immigrants. As most of the arrivals came from Great Britain, the Australians are of nearly pure Anglo-Saxon stock. A larger infusion of European blood might add to the virility of the race. The birth rate is rapidly decreasing, so as to become a matter of concern and investigation with the governments of some of the States. The mean annual excess of births over deaths for the ten years ending with 1902 was only 15.92 per thousand in the Commonwealth and 16.38 in New Zealand. However, the most potent influence in lessening the rate of natural increase in Australia is probably the excess of urban population.

Although Queensland and Western Australia still assist immigrants from Great Britain, the excess of arrivals over departures was only 6,187 for the entire Commonwealth during 1901 and 1902, the last years for which figures are available. Indeed, the two States just mentioned were the only ones having an excess of immigrants. More people left than entered all the other States, the excess of emigrants being 15,060 for Victoria, 4,919 for South Australia, 1,823 for Tasmania, and 12 for New South Wales. The remoteness of Australia from Europe is of course a prime cause of the small movement of population to that country, but the absence of free arable lands has contributed to check such immigration as might otherwise have occurred. The attitude of a large section of the people toward immigration is another factor not to be disregarded. Wage-earners disapprove of foreign competition and look upon the alien with distrust. He can not become a member of a labor union, as a rule, until he becomes a citizen of the country. This practically disqualifies him for employment in many places. The Italian comes in conflict with mining regulations, contract-labor laws, and a general policy of exclusion, and he is the only European who has shown a disposition to prospect the field of possible employment

in Australia. A few Germans and Scandinavians have gone upon the land, sometimes where native whites thought cultivation impossible, and have almost always been successful. In some sections, as in portions of the Wimmera wheat district of Victoria and fruit-growing and vineyard townships in South Australia, they are the backbone of the community.

ACCUMULATION.

No complete statistics of industrial insurance in Australia are available, but in 1901 the 3 largest home companies carried 236,389 policies, with a face of about $25,000,000, and annual premiums of about $970,000. There are 163 friendly societies in Australia, with a membership of 289,051, and funds amounting to £3,056,780 ($14,875,820), or an average of slightly over $50 per member. These societies enjoy many special privileges under the different state laws; their funds are a first claim against the estate of an insolvent officer; if a society invests money in mortgages, such mortgages can be discharged by mere indorsement, without reconveyance; disputes can be legally settled according to the society's own rules; and members may dispose of their funds at death by written nomination, without a will, a right which extends to youths of 16, although a will can not be made until the person is 21. A society also has certain special privileges in the way of summary remedies for defending and enforcing its property rights.

The total life insurance in force in Australia in 1901 amounted to approximately $600,000,000, making it one of the best insured—if not the very best insured—country in the world. Savings banks of the Commonwealth have 1,037,759 depositors, with total deposits amounting to £33,860,100 ($164,780,177), or an average of $158.78 for each depositor, and $43.67 per head of population. In the United States the average deposit in savings banks is about $420, but the proportion of depositors to the whole population is smaller than in Australia, so that the deposit per head of population is less than in that country.

LOCAL GOVERNMENT.

The local government of Australia differs historically from that of the United States in the fact that in the latter country State government grew up out of the township, and the local organization is the oldest, the primary, and in many parts of the country the government in the eyes of the citizens; while in Australia local government grew down out of a central colonial authority, and is therefore a secondary and more or less accidental development of political life. The relatively greater preponderance of the rural element in the United States also strengthens the township and the county organizations. Education in Australia is supported and administered by the

state government; public works are largely conducted by that body, and there is close control over village and township administration. Nevertheless, an active and vigorous local civic life exists in Australia, and the larger municipalities appear to be very well governed. Sydney and Melbourne follow the London precedent, and, like the urban center around Boston, consist of a number of independent municipalities, each of which controls its own rates, ordinances, and local affairs generally, has its own municipal building and corps of officers, and elects from its council a mayor, who is the political head of the town. But in both centers mentioned, these independent municipalities are included in a single metropolitan district, within which certain boards and trusts have independent jurisdiction in all matters referred to their special control. Thus there may be a metropolitan fire brigade, a metropolitan board of waterworks, a similar park trust, police board, tramways trust, etc., each confining itself to its own specific sphere of duties and coming not at all or only slightly into contact with other boards and trusts of the district, or with the local governments of individual municipalities. The municipal franchise is restricted, and there is plural voting by property holders. Both Melbourne and Sydney have a "lord mayor," who is the chief executive officer of the "city" proper.

In Melbourne both water and electric light are supplied for public and private use by municipal departments, though the expense of the electric light, it is sometimes complained, is higher than the conditions of the service justify. The municipality succeeded some years ago in making a bargain by which it exchanged the tramways franchise for a limited period of years for the permanent way plant at the end of that period, when the franchise will be resumed by the city. The city also conducts extensive freezing works, partly for the use of local merchants using cold storage, and partly leased to the state authorities, who receive, inspect, stamp, refrigerate, and export goods received on consignment from the citizens. The same service is rendered by the government in South Australia. From the Melbourne works as many as 3,000,000 rabbits, 175,000 sheep, and 16,000 tons of butter have been exported in a single year.

PRIMARY EDUCATION.

Primary education in Australia is secular and compulsory, and is free except in New South Wales and Tasmania, where small fees are charged. Secondary and higher instruction is assisted, but not provided free, by the State. The statutory school age is from 7 to 13 in some States, and from 6 to 14 in others. The statistics of state schools for the year 1901 are as follows:

TEACHERS AND PUPILS IN STATE SCHOOLS, 1901.

State.	Schools.	Teachers.	Enrollment of pupils.	Per cent of population enrolled.
New South Wales	2,818	5,073	212,725	15.50
Queensland	960	2,310	89,510	17.74
South Australia	706	1,318	57,744	15.90
Tasmania	338	660	19,236	11.08
Victoria	1,948	4,562	194,125	16.13
Western Australia	242	577	20,484	10.92
Commonwealth	7,012	14,500	593,824	15.61

This shows an enrollment of 15.6 per cent of the population in the public schools, as compared with 19.6 per cent of the population in the United States, a comparison probably affected somewhat adversely for Australia by the scattered settlement in the back blocks of the pastoral country. On the other hand, 3.95 per cent of the population of Australia were enrolled in private schools, as compared with 1.6 per cent of the total population in the United States. Part of these, however, were probably secondary school pupils, who are not included in any of the American figures given. Of the teachers employed in the state schools, 6,693 were males and 7,807 females. The average number of pupils in a school was 64, and to a teacher 31. The percentage of average attendance in the public schools varied from a minimum of 72.6 in New South Wales to a maximum of 80.2 reported in Western Australia. Exclusive of subsidies to private schools, the net expenditure of the States of the Commonwealth upon administration and maintenance of state schools was £1,791,242 ($8,717,079) in 1901, or $2.31 per capita and $14.68 per pupil enrolled. The expenditure on school premises the same year was £178,073 ($866,592), or 23 cents per capita. The cost of the schools per pupil enrolled was $21.41, or 27 cents per annum more for primary education in the Commonwealth than in the United States. Secondary education is in the hands of a number of private and church schools, which are in most cases assisted by the Government. Secondary courses, for which moderate fees are charged, are also given in some state schools. There are universities, organized upon the English system, in Sydney, Melbourne, Adelaide, and Tasmania, with a total matriculation of 1,957. There were also 625 auditors attending lectures, but not matriculated. The aggregate income of these four institutions is about $450,000, of which some $180,000 is derived from government aid, $140,000 from fees, and the remainder from endowments and other sources.

The percentage of illiterates of the total population of the Commonwealth—children under 5 years of age being considered unable to read—was as follows in the years in question: 30.44 in 1861; 29.93 in

1871; 24.55 in 1881; 21.15 in 1891; 17.84 in 1901. It is thus seen that there has been a steady decrease of illiteracy in each decade, and although no explanation for the figures is offered in the official statistics, the decrease evidently points to a constant improvement in school facilities and an ever-decreasing proportion of illiterate immigrants. Doubtless there is also a steadily decreasing proportion of native adults whose school period of life was passed in Australia at a time when pioneer conditions were more largely prevalent, and educational facilities, in proportion to the whole population, much scantier than at present. Free and compulsory state primary education is also of comparatively recent introduction in Australia.

TECHNICAL EDUCATION.

Technical education, while not free, is partly supported and is administered by the State in Australia. About $450,000 per annum is expended by the 6 States of the Commonwealth upon this branch of instruction. The first parliamentary grant for this purpose was made in New South Wales in 1878, and in 1883 the Sydney Technical College, which had been gradually built around classes given in the school of arts of that city, was made a government institution. From these beginnings a most admirable system of technical instruction has been built up, which is conducted through 4 main channels—the Sydney Technical College, suburban technical classes, country technical colleges and classes, and certain classes connected with high schools and public schools. The Sydney Technical College and Technological Museum, which occupy an imposing group of buildings in that city, represent an investment of over $550,000. Country colleges at Bathurst, Broken Hill, Goulburn, and the College and School of Mines at Newcastle, are also housed in substantial buildings erected by the State for their use. Several other technical schools in country towns occupy rented buildings or are accommodated in public schoolhouses. The suburban technical classes and classes in high schools and public schools have as yet undertaken only courses included in the manual and industrial training usually forming part of the public school curriculum in America. In New South Wales these subjects are under the supervision of the technical education branch of the department of public instruction, and are reported together with the higher technical classes. Excluding these classes and confining consideration to those subjects only which are either taught in exclusively technical schools or belong to trade and technical instruction, the enrollment statistics were as follows in 1903:

STATISTICS OF SYDNEY TECHNICAL COLLEGE AND COUNTRY TECHNICAL COLLEGES, 1903.

	Sydney Technical College.	Country technical colleges.	Total.
Number of classes	98	249	347
Number of individuals	3,986	3,282	7,268
Number of enrollments	6,260	4,200	10,460
Weekly average attendance	3,917	2,117	6,034
Number of teachers	73	81	154
Number of male students	2,814	(a)	(a)
Number of female students	1,172	(a)	(a)
Male students over 21 years of age	752	(a)	(a)
Fees paid	$26,878	$13,991	$40,869

a Not reported.

There were 4,407 students examined in 24 subjects, of whom 3,460 passed. Fifty-one students took the City and Guilds of London Institute examinations, of whom 27 passed. The subjects offered include agriculture and wool classing, engineering trades, mechanic trades, natural sciences and mathematics; art, architecture, and decoration; commercial branches, and mining. Fees vary from $1 to $5 a term, according to the number of lessons a week. A full year, three lessons a week, costs about $12, except for a few special subjects. The Technological Museum is probably the finest institution of the kind in the southern hemisphere, and is equipped for both exhibition and research work.

Classes were also visited at Newcastle College. There were about 800 enrolled in this population center of some 70,000 people. Twenty-five per cent of the students were women. The evening courses were largely trade classes for apprentices and mechanics, supplementing their shop training, and the day classes visited were composed of public school children, doing work in carpentry similar to that in a manual training department in the United States. A regular set of models was followed, illustrating the different features of woodworking in a progressive order, though there was no direct adoption of sloyd methods and designs. Drawing was taught in connection with woodworking. One of the most popular day departments appeared to be the girls' sewing and dressmaking class.

Victoria has profited more than New South Wales from the liberality of her private citizens in establishing and endowing this form of education. The Workingmen's College of Melbourne, one of the most extensive and efficient in the Commonwealth, is in large part the gift of a single public spirited benefactor. There are in all 18 schools of art and technical colleges in Victoria receiving aid from the State. The school of mines at Ballarat is the oldest institution of the kind in Australia. In the schools at Melbourne, Bendigo, Bairnsdale, and Stawell mining and metallurgy are taught. A cooking class was visited in one of the public schools of Melbourne. The girls prepared a good plain meal, which was served in a public dining room attached

to the school kitchen, at a moderate fee (12 cents), and the fact that the place was well patronized by public school teachers and apparently by a number of townspeople indicated that the work of the class was not a failure. The teacher said that the price paid for the meals about covered the cost of the materials used in the school. There is one lesson a week for each pupil, so that a number of classes rotate through the school, and the benefit of the instruction given is quite widely extended.

The enrollment at the Workingmen's College in 1902 was 2,364, of whom 455 were males over 21 years of age, 1,316 males under 21 years of age, and 593 women. The income of the school for that year was £15,770 ($76,745), of which £2,377 ($11,568) was granted by the Government. The State gave in addition £6,000 ($29,199) the same year for new buildings. The fees amounted to £6,251 ($30,420), or nearly $13 for every pupil enrolled. This institution is, unfortunately, hampered just at present by want of funds. Fees for regular courses range from £5 to £6 ($24.33 to $29.20) for a term of 12 weeks. Persons under 18, persons under 21 earning less than 25s. ($6.08) a week and indentured apprentices receive a reduction in fees. The curriculum covers most of the arts, crafts, and trades followed in the city, ordinary secondary school sciences, rural industry and wool sorting, engineering, household economy, elocution and music, and may include nearly any subject that contributes directly to a student's earning capacity. The average number of students receiving technical instruction in Victoria throughout the year (1902–3) was 3,173, and the State appropriates for these subjects about $80,000.

South Australia has an excellent school of mines and industries at Adelaide, occupying the newest and probably the finest building devoted to technical education in Australasia. This school has been fortunate in receiving much assistance from private citizens. There are four smaller technical schools in other parts of the State. In the Adelaide College, including the agricultural school, 1,913 pupils were enrolled in 1902, of whom 483 were over 21 years and 22 over 45 years of age. All but 370 report themselves as engaged in some wage-earning occupation. There are preparatory, science, and technical and commercial classes. The technical division includes 17 subjects, ranging from bookbinding to wool sorting. Students in the last subject are taken out to the ranches and given practical experience in their profession during the shearing season. In all the States reduced railway fares are granted to students attending technical courses. The annual revenues and expenses of the Adelaide College are about $37,000, of which $20,000 in round numbers is derived from government grants. The fees received from students totaled £2,756 ($13,412), or $7 for each student enrolled. Tuition ranges all the way from 5s. ($1.22), for some school children's classes, to £17 17s. ($86.87) for certain professional

courses. These fees are for a 12-week term. One of the interesting features of this institution is a prospectors' class, where instruction is confined as far as possible to practical methods of recognizing and testing ores in the field, and the technical aspects of mineralogy are avoided.

Queensland also has taken an active interest in technical education, although the government has not assumed control of this instruction, except indirectly in Brisbane. There are 15 schools in the State where technical courses are given. These schools are subsidized at the rate of dollar for dollar for the total sum received from pupils' fees. About $55,000 is spent annually by the State in this manner. In 1901 5,465 individual students were receiving technical instruction in the State, of whom 2,853, or more than one-half, were women. That year the Brisbane Technical College moved into a new building, erected for its special use, but leased from a private owner. This institution had a fixed annual endowment from the government from 1882 until 1892, when the dollar for dollar rule was extended to cover its grants. This change reduced its subsidy in 1892 from $3,650 to less than $2,200, and has hampered the work of the school. The most recent statistics are not published, but in 1901 there were 1,588 enrollments, which, according to information received from the director, had risen to 1,656 in July, 1903. The annual receipts and expenses in 1901 were nearly $34,000. Of the former over $16,000 was derived from students' fees in 1901, or about $10 for every pupil enrolled. More than half the students in this college, as of the total number enrolled in technical courses in the State, are women. About 30 per cent report their occupation as "home duties," 25 per cent are wage-earners, and about 16 per cent report clerical and mercantile employments. Manual training courses for public school children are given, and there are classes in the subjects usually taught in the schools mentioned in other States. A large part of the attendance in all the Australian technical schools is in the night divisions and the trade classes.

Western Australia spends about $21,000 a year upon technical education, and supports three technical institutions, at Perth, Coolgardie, and Kalgoorlie. The last of the three is under the administration of the department of mines and is especially devoted to mining instruction. The Perth technical school is well equipped for science and trade instruction, and had 292 students enrolled in 1903, of whom 39 were women. One interesting feature in the administration of this school is the effort being made to cooperate with trade unions in the matter of apprentice instructions. The director of the school said:

We are trying to come into agreement with the trade unions, in the trades taught in our school, so as to harmonize our courses and regulations with those of the unions. For instance, we admit only appren-

tices to our trade classes, and require a certain amount of apprentice experience for each year in our course, and do not give certificates until the apprenticeship required by the union is completed. We already have an agreement of this sort in effect with the plumbers, and are negotiating similar agreements with various branches of the woodworking and engineering trades. After these voluntary agreements have been tried in practical operation we hope to get legal sanction for the regulations they include. Probably we shall soon be able to do this in case of the plumbers. Some shops are now paying the class fees of their apprentices. We will not accept students who are not regularly in the trade, or train "improvers" to pick the eyes out of regular artisans' business.

The Carpenters' Union, of Perth, offers a prize of £5 ($24.33) to the best student in carpentry. Western Australia is also conducting interesting experiments in the way of giving technical instruction by correspondence. This is rendered necessary by the scattered population, and the need of providing theoretical training for artisans and engineers in isolated mining camps. The technical courses of this State are conducted under an affiliation arrangement with Adelaide University, in South Australia. In addition to the 3 schools mentioned, courses of technical instruction are given at a number of other towns. There is a technical college at Hobart, Tasmania, with a branch at Launceston. About 700 students are enrolled in technical subjects in that State.

Commercial education is not as yet separated from technical instruction in Australian curricula. A number of private business colleges are found in the larger cities. The Sydney Chamber of Commerce has, for a number of years, maintained a commercial education committee, which gives examinations and grants "junior certificates" and prizes to the best students in commercial branches presenting themselves from the public schools. During the 6 years ending with 1903, 344 candidates had come up for examination, of whom 128 appeared during the last year reported; 139 passed, of whom 63 were from those presenting themselves for examination in 1902–3. The chamber of commerce of Melbourne has recently cooperated with educational authorities in that city with a view to giving similar encouragement to commercial education. A faculty of commerce has been established at Adelaide University, with 70 or 80 students in attendance. A wide range of commercial subjects, not only formal, like arithmetic and bookkeeping, but more general, such as commercial law and geography, is taught. The Sydney University Extension Board conducts a course of lectures upon commercial subjects, in conjunction with the Sydney Chamber of Commerce. This course was begun in 1904. Two series of lectures, upon economics and commercial history, are provided. The Perth Chamber of Commerce and the Fremantle Chamber of Commerce, in Western Australia, are establishing a system of examinations similar to those at Sydney.

Agricultural colleges exist in New South Wales, Victoria, and South Australia, and instruction in agricultural subjects is given in all the States. New South Wales has a model institution of this character at Richmond, conducted on much the same lines as the better schools of agriculture in the United States. The college farm contains 3,500 acres. About 50 students are taking full courses, besides a number registered in dairying, orchard, and special courses. The annual cost of instruction and maintenance is about $150. All students are required to do a considerable amount of practical work. A portion of the farm is used as an experiment station. A limited number of students are received at four other state experimental farms, but the work at these places is largely of a practical character. Special classes for dairy managers are also conducted by the department.

Victoria has an agricultural college at Dookie, a school of viticulture, and conducts what might be called agricultural college extension courses. The last courses are unique, and have been developed along original lines in Victoria, though they resemble in some respects the farmers' institutes and grange meetings held in many American States. But the work in Victoria is more systematic and designed to attract a younger class of students. Courses are at present conducted at 7 centers, and are being extended to new points in order to meet local demands. Fifteen expert instructors are employed. Lectures and practical demonstrations are given and examinations are conducted at the close of the 4 weeks' course. The minimum enrollment required to form a class is 40, but classes have averaged above that number. The subjects covered are: Manures and animal nutrition; agricultural botany and viticulture; veterinary science; insect pests and plant diseases; sheep breeding and wool classing; poultry breeding and management; stock and dairy management; agricultural chemistry; the chemistry and bacteriology of milk; the miscroscope and its use on the farm; demonstration in shoeing; demonstrations of poultry dressing; land surveying; cattle spaying, and gelding colts. The courses are given during the winter season; but in order to keep the instructors engaged throughout the year, their time is employed during the busier seasons in holding evening classes of two weeks' duration at farmhouses. The cooperation of 10 or 12 farmers is required to form a class. The lectures are held four days a week, in the evening, and last about an hour and a half. A half hour is then devoted to questions and discussion. In addition to this strictly agricultural instruction, Victoria has a dairy expert who gives instruction to practical cheesemakers 3 terms of 3 months each during the year, and follows up his pupils at their factories the other 3 months. The department also prepares courses in gardening for the public schools. To crown the system, Melbourne University is forming a department of agriculture, which is to occupy a building now being erected on the campus at a

cost of $130,000. Farmers interviewed in Victoria commended the teaching work of the state agricultural department most highly, and much local interest is shown in the classes. The methods used to disseminate scientific information regarding agriculture among farmers in this State appear to be eminently practical and effective.

Queensland has an agricultural college and experiment farm at Gatton, founded in 1896. There are four scholarships, supported by the State, entitling holders to free board and instruction for a 3 years' course. South Australia has an agricultural college at Roseworthy, which was visited. An experimental farm of 1,655 acres is connected with this school. The usual courses are given, and practical work is required. The farm connected with this institution is more than self-supporting. The last year reported the net earnings amounted to $3.26 an acre cultivated, and in less than 3 years it has earned for the State about $17,000.

Western Australia has not yet established an agricultural college, but has opened 2 experimental farms, where pupils are received for practical instruction under the managers. The agricultural department also conducts a course of popular lectures at Perth, upon such subjects as fruit culture, stock, poultry, and bee breeding, and insect pests. On account of the profitable markets in the gold fields and the extent of arable land conveniently situated still in the hands of the government, farm interests are growing rapidly in that State, and it is anticipated that provision for more formal agricultural instruction will soon be made.

COOPERATION.

Distributive cooperative societies are fairly numerous in Australia among both farmers and working people, but cooperative production has been successful only in certain rural industries like butter making and in a few urban bakeries, usually conducted in connection with distributive societies. One of the larger societies makes boots and clothing and two others conduct a dairy. The Manchester wholesalers have an office in Sydney, which indents goods for some of the distributive associations, but devotes itself chiefly to purchasing for the cooperative market in England. This society also manufactures tallow and oil for the home office, and makes oil cake and fertilizers to utilize the waste; but it does no speculative business and confines itself as closely as possible to supplying the demand of its own British trade. Incidentally the society does a little informal propaganda work in Australia. There are very small cooperative clothing factories or tailor shops in Adelaide and Sydney. A cooperative boot factory is being organized in Perth. A cooperative laundry is running in Melbourne. The Cooperative Fishermen's Association of Victoria controls a stall or auction platform in the city fish market at Melbourne and handles,

stores, and sells fish caught by its members at a fixed commission charge of 10 per cent, distributing the profits to the cooperators.

As long ago as 1892 there were 49 nominally cooperative societies in New South Wales, according to a special report made at the time of the Chicago Exposition. But successful societies conducted on truly cooperative lines are still comparatively rare—almost in their pioneer stage in most localities—so the enumeration thirteen years ago must have classified these organizations by their name rather than by their rules and policy. At present the colliery districts are the stronghold of these associations. In the Newcastle district there are the following thriving societies that have long passed the experimental period: The Wallsend, West Wallsend, Stockton, Merriwether, Lambton, and Newcastle and Suburban. There is also a small society about 12 years old at Helensburg, a mining town south of Sydney, and one at Lithgow, in the iron and coal center of the western district of New South Wales. The Sydney societies have not been so successful as those among the miners, but one in the suburb of Balmain, though founded as recently as 1899, is on an established basis. Waterloo and Wonoona also have small societies. This may not exhaust, but about completes the list of active distributive associations in that State.

In Queensland there is a successful cooperative bakery at Rockhamption and a society at Gympie. The Charters Towers Cooperative Industrial Society is also registered from one of the northern mining camps. Victoria has several thriving societies in the mining cities of Bendigo and Ballarat, and in a number of smaller towns throughout the gold fields. The oldest and largest society in Australia is at Adelaide, and a smaller society is doing business at Port Adelaide. In Western Australia there are societies at Perth and Fremantle, and a cooperative restaurant at Boulder City, in the eastern gold fields. The strongest society in the State is in the Collie coal fields. Altogether 6 societies are registered in Western Australia, and the applications of others are pending.

While the rules of these organizations vary in detail, most of them follow true cooperative principles in their regulations and administration. They are descendants of the English societies. Usually the number of shares any member may hold is limited, and sometimes a minimum is also fixed. Credit is usually restricted to an amount proportioned to the paid-in capital of the member. Members can join by depositing 5 per cent of the face value of their shares, a shilling in the pound, and allow the accumulated dividends on paid-in capital and purchases to apply on further installments. They are generally required to pay in 5 per cent a month until their shares are paid for; but there are no forfeitures. Some societies have even a benefit feature, in that the managers are authorized to render necessary assistance to members in distress. Several societies pay a dividend—that is, share profits—on

the purchases of nonmembers, though this is always less than the dividend paid on members' purchases. The dividend on capital is usually fixed in the rules of the society. Special legislation covering these organizations exists in most of the States. The latest of these laws is that of Western Australia, which provides that any association of 7 or more persons may register under the law, by complying with the provisions of the act, as a cooperative and provident society, and enjoy all the privileges of a corporation for the purpose of carrying on any industry, business, or trade (including dealing in land) specified in its rules, except the business of banking. No member is allowed to have a claim or interest in the shares of a society exceeding $973. The rules of the society must provide for an annual audit of its accounts, and the balance sheet shall be sent to the registrar. The rules must also specify how the profits of the society are to be divided. The society has a lien on the shares of a member for any debt due by him to it, and has special privileges in administering and distributing to the heirs shares and undistributed profits of persons who have died intestate. Any association organized under the act may provide that its shares shall not be transferable.

The Adelaide Cooperative Society is the oldest and most successful distributing association conducted on Rochdale principles in the Commonwealth. Judging by certain commodities, where the total sales in the State are known, this society does about 3 per cent of the entire retail grocery and provision business of South Australia. The association operates a bakery, doing a business of about $45,000 per annum, and a dairy, with 154 head of cattle and sales to the amount of nearly $10,000 annually. It may be of passing interest to farmers to know that the average yearly yield of milk per cow is 510 gallons. There are 3,575 members, who receive nearly $25,000 per annum in interest and dividends. The annual business done amounts to about half a million dollars.

As in all other countries, a few successful cooperative enterprises survive at the cost of a large number of failures. Three principal causes account for the nonsuccess of many undertakings in Australia, extravagant or incompetent management, the shifting character of the population and impermanent nature of some industries like mining, and the almost universal prevalence of credit in retail trade. Much of this implies, of course, lack of understanding of the true principles of cooperative trading. An English cooperator, the Sydney manager of the Manchester Wholesalers, said: "Before cooperation can flourish in Australia, much propaganda work needs to be done—as was done in South England. Australians want too much credit. They are also impatient of small things, and want immediate success with inadequate capital. You must have loyalty and an intelligent understanding of where the true benefit of cooperation lies before that system can suc-

ceed. Members can not carry a society forward to success, if they take their trade to the next private competitor every time they find a line in his shop a half penny cheaper than in their own." The manager of a small society in a colliery district said: "All our members don't understand the principle of the society. One of them, who came in hard up lately, was very much surprised to find that he had $15 accumulated profits to his credit."

The following list includes probably about half of the successful distributing societies organized among wage-earners and people of small or moderate means in Australian cities and towns; but as these include some of the largest associations, they transact more than half the cooperative business done in the Commonwealth. The figures are taken from the printed balance sheets for the last half year or quarter, with the exception of one or two items in case of individual societies where estimates by the managers were taken. Certain items, such as the reserve and contingent fund, are incomplete, and on account of the different methods of bookkeeping and presentation of balances employed by different societies, such items as assets, operating expenses, and net profits are not based upon exactly the same classification of accounts, though they are sufficiently uniform to show quite fairly the standing of the associations.

STATISTICS OF COOPERATIVE SOCIETIES IN AUSTRALIAN CITIES.

Name of society.	Year founded.	Members.	Par value of shares.	Maximum shares per member.	Assets.	Sales.	Operating expenses, including depreciation.	Net profits.	Dividends on shares (per cent).	Dividends on members' purchases (per cent).	Reserve and contingent funds.
Adelaide Cooperative[a]	1868	3,575	$4.87	200	$315,696	$239,810	$32,042	$11,439	4.00	3.00	(b)
Adelaide Cooperative (dairy department)[a]	1868				25,954	4,450	3,878	706	4.00	3.00	(b)
Ballarat Cooperative Distribution (bakery, boots, and shoes)[c]	1896	1,050	4.87	200	29,634	43,036	11,283	2,984	2.25	6.67	$6,871
Balmain Cooperative[a]	1901	277	(b)	(b)	5,148	27,228	[d] 641	2,346	5.00	6.67	311
Bendigo Cooperative[a]	1890	1,780	4.87	(b)	32,275	(b)	(b)	5,754	(b)	7.50	7,879
Bendigo Cooperative Meat Shop[a]	1896	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	12.50	(b)
Fremantle Cooperative (bakery)[a]	1896	217	4.87	100	3,730	6,966	2,407	681	5.00	8.75	278
Helensburg Cooperative[a]	1892	120	4.87	(b)	(b)	17,000	(b)	(b)	7.50	5.00	(b)
Ivy Cooperative[d]	1900	71	(b)	(b)	1,375	2,150	213	175	10.00	7.50	195
Lithgow Cooperative[a]	1902	300	(b)	(b)	(b)	(b)	(b)	(b)	(b)	12.50	(b)
Perth Cooperative[a]	1902	323	4.87	10	5,864	14,768	2,117	149	(b)	(b)	(b)
Wallsend and Plattsburg Cooperative[d]	1887	491	4.87	200	27,673	36,376	3,831	3,936	(b)	10.00	534

[a] Figures are for 6 months.
[b] Not reported.
[c] Figures are for 8 months.
[d] Figures are for 3 months.

The following societies paid a dividend—that is, shared profits—upon nonmembers' purchases: Balmain, 3⅛ per cent; Ivy, 3¾ per cent, Wallsend and Plattsburg, 5 per cent. The Adelaide Society has reserve and contingent funds amounting to over $11,000, in addition to interest-paying investments. It is probable that the assets of all the cooperative distribution societies in Australia amount to nearly $600,000 or $700,000, their annual sales to well toward $1,000,000, and the net profits which they distribute among their members and purchasers to approximately $75,000.

Several large business associations in Australia are nominally cooperative, and were in some instances originally started upon cooperative principles, but have developed into corporations hardly to be distinguished from other limited trading companies, except in their profit-sharing features. Shares are transferable like stock in ordinary corporations, and there is no limit to the amount that may be held by a single person. The Mutual Stores in Melbourne, one of the largest retail corporations in the city, developed out of a cooperative society of this kind through the gradual accumulation of stock in the hands of a few individuals. The same process of centralization of interests has occurred in some producers' associations. The Civil Service Cooperative Society of Sydney originated along Rochdale lines, and was intended to include all classes of public employees, down to trackmen on the railways. The rules of the society, however, do not prohibit free transfer of share or limit the number held by any one person. As a large part of the profits are distributed to share-holding purchasers, however, according to the amount of their purchases from the association, the maximum benefit of owning shares is derived by the small holders. The directors of the association must be active or retired civil servants. It was found impossible to cater to all classes of trade satisfactorily, so the society has gradually specialized to meet the demand of those who require a high grade of goods; and the store at present keeps probably the finest stock in Sydney. The business has risen from $120,000 per annum in 1872 to over $900,000 in 1904. The capital stock, on account of the large reserve accumulations, has recently been increased from $35,000 to $70,000. The assets are over $260,000, and the working expenses about $140,000 per annum. In spite of the recent increase in capital, the reserve fund still exceeds $35,000. A dividend of 10 per cent on shares, and 10 per cent on members' purchases was allowed last year, in addition to a discount of 3.75 per cent on the monthly accounts of shareholders trading at the store. The Brisbane Civil Servants' Society does a business of about $130,000 annually. A similar society in Melbourne began operations in 1903.

Cooperative production is a vigorous and growing movement among the farmers in certain parts of Australia. By this term is meant

cooperation for the marketing of produce, and for the manufacture of bacon, butter, and other farm commodities requiring preparation for market. These societies also purchase at wholesale rates for their members. They do not, so far as was ascertained, limit the transfer of their shares, except that holders must be farmers or producers cooperating with the enterprise. The number of shares one member may hold is limited in the best associations—in the Coastal Farmers' Cooperative Society of New South Wales, to 75 shares of a par value of $4.87 each; and in the South Australian Cooperative Union and the Western Australian Producers' Cooperative Union, to 200 shares of similar value. The first of these associations has about 1,300 members, of whom 592 are corn growers. The company does no speculative business; it will not buy supplies except for members; it will not purchase supplies competing with supplies produced by members; and in making sales of produce received from members, gives preference, other things being equal, to members desiring to purchase. Produce of members is sold entirely on commission, and business is done under a trust account, so that proceeds of sales are at no time liable for the debts of the society. Half of the work of the society at present is propaganda. Permanent progress is made, as when the farmers have once given the society their support they are very loyal. The object is not merely to work economically, but also to bring producer and buyer into direct connection and eliminate the speculative element in business. Special efforts are devoted to improving the grade of produce. Of 15 butter prizes at the New South Wales state fair the society's members received 11. Produce is sold on commission, and after paying expenses and a dividend on shares, the remainder is distributed to the members pro rata according to the amount of business they have done through the society—in fact, as a rebate on commissions. The turn-over of the society last year was about $1,600,000, and the net profits were nearly $15,000. A 6 per cent dividend was paid on capital, a 20 per cent rebate was assigned on commissions paid by consignors of dairy produce, and $1,500 was carried to the reserve. The society is now four years old. The South Australian Cooperative Union was started in 1894, and in 1902 had 3,633 members. It handles about 1,700,000 bushels of wheat annually, besides a large quantity of wool. This union has reduced the price of binders from $275 to $190 for its members. Its annual turn-over has been about $2,000,000 on average years. Besides rebates, it pays about 6 per cent dividends on shares. The Western Australian Producers' Cooperative Union was formed in 1902, and now has 421 members. The turn-over for the year ending June 30, 1904, was over $43,000—nearly four times that of the previous year—and the profits about $2,500. These profits were directed to be employed in propaganda work, especially in increasing membership. In addition to the profits, members saved

more than $4,000, or about $10 each, in the purchase of fertilizers alone. The society has just started daily auction sales at Perth. As showing the purpose and policy of these associations, the following quotation from a directors' report may be of interest: "The Union is primarily in existence to cheapen all farmers' requisites and to obtain the fullest market values for produce. If, however, the prices quoted should be used as a lever wherewith to depress the prices of ordinary trading firms, the slight temporary advantage which may be gained by individuals must be injurious to producers as a body. The directors in fixing their prices do so in the first instance with the idea of making those prices reasonable and fair to all concerned."

Some of these unions publish agricultural papers, and there are numerous cooperative weeklies or bulletins issued by the distributive associations. These associations all deal with each other, as far as possible, and some of them own shares in English cooperative societies.

Melbourne also has an association known as the "Industrial Exchange," registered under the friendly societies act. The membership fee is $1.22. Farmers may bring produce and working people the products of their handiwork to the headquarters of the society, where they are given certificates representing their value, receivable for any other goods that may be in stock. In this way an exchange is effected without the help of money, though the primary object of the association is to secure a market for articles of home production. In this respect it is similar to the women's exchanges common in America. In the beginning of 1904 the society had 464 members, an increase of 163 during the preceding year. At irregular intervals a paper is issued, called the Industrial Gazette. The exchange had been in operation about 4 years when its premises were visited, in August, 1903, and seemed to be doing a fair though not extensive business in the manner contemplated by its founders.

WAGES, PRICES, AND OCCUPATIONS.

Broadly speaking, Australia is normally a land where the cost of living is low and the price of labor high. But it is a country that has been afflicted with severe industrial depressions, due either to natural causes, like protracted droughts, or to overspeculation, and, it is claimed, to vagaries of public finance and government. What is commonly reported to have been the severest and most widely extended drought during the century of settlement had just ended when the material for the present report was gathered, millions of head of stock had perished, employment in the back country had almost ceased for a time, agriculture had suffered severely, and every avenue of production and exchange, with the possible exception of mining, had felt its adverse effect in an increasing number of unemployed. Mining in

Australia, like agriculture in the United States, is always the recourse of the industrious seeker for employment in a time of industrial disaster. But in spite of the drought the cost of living remained low in the large cities of Australia, and union rates of wages were fairly maintained, even where they were not protected by statute. The 8-hour day was uniformly observed in the usual trades. Evidence of widely diffused comfort among the better class of workmen was everywhere noticeable. There were numbers of idle men and boys upon the streets in all the larger cities, the conditions in this respect reminding one of those prevailing in northwestern American or east Canada towns when the men come out of the woods and lumber camps in the spring. While a considerable share of those out of work gave evidence by their demeanor and personal untidiness of belonging to the class of professional idlers, the bona fide unemployed appeared to predominate. There was less profanity, less spitting upon the sidewalks, and, as a rule, less objectionable behavior than would usually be expected in an American city under similar conditions.

For a review of the earlier industrial history of Australia the writer is under obligations to the chapter on Industrial Progress in the Seven Colonies of Australasia, by Mr. T. A. Coghlan, the government statistician of New South Wales. Prior to the discovery of gold in 1851, Australia was a country almost exclusively devoted to pastoral industry, and while real wages were low and their purchasing power apparently no higher than at present, except for certain local products, people probably suffered little from real destitution. In times of stagnation sheep are said to have brought but 6d. (12 cents) a head at forced sales, cattle realized only 7s. 6d. ($1.83) a head, and a good horse could be bought for less than $15. Farm hands were paid from 10s. to 12s. ($2.43 to $2.92) a week; miners, in the South Australian copper mines, 7s. ($1.70) a day. The highest paid mechanics received from 5s. 6d. to 6s. ($1.33 to $1.46) a day, while plasterers, painters, and blacksmiths were paid only 4s. (97 cents). These were the maximum average wages paid in Australia, in the mining center of South Australia, where there had occurred the first development of mineral resources on the continent. In New South Wales wages usually ruled about 20 per cent lower than those quoted. But in a Historical and Statistical Account of New South Wales, by L. D. Lang, we find that a number of Scotch mechanics taken to Sydney by the author in 1831 readily found work at $9.74 a week, and were able to support their families comfortably on half that sum. Immediately prior to the gold discoveries the wages of skilled workmen in Australia appear to have been declining.

In 1841, two years before the period covered by the table of wages given on a following page, the pay of mechanics had ranged from 7s. 6d. to 8s. ($1.83 to $1.95) a day. Farm hands were receiving

£25 ($121.66) a year, with board and lodging, as against £18 ($87.60) in 1850. While convict importations had ceased in the principal population centers, there was a constant stream of assisted immigration flowing into the country, which supplied all the demands of the growing pastoral industry. In the cities there was some distress, and common laborers in towns were obliged to work for 65 and 70 cents a day at times, and seldom received as much as $1.25. In 1848 the number of manufacturing establishments in Australia and Tasmania is given as 479. There were 224 grain and feed mills, supplying the local market, and 51 breweries, 62 tanneries, 30 soap and candle works, and 5 meat-preserving establishments occupied themselves with the partial handling of ranch products. The other industries were of smaller importance, and included iron foundries, machine shops, yards for the repair and rebuilding of boats, and 8 woolen mills. An earlier whaling industry was at this time just vanishing from statistical importance in Australia.

With the gold discoveries and the series of rushes as each new field was discovered, labor was drawn away from its accustomed channels, and wages rose abnormally in almost every occupation. Provisions also increased in price from 20 to 75 per cent. After considerable disorganization and unevenness of wages for a period until the market had adjusted itself to new conditions and the first excitement had subsided, the rate of pay for workers settled down to something like a systematic basis. A rise of nearly 200 per cent had occurred during the 5 years ending with 1855. The building trades were especially stimulated, for house rents rose rapidly for a time and many people were forced to live in tents—no considerable hardship in the mild Australian climate. In 1856 there were 709 houses in Sydney occupied by families though still in the hands of the builders. While a stimulus was given to agricultural industry, and the area under tillage more than doubled in 8 years, farm labor was so scarce that for a short time farmers were almost entirely dependent in some districts upon the native blacks for harvesting their crops. After a momentary decline, due also to a lack of labor, manufacturing rapidly increased; and, following the reaction after the first crisis of the gold fever was over, there was an influx of people into the pastoral industries, and occupation and settlement were pushed farther into the interior of the continent. This was a movement furthered by the building of railways, which began during this decade.

Routine industrial development, however, did not come until after 1860, when the country had fairly settled down again to the idea of working for a living. There was an active demand for land, so that agrarian agitation became a prominent feature of politics, and resulted in legislation intended to facilitate the settlement of unoccupied country. A gradual decline took place in both wages and cost of living.

During the subsequent decade Victoria and South Australia devoted themselves largely to agricultural development, and New South Wales to the extension of pastoral industry. In the first colony mentioned one-fourth, and in the last less than one-thirtieth, of the lands newly occupied were devoted to crops. While mining remained important, it fell back to a relatively secondary position, and even in Victoria, measured by value of product, was subordinate to agriculture and grazing. But the field of mineral development was considerably widened, and was carried into a wholly new part of the continent by the discoveries in Queensland. Coal mining had meanwhile become an important industry in New South Wales, attaining a position which it holds to the present day. While the area under cultivation in Australia about doubled during the 10 years ending with 1871, this growth was not regular, being interrupted by alternations of flood and drought in several portions of the colonies. During this period Melbourne established its prestige as the financial center of Australasia, and by its close was a city of more than 200,000 inhabitants. While manufacturing had developed to a considerable extent, and employed the labor of nearly 50,000 people, most of the establishments in the four less populous States were small, and the average number of hands in a factory was not more than three or four. Melbourne had a relatively more extensive development in lines of secondary production proper, while Sydney and New South Wales, as a whole, were characterized by industries devoted more largely to the partial treatment of raw materials—by such enterprises as sawmills and tanneries. During the next 20 years there was a gradually rising tide of prosperity in Australia, marked by a well-proportioned development of all her industries, though agriculture, considering her circumstances as a new country with a small population and large tracts of unoccupied arable land, lagged somewhat behind the rate of progress that might have been expected. Wages continued to rise, and the last part of this period was perhaps the golden age of labor in the colonies. This epoch of expansion closed with a disastrous reaction in 1893, and for a few years the effects of the depression that followed weighed most heavily upon the working classes. Wages fell much more rapidly than the price of commodities. After reaching the nadir during the years immediately following the boom, conditions gradually began to improve, and since 1901 the real wages of the workingmen have been about what they were during the previous prosperous period. A degree of unemployment caused by the recent drought may be considered a temporarily depressing factor in labor conditions, but it is manifesting itself in emigration to the Westralian gold fields, to South Africa, and in a less degree to New Zealand and Canada, rather than in lower wages and other attendant circumstances unfavorable to the well-being of the working classes.

12425—No. 56—05——14

AVERAGE MINIMUM AND MAXIMUM WAGES IN AUSTRALIA, IN SPECIFIED YEARS, 1843 TO 1895.

Occupation.	1843.	1850.	1855.		1860.		1871.		1880 to 1890.		1895.	
			Minimum.	Maximum.	Minimum.	Maximum.	Minimum.	Maximum.	Minimum.	Maximum.	Minimum.	Maximum.
Blacksmiths	$1.22	$1.10	$3.41	$3.89	$2.56	$2.68	$1.58	$2.43	$2.31	$2.84	$2.03	$2.43
Boiler makers	(a)	(a)	3.41	3.89	(a)	(a)	(a)	(a)	2.31	2.88	2.03	2.55
Bricklayers	1.22	1.10	4.38	6.08	2.56	2.92	1.46	2.43	2.19	2.76	1.83	2.35
Carpenters	1.22	1.10	2.92	3.65	2.56	2.80	1.58	2.43	2.07	2.68	1.80	2.17
Painters	(a)	(a)	3.16	3.41	(a)	(a)	(a)	(a)	2.15	2.43	1.61	1.95
Plasterers	(a)	(a)	3.41	3.89	2.57	2.80	(a)	(a)	2.43	2.74	1.87	2.15
Stone masons	1.22	1.10	(a)	(a)	2.80	3.41	1.58	2.43	2.23	2.64	2.07	2.72
Unskilled laborers	(a)	(a)	(a)	(a)	1.46	1.83	.97	1.34	1.46	1.95	1.46	1.46

a Not reported.

The maximum and minimum wages given in the above table are average maximum and minimum wages, the variations being representative of different rates prevailing at the same time in different colonies and cities, rather than a range of wages existing in a single center. The locality of maximum wages has shifted at different periods from one portion of the continent to another, and is highest at present in the Western Australian gold fields. As a rule wages in skilled occupations have been lower in South Australia than elsewhere on the mainland, though the rate for unskilled labor was as high as in other colonies. For a time wages in the building trades averaged higher in the northern than in the southern States, while in the iron trade they were relatively higher in Melbourne. But with federation, the improvement and cheapening of intercommunication, and the attainment of a more uniform stage of development throughout the continent, the tendency is for wages and prices to keep on a more even level in all parts of the Commonwealth.

The following table of average retail prices of commodities is compiled from estimates published by Mr. T. A. Coghlan, in the work already mentioned, and represents the result of a careful and exhaustive investigation of the subject, not only from official publications, but also from private publications and other sources:

COMPARATIVE RETAIL PRICES OF STAPLE COMMODITIES, 1850 TO 1900.

Commodity.	1850.	1860.	1870.	1880.	1890.	1900.
Bacon.....lb..	$0.17	$0.24	$0.21	$0.15	$0.25	$0.15
Beef (fresh).....lb..	.04½	.08	.07	.07	.08	.07
Bread.....2 lb. loaf..	.09	.13	.07	.06	.07	.06
Butter.....lb..	.30	.37	.30	.20	.24	.22
Cheese.....lb..	.14	.45	.12	.14	.16	.15
Coffee.....lb..	.28	.37	.28	.34	.49	.37
Eggs.....doz..	.32	.30	.32	.32	.37	.22
Oatmeal.....lb..	.12	.12	.08	.06	.06	.04½
Potatoes.....cwt..	.97	1.83	1.22	1.03	1.46	1.64
Rice.....lb..	.08	.10	.06	.06	.08	.04½
Soap.....lb..	.11	.14	.08	.06	.07	.06
Starch.....lb..	.24	.24	.14	.11	.10	.07
Sugar.....lb..	.07	.11	.08	.08	.07	.04½
Tea.....lb..	.45	.55	.49	.49	.37	.33
Tobacco (Colonial).....lb..	.63	.55	.30	.49	.97	.97

The table does not take into account improvements in the quality of the articles quoted, such as sugar; and, of course, during the past 50 years there has been a gradual change in the standard of living and in the different relative proportions of commodities consumed. These factors count in a final estimate of the cost of living, especially in a country where a large fraction of the population is always just emerging from pioneer conditions of life, and where, in proportion to the total number of inhabitants, there has been a very large urban development. Taking as a basic price level or index the prevailing prices of beef, beer, bread, mutton, potatoes, rice, sugar, tea, and tobacco for the five years ending with 1900, the average price level of the same commodities for corresponding 5-year periods in the previous decades is as follows: For period ending 1890, 113 per cent; period ending 1880, 117.5 per cent; period ending 1870, 116.6 per cent; period ending 1860, 178.5 per cent, and period ending 1850, 103.6 per cent. Prices are therefore lower at present than at any time recorded in the figures during the past 50 years. Presumably the cost of living is now lower than at any time during that period, though the cost of maintaining a family in accordance with the prevailing standard of living may have risen considerably during the past half century.

Reviewing now representative groups of occupations at the present time, it must be premised that a large part of the information with regard to wages contained in this report is derived from official documents, and is therefore of a secondary character. The same is true, though to a less extent, of statements with regard to the general conditions of labor. A visit of slightly under 8 months, to a country with a territorial extent nearly equal to that of the United States and with distances requiring a greater time to travel, with many distinct political and industrial centers, and presenting great diversity of climate, natural resources, development, and predominant occupations, permits only a cursory direct investigation of conditions of employment, and one chiefly valuable for the interpretation rather than for the collection of original evidence.

According to the returns of the census of 1901 the total population of the Commonwealth was 3,773,248, of whom 1,642,677 were engaged in gainful occupations. Thus 43.64 per cent of the population were breadwinners, as compared with 50.3 per cent in the United States. The proportion engaged in gainful occupations in the two countries classified by sexes, was as follows: Males—Australia, 65.25; United States, 80 per cent; females—Australia, 19.88; United States, 18.08 per cent. Classified by groups of occupations and by States, the employments of the people of Australia were as follows.

PERSONS ENGAGED IN GAINFUL OCCUPATIONS IN EACH STATE AND IN THE COMMONWEALTH, BY GROUPS, 1901.

Group.	New South Wales.	Victoria.	Queensland.	South Australia.	Western Australia.	Tasmania.	Commonwealth.
Professional	41,384	35,224	13,608	8,857	7,067	4,997	111,137
Domestic service	72,818	66,815	24,192	17,981	11,303	7,937	201,046
Commerce	77,664	79,048	26,474	20,165	11,803	7,497	222,651
Transportation	43,867	31,516	18,086	12,850	10,992	4,848	122,159
Industrial	146,688	146,233	51,489	41,233	21,810	18,750	426,203
Primary production	172,854	165,147	82,503	49,161	35,572	27,899	533,136
Indefinite	9,524	10,066	1,816	3,049	324	1,566	26,345
Total	564,799	534,049	218,168	153,296	98,871	73,494	1,642,677

Under industrial occupations many unskilled and unclassified laborers are included, besides building mechanics and a considerable number of other workers outside the class of factory operatives. The latter numbered 66,230 in New South Wales and 66,529 in Victoria at the time of the last census. There is nearly one miner for every 3 farmers and graziers in Australia.

In 1902 the total products of agriculture, including poultry, dairy, and bee farming, were valued at £20,207,000 ($98,337,366). The value of the products of pastoral industries was £21,813,000 ($106,152,965), closely followed by mining, with an output valued at £21,732,000 ($105,756,778). Forestry and fisheries added £2,937,000 ($14,293,911) to the country's wealth, and the value of manufactured articles produced in the Commonwealth was £32,118,000 ($156,302,247).

The number of persons engaged in agricultural pursuits in the Commonwealth in 1901 was 276,095, of whom 24,703 were females. Exclusive of the State of Queensland, whose returns do not give this information, the number of wage-earners was 87,396, nearly all of whom were males. Therefore 37 per cent of those engaged in agricultural pursuits are hired servants, a proportion that would probably be somewhat increased if the figures from Queensland, with its sugar plantations, were included. The wages of agricultural labor are reported to be as follows in 5 of the States. No compilation of average wages for the Commonwealth has been made. These figures are compared with the average wages in the United States as given in the bulletin, "Wages of Farm Labor in the United States," recently published by the Agricultural Department.

WAGES OF FARM HANDS AND HARVEST HANDS IN 5 AUSTRALIAN STATES AND IN THE UNITED STATES.

State.	Farm hands per month with board.	Harvest hands per month with board.
Queensland	$18.46	$18.46
New South Wales	16.90	.....
Victoria	19.13	29.78
South Australia	14.56	26.59
Western Australia	21.10	.....
United States	16.40	34.84

The pastoral industries give employment to a relatively larger number of wage-earners and casual hands than do grain farming and other forms of agriculture pursued in Australia. One of the two shearers' unions is reported to have 21,000 men on its rolls, including all classes of ranch employees, and it is doubtful if this organization has more than one-half, or at most two-thirds, of those engaged in these classes of occupations among its members. The shearer proper is not regularly employed, and he works upon a piecework basis, making very high earnings occasionally for a short period. In as far as his occupation is intermittent and he foregathers in camps, he more closely resembles the lumbermen of Michigan and Minnesota than any other class of labor in America; but even here the resemblance is not a very far-reaching one. Station hands do not board with their employers or associate with them in such a way as to allow much community of sentiment to grow up between them. In this respect there appears to be a difference between the relations of employers and employees in this class of occupations in Australia and America. A skillful shearer may earn as much as $12 a day for a time. At least one hears of the expert who sheared 250 sheep a day during a season's clip at some particular station; but an average tally of 40, with a maximum of 60, a day is about what most stations show. The union rate, which is fairly well maintained, varies somewhat in different States. In New South Wales the price is $4.87 a hundred sheep for hand shearing. Unskilled shed hands get about $5.50 a week, and wool pickers, and rollers, and penners up, from $6 to $7 a week. These wages are exclusive of rations and lodging—the former ample but plain, and the latter often of the rudest description. About the same rates prevail in Queensland.

The pastoral areas of these two States are lands of magnificent distances, involving long journeys to reach a place where work is to be found. Union wages, as fixed by agreement, rule about the same in South Australia, except that the shearing price is $4.38 where rations are given. In the more closely settled parts of Victoria, however, the price is but $3.65 when rations are furnished, and ordinary unskilled laborers get about $4.87 for shed work. The prevailing rate for unmarried shepherds or hut keepers is $121.75 a year in South Australia, and ranges from $91.40 to $250 per annum in Victoria. This is in addition to rations. Near the larger towns in Victoria, upon small ranches, not more than $3 or $3.50 a hundred is paid for shearing. The men in the back blocks complain of the high price charged for provisions where rations are not given, and that "extras" of one sort and another reduce their profits from a clip. In some cases men report that their average earnings during a season do not exceed a dollar a day clear—in addition to rations (not board) and lodging.

Mining is an industry in Australia that presents the most varied conditions, from those characterizing the prospecting stage of gold exploration and placer mining to the old settled routine of coal getting in the deep workings of the coast collieries. Victoria shows a steady decrease of from 1,000 to 2,000 men annually in the number employed in gold mining. Of the 25,208 thus engaged in the year 1903, 14,150 were employed in quartz and 11,058 in alluvial workings. The only other mining enterprises of appreciable importance in that State were the collieries, with a total employment of 1,303 men and an output of 225,164 tons, in 1902. This is a growing industry in the State mentioned. The weekly wages reported as prevailing in the different districts and occupations, by the secretary of mines, are as follows: Mine managers, £3 to £12 ($14.60 to $58.40); mining engineers, £3 to £7 ($14.60 to $34.07); locomotive engineers, £2 5s to £3 ($10.95 to $14.60); pitmen, £2 10s to £3 ($12.17 to $14.60); blacksmiths, £2 5s to £3 ($10.95 to $14.60); carpenters, £2 5s to £3 ($10.95 to $14.60); foremen of shift, £2 10s to £3 ($12.17 to $14.60); miners, £2 to £2 10s ($9.73 to $12.17); surface men, £1 10s to £2 5s ($7.30 to $10.95); boys, 15s to £1 10s ($3.65 to $7.30).

Tributing or taking contracts upon payments based on the clean-up of gold is common in the Victorian gold mines, and is opposed by most of the miners. About one-third of the underground men in the Ballarat district work under this form of contract. Testimony as to average earnings under this system varies. In a number of instances men earn double wages. The writer interviewed a number of miners, however, who had found themselves out of pocket for living expenses at the end of their contracts. An act was passed in 1897 to regulate tributing, but was inoperative, as men contracted out from under its provisions.

Queensland has about 13,000 of her less than 17,000 mining employees engaged in gold workings. While her coal mines produce over half a million tons annually, this branch of the industry uses the labor of about the same number of men as in Victoria. The number working in 1901 was reported as 1,223. This probably indicates relatively shallower mines, and a product more easily won. The average weekly wages of mine managers are given as £6 ($29.20); of locomotive and stationary engineers as £3 15s ($18.25); and of miners as £2 15s ($12.38). These averages include the workers in the gold mines of northern Queensland, well into the Tropics, where the general conditions of life and the cost of living are unfavorable to the workingmen.

South Australia's mineral industries are confined largely to copper mining, the product in 1901 being about 6,700 tons, valued at about $2,340,000. In 1903 the number of miners in the Moonta field was 1,876. With the exception of one mine, the men work under a contract system. The average pay of underground men, including

foremen, is $9.25 a week. The average wage of surface workers, including artisans, is $1.58 a day. The French mine at Yelta pays a daily wage, amounting to $9.74 a week, to underground men. There is a system of tributing, or payment by mineral results in the ore taken out, against which the miners struck for 26 weeks on one occasion, but without success. As long as a certain quantity of ore is broken out each day the tributers are paid a subsistence wage of $4.87 a week, with additional pay according to the amount of metal found in the ore at clean-up. Contractors, who are more numerous, work by the cubic yard or linear fathom of drive, usually on 13-week contracts. They are paid a subsistence wage, with a settlement upon the completion of the contract, which includes timbering.

The mineral production of New South Wales in 1902 was valued at nearly $28,000,000, over 40 per cent of which was coal. In gold production this State ranks behind both Western Australia and Victoria; but there were 10,610 men engaged in gold mining, although the product per miner was only about $315 in 1902. There was a decrease of 8,738 in the number of gold miners employed in the three years ending with 1902. Silver and lead mining returned in 1902 over twice the value of output of gold in New South Wales, but employed only about one-half the number of men. Wages in this industry range from $2.65 a day for engineers and skilled mechanics, down to $2 for toolmen and porters, and $1.82 for truckers. The highest paid underground men are the timbermen, who average about $2.45 a day. Regular miners receive $2.19; bracemen and platmen, $2.07. In copper mining 1,699 were employed in 1902, and in tin mining 1,288. In mineral getting, exclusive of coal and petroleum shale, 20,581 men were employed in the State. The coal output of New South Wales was 5,942,011 tons in 1902, or over 86 per cent of that of the entire Commonwealth, and the number of men employed was 13,114. Therefore the average amount of coal raised per man employed, including surface hands, was somewhat over 450 tons per annum. In the United States, including lignite and shallow workings, the amount is 536 tons per man per annum, the highest average of any large coal-producing country. The value of coal raised per man employed in New South Wales is nearly 85 per cent greater than the amount of gold returned per miner. The Newcastle district is an old mining center, and the workers in the collieries were organized as early as 1872. The drought helped coal mining in New South Wales, because ships bringing cargo to Australia returned with coal as ballast; but this has been followed by a sharp depression in the industry in 1904. For 15 years relations of employers and employees in the 40 mines of this district have been governed by agreements or collective bargains, not without an occasional rupture, however; but recently awards of the arbitration court have taken their place. Pony trucks are used, and miners generally

hew and fill, though in some pits there are the three classes of employees, viz, miners, fillers, and wheelers. If a man sends out refuse, fines are imposed. These formerly went to the miners' accident fund, but since that has been taken over by the government they have been turned into the local funds of the unions to pay branch expenses and the salary of the check weigher. There is a fixed deduction for dirt, an agreed amount being allowed free, and any amount over that charged for after screening. Some companies pay for fine coal separately, but the men prefer gross payment. The arbitration awards give preference of retention to the oldest hands when a reduction is made in the force employed. There was considerable discrepancy in the statements as to actual earnings of miners. One company stated that its men worked 8-hour shifts, from surface to surface, or about 7½ hours at the face, the men entering the mine at 6 a. m. and leaving at 2 p. m. The pay sheets of this mine were inspected by the writer. On one tally the lowest earnings of any member of a gang were $2.04 for a shift, and the highest, $5.61, less the cost of powder and fuse. On another sheet, 17 men averaged $3.45 a shift, subject to the same deductions. These figures were seen in the summer of 1903. The following year figures were obtained from the Pacific Colliery, in the Teralba district. An average was taken of 18,229 shifts of 8 hours; the average product per man per shift was 5.76 tons, and the net earnings of the miners, after deducting for powder and fuse, were $3.41 a shift. Since 1877 the selling rate of coal in the Newcastle district has varied from a maximum of $3.40 a ton up to June, 1880, to a minimum of $1.70 a ton in 1881 and from 1895 to the end of 1898. The highest hewing rate paid miners was $1.22 a ton up to June, 1880. It then fell to 91 cents a ton, and dropped to 71 cents between 1896 and 1898. The recent fall in prices has depressed wages below the rates just given, which are those prevailing to the end of 1903. Under the award, miners in the western district of New South Wales were receiving 53 cents a ton for hewing in June, 1904. In a small colliery, not under the award, the average net earnings of miners, according to representative pay sheets, varied from $2.80 to $2.82 a day of 8 hours.

At day wages laborers are paid from $1.58 to $1.70 a day, screenmen and boys from 80 cents to $1.72 a day, wheelers the same as laborers, banksmen $1.46 to $1.95 a day, and shiftmen $2.19 to $2.44 a day. The arbitration court has shown a disposition to favor sliding-scale rates for hewing, based upon the market price for coal. In one award the price is fixed at 61 cents a ton for best screened and 43½ cents for shovel-filled coal, with one cent a ton additional for every inch under 5 feet that the seam is thick, when coal sells for an average price of $2.19 a ton. The rate decreases or increases 2 cents and 1½ cents for the two grades of coal named, respectively, for every 4 cents in the

first 24 cents rise or fall from the selling price standard, and for every 6 cents of rise or fall thereafter. But a minimum hewing rate of 49 and 34 cents, respectively, for the two grades of coal is set, below which the pay shall not fall irrespective of the selling price of the product. The court declined to grant a uniform 8 hours. The average daily earnings of miners in the Pennsylvania anthracite fields, according to testimony presented before the recent strike commission, were between $2.40 and $2.50 a day, with a minimum of $2.38 in some collieries and a maximum of $2.75 in others.

Western Australia is the principal gold-mining State of the Commonwealth. In 1903 the amount of gold won was valued at nearly $44,000,000, and formed 47.84 per cent of the total output of Australia and New Zealand combined. Twenty thousand seven hundred and sixteen men were engaged in gold mining in the State that year, of whom 17,329 were in reef or lode mines and the remainder in alluvial workings. There were 890 men engaged in winning other minerals, of whom 402 were employed in coal mining. Conditions of employment in the gold fields have been sufficiently described in connection with the arbitration court awards governing this industry in Western Australia.

Of the 426,203 industrial workers in Australia probably about one-sixth are engaged in building trades. Of 7,376 persons thus occupied in Queensland, 4,203 were carpenters and 706 stone masons. But of 98,737 habitations in that State, including tents, in 1901, only 2,548 were reported as brick or stone. In South Australia, on the other hand, of the 75,854 habitations, including tents, the same year, 58,615 were of masonry and 2,664 of concrete. While these two States represent the two extremes of prevailing construction, there is more brick and stonework in proportion to the total number of houses in Australia than in America. This follows partly from the large concentration of population in capital cities, partly from lack of a local timber well suited for domestic construction, and partly, perhaps, on account of traditions brought from the mother country, which there has never been inducement to change. In the old files of the Sydney newspapers, at a time when all the country back of that city was forested, there are advertisements of shiploads of timber from America just arriving, and this trade still continues. A rather peculiar feature of the Western Australian building statistics for 1901 is that over 18,000 of the habitations of that State, or nearly 37 per cent, were tents. There are nearly 10,000 tents occupied as homes in Queensland and nearly 9,000 in New South Wales. Victoria has one masonry house for every two and a fraction wooden houses, while New South Wales has two and a fraction masonry houses for every three of frame construction. The proportion of bricklayers and stone masons

engaged in the building trades is, therefore, normally larger than in the United States outside of urban centers. Little "modern" construction is to be observed in city buildings, and the use of steel frames has not been introduced, except in a few isolated instances by American insurance firms. In fact, in the erection of the only building of this character in Melbourne, one of very moderate dimensions, 13 lives are said to have been lost. According to an occupant of this building, "ten lives were lost through inexperience in handling the machinery and girders." However, the public buildings and larger business houses of the Australian cities are substantial and fairly imposing structures, illustrating traditional principles of construction and following English schools of design. The brickwork, therefore, means more from a structural standpoint than it does in the United States, and the rapidity with which a building can be inclosed securely is much less than in America. Brick walls having an outside exposure are usually surfaced with cement. A rather friable but not inornate sandstone is used in public buildings in Brisbane and Sydney. Melbourne is not so fortunate in quarry material, her only local stone being a durable but depressing bluestone, the use of which is largely confined to foundation and first-story work. Granite is imported from Tasmania.

Machine joinery is not nearly as perfect and accurately finished as the better class of work in the United States, and more hand work is therefore required upon the more pretentious buildings. Neither are labor-saving devices used to the same extent, either for heavy work and hoisting, or for such purposes as floor planing and finishing. Upon the whole, therefore, the labor cost of construction is probably higher in Australia than in America, though wages are about one-half what they are in San Francisco. Possibly for this reason, and possibly, too, for want of easily worked and suitable domestic timbers, interior woodwork is often of inferior quality and impresses one as out of keeping with the fine exteriors of many of the larger buildings. All kinds of plumbing are to be found in Australia, the poorest being of a character to warrant one in assuming that this feature of construction is not made the subject of very rigid inspection in all the cities, while the best is equal to really high-grade work anywhere. In general sanitation and cleanliness many of the Australian cities equal, if they do not excel, places of the same population in the United States.

The 8-hour day is uniformly observed in the building trades. The pay of mechanics, according to information received directly from employers and workingmen in most instances, averaged as follows in 1904.

DAILY WAGES OF MECHANICS IN CERTAIN CITIES OF AUSTRALIA, 1904.

Occupation.	Brisbane.	Sydney.	Melbourne.		Adelaide.	Perth and Fremantle. (a)	Kalgoorlie.
			Public.	Private.			
Bricklayers	$2.68–$2.92	$2.68	$2.43	$2.43–$2.68	$2.43	$2.92–$3.16	$3.89
Builders' laborers	1.46– 1.70	1.82	1.95	.....	1.70	2.43	2.43
Carpenters	2.43	2.82	2.19	2.19– 2.43	2.19	2.80	3.65
Painters	2.19	2.19	1.95	1.46– 1.95	1.95	.....	.....
Plasterers	2.68	2.43	2.19	.....	2.19	2.92– 3.16	.....
Plumbers	b 2.19	2.68	2.43	2.43– 2.68	2.43	.....	.....
Stone masons	2.92	2.68	2.26	.....	2.43	2.92– 3.16	.....

a 1902. b Not organized and no standard rate.

It would appear to be exceptional, therefore, for a building mechanic to receive $3 a day while the average pay in these occupations is nearer $2.50 a day, or about one-half union rates in San Francisco at the present writing, for the same number of hours. A good bricklayer at Brisbane or Perth is said to lay between 600 and 700 brick a day upon an average taken over a whole business building. A builder in Sydney said his men averaged 800 brick in heavy walls. Upon the new supreme court building at Perth the men averaged under 600 a day for 3,000,000 brick for a private contractor. The actual dimensions of brick were not reported the same by different parties, but generally were given as 9 by 4½ by 3 inches. There is probably less interruption of labor in the building trades for climatic reasons than in the cities of the Eastern States in America.

A larger proportion of the factory operatives in Australia and New Zealand are females than in the United States. The proportion in 1901 was 21.8 per cent of females in New Zealand, 20.5 per cent in Australia, and in 1900 the proportion was 19.4 per cent in the United States. These percentages do not afford an absolute basis for comparison, however, as they apply to wage-earners only in the United States, and in Australia to all persons employed. The number of females employed as relatives assisting in smaller establishments might change these percentages somewhat if they were included in the American figures, though the difference would not be great on account of the larger size of factories in America. The same sort of reservation applies with even greater force to figures showing the relative employment of children. Such figures have not been compiled for the Commonwealth; but in New South Wales the number of children under 15 years of age employed in manufacturing industries was 1.6 per cent of the total number of employees in 1901, while in the United States the proportion of children under 16 years of age was, in 1900, 3.2 per cent of the total number of employees. In Massachusetts, where the employment of minors is decreasing, the percentage of the total number of factory employees under 21 years of age in 80 industries was 13.1 per cent in 1900, while in 1903 22.1 per cent of the factory

employees in Queensland were under 18 years of age, and in 1902 20.4 per cent of the employees reported by the factory inspector in New South Wales were under 18 years of age. In South Australia 8.7 per cent of the factory operatives were reported to be under 16 years of age in 1901. Although the statistical bases for these figures are not uniform enough for very accurate comparisons, when supported by other facts, such as the larger percentage of women reported as engaged in gainful occupations, they seem to indicate that the lower earnings reported in Australia may be due to some extent to a relatively larger employment of women and children in the factories of those countries.

The treatment of raw materials that are the product of pastoral pursuits engaged in 1901 the labor of 6,274 persons in Australia, of whom all but 17 are males. These industries include tanneries and wool-scouring establishments, which employ 5,510 of the hands enumerated, and the relatively minor industries of refining tallow and of manufacturing artificial manures, glue, and oil products. The average pay of the 43 tanners employed in South Australia, including boys over 16, is reported as $6.67 a week. In New South Wales tanners earned upon an average $10 a week at daily pay, and as high as $12.17 at piecework. The best-paid hands in the wool-scouring sheds, the sorters and pressers, earned from $9.87 to $12.17. Foremen averaged about $15 a week. The highest paid employee listed in this industry in New South Wales is a "chrome expert," who received $24.33 a week. The average wages of the 138 tanners reported in Queensland are given as $1.22 a day. The tanners in Victoria are under a determination of the wage board governing their trade. One apprentice or improver is allowed for every 3 men, and wages for this class of labor rise from a minimum of $1.46 a week the first year to $7.30 a week during the sixth year of service. Boys from 13 to 17 years of age are allowed to be employed as strainers at wages ranging from $1.46 to $4.26 a week. Laborers are paid $8.27 a week. Journeymen's wages range from $9.73 a week for scudders to $11.68 a week for shavers and operators of band-splitting machines. The writer was present when a deputation of employers in this industry waited upon the state minister of labor to petition that parliament exempt them from board jurisdiction. They stated that the standard of wages set by the board in their trade, and the limitation of apprentices, had checked the progress of the industry. One employer said his output had fallen from 1,050 to 650 hides a day under the operation of the law, and another testified that he had lessened his force by 20 men in consequence of the terms of the determination. The force of the testimony was not such as to cause the minister to give the deputation any encouragement that they would be relieved from the restrictions of which they complained.

The average wages of the 590 adult males employed in tanning in Victoria in 1901 were $10.02 a week, and of the 845 tannery employees of all ages $8.58 a week.

Industries connected with food and drink employed 29,432 males and 3,704 females in the Commonwealth in 1901. Sugar mills employed 3,782, all of whom were males. The ruling prices of labor in this industry have been given in a previous section of this report.

Jam making, fruit canning, pickling, and vinegar making, considered together, employ 3,778 persons, of whom 1,309 are females. Fruit canning is relatively of less importance in Australia than jam making. More women and girls are employed in this group than in any other of the food and drink industries, confectionery and biscuit making following in the order named, each with only about half as many female operatives. Over half of those employed in this group are in Victoria, where wages are regulated by a board. The hours of work are 48 a week, and wages are, for males and females under 16 years of age, $2.19 a week; for females between 16 and 18, $2.68, and over 18, $3.41 a week; for boys between 16 and 18, $2.92, and between 18 and 21, $4.14 a week; and for all males over 21 the minimum wage is $7.30 weekly. The wages of the 133 adult males actually employed in this occupation in Victoria averaged $8.27 a week, and of the 132 adult females reported, $3.51 a week. Tasmania has a large number engaged in this industry in proportion to the number of factory workers in that State, 575 being reported at the time of the last census. New South Wales is the only State except Victoria that exceeds this number, with 749 operatives. The highest wages reported in this State were of two fillers, who averaged at piecework $13.99 a week. Ten foremen averaged $13 a week; boilers averaged $6.77, and assistants and boys ranged from about that sum down to $1.95 a week.

Breweries employ 3,625 hands in the Commonwealth, of whom 9 are women, and ærated water factories employ almost as many more, the exact number in 1901 being 3,415, of whom 161 were women. Victoria leads again in this industry, with New South Wales a close second, both States employing over a thousand hands in each of the two lines of manufacture mentioned. In the former State a board regulates wages, which range from $3.65 and $4.87 weekly for labelers and wirers, to a minimum wage of $10.71 for journeymen brewers, for a 48-hour week. In New South Wales the average wages paid in breweries range from $2.92 for boy assistants in the brewing houses and cooper shops, to $11.09 for brewing hands. One maltster foreman receives $24.33 a week, which is the highest wage reported in the industry. South Australia has 126 adult males employed in brewing, whose average weekly wages are $9.31.

Butter and cheese making employ 3,589 hands, the center of this industry being again Victoria, with 1,546 employed, against New South Wales with 1,012, and Queensland with 703. In the first State the average wages for butter makers are $8.68 a week for adult males. In New South Wales the average weekly wages of 43 male butter makers is given as $9.06. No sufficient data are at hand as to average wages in other States, except that the South Australian statistical register reports "good" cheese makers as receiving $3.65 a week with board and lodging.

Meat preserving and refrigerating give employment to over 3,000 hands, Queensland leading in this industry, with New South Wales second. In the former State slaughtermen receive an average wage of $10.96 weekly, with board and lodging. The highest wage reported was for one chilling and freezing hand, who received $14.60 a week. The wages of 6 retail butchers' employees in South Australia averaged $9 a week.

In the districts of Victoria under the supervision of the factory inspector 163 operatives are reported in meat-preserving works, whose average wage is given as $9.90 a week. Flour mills in the Commonwealth, supplying the local market principally, employ 2,540 hands. New South Wales shows the largest employment in this industry, with Victoria second and South Australia third. In the first of these States the average pay of millers is $12.37 a week; wheat samplers get $12.17, and the highest wages paid in the industry are to 4 foremen of millers, whose average salaries are $24.33 a week. The 263 males employed in this occupation in the factory districts of Victoria receive an average wage of $9.55 a week. In the same State there is a minimum wage of $12.17 for a 48-hour week for bakers, and the average wage of the 485 adult males employed in this occupation is $12.59 a week. The average wages of 314 operatives receiving journeymen's pay in New South Wales are $12.63 a week, but in that State the hours are not yet limited. South Australian reports record 263 adult male bread bakers, whose average weekly wage is $7.36.

The clothing and textile trades present a greater variation of conditions of employment than do those in the class of occupations just reported. There is still considerable sweating in some of the cities, according to the reports of inspectors and others in close touch with the working people. According to the secretary of the workingwomen's trade union of Adelaide, women in that city were being paid in July, 1903, 6 and 8 cents a pair for making up boys' and men's trousers. As a typical instance of how workingwomen lived when dependent entirely upon their own exertions in these trades for support, she mentioned in a public interview one girl who made underclothing, who paid 97 cents a week for her room, bought a pound of treacle (molasses) a week, a quarter of a pound of tea, and two or three loaves of

bread. She then had only a few pence left for extras, and once a fortnight might be able to afford a few chips for a fire. The average wages of 923 tailoresses in this State are $3.57 a week; 64 of these are under 16 years of age. Male tailors, of whom there are 183 reported, average $9.02 a week. As in New Zealand, the lowering of compensation in certain trades arises partly from the competition of well-to-do women, who take in work at very low rates in order to earn pocket money. It is claimed that the factory regulations and minimum wage determinations in Victoria have alleviated sweating and other harmful outworking in the Melbourne clothing trades, where these evils formerly were very aggravated. Ten years ago a system of subletting and undercontracting was in vogue in the clothing trades of that city, by which women workers were beaten down to wages ranging from $1.83 to $3.12 a week for from 70 to 84 hours' work. There is now a minimum wage of $4.87 for tailoresses and $10.95 for tailors, with a sliding scale for improvers and apprentices, according to their length of service. The average weekly wages of 503 males employed at time rates in clothing making is given in the inspector's report for 1902 as $13.02, and of 5,155 females employed under similar conditions as $5.58 a week. The New South Wales tailoresses are under an award of the arbitration court fixing a minimum wage of $4.87 a week, with $6.08 for coat machinists. This is for 48 hours' work. The average wages of 474 males employed in ready-made clothing manufacture in Sydney are given as $9.39 a week, and of 755 males in custom work as $9.81 a week. The average pay of 983 females over 18 years of age working on ready-made clothing was $4.28 a week, and 843 on custom-made clothing, $5.50. In St. Louis, a city slightly larger than Melbourne or Sydney, in garment making the following wages were paid: To 360 male employees, working an average of 9.47 hours a day, $10.19 a week; to 1,026 females, working 9.34 hours a day, $5.31 a week.

In 1902 Victoria had 5,101 persons employed in the manufacture of boots and shoes, New South Wales had 4,098, Queensland, 1,045, South Australia, 1,368, Western Australia, 284, and Tasmania, 298. The annual value of the product is not obtainable, but is probably between $9,000,000 and $10,000,000. Besides 772,654 pairs of slippers, 8,916,293 pairs of boots and shoes were manufactured during the year specified, or more than two pairs per annum for every inhabitant of the Commonwealth. Nevertheless there are considerable importations, and the trade is one in which American manufacturers have a large interest. In Victoria wages are regulated by a board, which has fixed the following minimum rates for a 48-hour week: Females, $4.87; male assistant stuff cutters, lining cutters, and miscellaneous hands, $9.73; and for principal hands, clickers, cutters, machine operators, and hand closers, $10.95 a week. The average wages reported by the factory inspector of that

State for 1901 were, for 1,592 adult males employed, $10.85 per week, and for 542 adult females $5.27 a week. In New South Wales the highest wages reported were for 12 foremen, clickers, who earned on an average $14.82 a week; while 165 clickers averaged $10.67 a week, 21 lasters averaged $10.14 a week, and from this wage the pay ran down to that of boys employed at $1.34 a week. The average weekly earnings of 2,424 males of all ages engaged in these trades was $7.97 a week, and of 1,069 females of all ages, $3.20 a week. These wages compare unfavorably with those reported for the same industry in Massachusetts, where less than 13 per cent of all employees of all ages and sexes receive less than $5 a week. In Brisbane the wages of adult males range from $7.30 to $10.38 a week. There are very few females employed in this trade in Queensland. In South Australia 86 males of all ages in this industry earned $7.35 and 30 females $3.51 a week.

In the woolen mills of New South Wales female spinners are reported to average but $2.31 and male (head) spinners $8.64 a week. Male weavers receive $4.91 a week, and females earn on piecework an average of $4.83 weekly. The average earnings of 54 male employees in this industry, including dyers, engineers, and foremen, are given as $6.61 a week for employees of all ages, and the average wages of all females employed are given as $3.32 a week. A comparison of weavers' wages in Ballarat, Victoria, and in England shows that in weaving worsteds, for instance, the Wellington (England) weaver works 2 looms 56 hours a week for $2.92, while the Ballarat weaver works 48 hours a week at one loom only for $8.03. The relative difference in the price for weaving tweeds is equally great.

Victorian manufacturers stated that while employees did not openly oppose the introduction of machinery into these industries, it was impossible, especially in the boot trade, to get a full turn-out from new appliances introduced in the factories. One manufacturer, speaking from observation in both countries, said the output of a machine in Victoria was from 30 to 40 per cent less than the output of the same machine in the United States. An experienced manager said that he usually found it profitable, when introducing new machinery, to engage a new and inexperienced hand to run it, paying wages proportionate to the amount of work got out of the machine. Employers admitted in some instances that the smaller machine product was due partly to the fact that no incentive, in the way of higher wages, was placed before workmen to induce them to increase their product when mechanical improvements were introduced in a factory; but that there was a tendency to consider that all the advantage of new machinery should go to the proprietor alone. The clothing and textile trades together, including boots and shoes, employ the labor of 15,582 males and 29,049 females in the Commonwealth.

The various manufactories concerned in the production of building

materials afford employment in the aggregate to 23,611 persons in Australia, of whom all but 77 are males. It has been remarked that brick and masonry construction predominate in some States, and that buildings of this character form a much larger proportion of the total number than is usual in new countries, with an extensive and sparsely settled frontier. But the timber industry employs the larger number of hands, as far as the manufacturing of materials alone is concerned, or 17,178 persons, as compared with 6,484 engaged in clay, cement, and stone working. The statistics include with the clay working occupations makers of earthenware and pottery, not an important industry, however, in Australia. The sawmills cut about half a billion feet of timber per annum, and the brickmakers turn out in the neighborhood of 300,000,000 brick.

In Victoria the wages in urban sawmills and sash factories are regulated by a board, which has established for a 48-hour week a scale of wages ranging from $10.22 and $10.95 for men running mortising machines and shingle saws to $13.87 for band sawyers who sharpen and braze their own saws. The highest minimum wage of foremen, who are classified according to the size of their gangs, is placed at $16.06 a week. These rates are for urban workmen and are probably higher than those paid in country mills. The average wage of 1,149 adult males employed in this work in Victoria was $12.15 a week. In New South Wales the average wages of 76 sawyers were $10.75 a week, and of 143 laborers, $8.09 a week. There were 561 males of all ages employed in mill occupations, earning upon an average $8.52 a week. The average pay of general hands in Queensland is reported as $9.65 a week and of machine hands $11.54 a week.

Under the determination of the board regulating the wages of brickmakers in Victoria, the lower paid hands must receive a minimum wage of 18 cents an hour for 48 hours a week, or more exactly $8.76 a week. The highest minimum established is $15.57 a week for burners employed on patent kilns for 64 hours' work. First-class engineers, employed 57 hours a week, receive about $14.45. The average weekly earnings of 345 adult males employed in the urban districts of Victoria were $11.05. The average earnings of 916 male employees of all ages, of whom but 51 were under 18 years of age, in the factory inspection districts of New South Wales are given as $11.44 a week, the highest wages, except for supervision, being those of engineers, 21 of whom averaged $17.54 a week, and of burners, 62 of whom are reported to have received $14.60 a week. The number of hours worked is not stated. An average of the weekly earnings of 90 laborers employed in the industry is given as $9.53. There were 133 adult male hands in this industry in South Australia whose average wages were $8.37 a week.

12425—No. 56—05——15

Engineering and metal-working trades give employment to 37,257 persons, of whom but 69 are females. General iron working employs nearly half of these, about one-fifth are in the various government railway shops, and one-sixth are engaged in smelting works. According to distribution in the different States, New South Wales leads with nearly 14,000, and Victoria comes second with 9,656 in these trades. South Australia has over 6,000 employed, and Queensland, Western Australia, and Tasmania follow in the order mentioned. The leadership of New South Wales over Victoria is due almost entirely to the smelting industry, which employs over 3,000 men in the former State, as against 59 in the latter. South Australia also has 2,443 persons in the smelting industry, which explains her high rank in proportion to population among the 6 States. Victoria almost monopolizes the manufacture of agricultural implements with 1,057 employees of the 1,451 engaged in this business in the Commonwealth. One harvester manufacturer at Ballarat employs 550 men, values his output at $30,000 a week, and ships extensively to the Argentine and Algiers. This industry is also thriving in South Australia. In Victoria the average weekly wages of iron molders were, for 678 adult males, $11.58, and for 960 males of all ages, $9.21 a week.

In the general engineering trades in Victoria wages are reported to be for 2,793 adult males $11.03, and for 3,914 males of all ages $8.78. In New South Wales the average wages of 962 males of all ages, under the heading "iron works, foundries, and boilermaking," are given as $10.02, while under the head "engineering" 1,534 males of all ages are reported to receive an average wage of $8.84. The highest wages reported for some half dozen foremen, including a "specialist," are $19.34 to $19.47 a week. Brass molders and finishers earn $10.71 and $11.76 a week, respectively; 43 iron molders average $13.83, and 225 fitters and turners $11.03 a week. Pattern makers average $14.80. Car builders earn about $13.34 weekly, the highest wage in the shop being paid to a foreman painter, who receives $24.33 a week. There is no material variation from these rates in the figures reported from Queensland. Statistics of railway shop mechanics' wages are given in connection with transportation. Shipbuilding and repairing employ 2,367 workmen in the Commonwealth, nearly three-fourths of whom are in New South Wales. The general range of wages conforms roughly with that prevailing in the engineering trades just reviewed.

The manufacture of furniture and bedding employs 4,426 men and 420 women in Australia, and the industry is centered mainly in Victoria and New South Wales. The Chinese competition in this class of occupations has already been mentioned. In New South Wales the average wages of males employed in the industry is given at $8.25, and of females, $4.12 a week. As stated in a previous connection, the determination of the wages board in Victoria places the minimum

wage of females at $4.87 a week, and of males at $11.19 a week in that State. This is for adult employees. The average wages paid 541 adult male European cabinetmakers are $12.31, and those paid to 435 Chinese, $11.88 a week. The accuracy of the latter figures is questioned by the authorities who present them.

Printing trades employ 13,558 males and 2,924 females in the Commonwealth, Victoria leading and New South Wales standing second in these occupations. The wage board determination in the former State gives compositors a minimum of $12.65 for 48 hours a week, proof readers a dollar a week more, and linotype operators $17.03 for a 42-hour week. Adult male feeders get $8.76, and female feeders over 18 years of age $4.87 for a 48-hour week. Lithographers and stereotypers are given the same rate as compositors. The average pay of 1,144 adult male printers in the metropolitan district of Victoria was $12.42, and of the 263 reported outside of that district, $10.67. But few females are employed in this occupation in Victoria. The average weekly pay of 2,068 males of all ages employed in these trades in New South Wales was $9.35 a week, as compared with $9.04 a week for 1,782 males of all ages employed in the metropolitan district of Victoria. In Brisbane compositors were being paid $14.60 a week on the labor paper, $13.63 in the government printing office, and $12.17 on the daily papers. Linotype men receive 6½ cents a thousand "ens," and hand compositors 24.3 cents a thousand "ens" for day and 26 cents for night work. No "fat" is allowed.

Vehicle building, saddlery, and harness making are fairly important industries in Australia, and employ a total of 7,855 men and 117 women. Victoria, New South Wales, and Queensland lead in these occupations in the order named. Wages range about the same as in the furniture trades, the minimum set in the two occupations of saddlery and cabinetmaking being identical in Victoria. The average wages of adult male saddlers in that State are given at $12.27 a week, and the average wages of all males of all ages in that occupation are reported to be $8.37, as compared with $7.89 a week in New South Wales. Adult male saddlers and harness makers in Brisbane are reported to earn $10.16 a week, and in Adelaide, $8.11 a week. The wages of coach builders, cycle repairers, nave and spoke makers, etc., average within a few cents of the same as those of saddlers.

Miscellaneous factory production gives employment to between 13,000 and 14,000 people in Australia, but none of these branches is important singly. The tobacco trades employ 1,632 males and 1,347 females, and are relatively far more important than any other industry under this head. The average pay of 624 males employed in New South Wales is $7.60 a week, and of 390 females, $3.73. Employers in this industry in Victoria complain of the operation of the minimum wage board, stating that it has affected the trade adversely, and that

the determination has been so framed as to discourage or prevent the use of machinery. In one determination, covering special factory brands, for instance, there is a regulation made by the board that, "The lowest prices for covering machine-made cigars (except 'Bonanzas'), shall be two-thirds of the piecework price for making right through." The factory in question removed its machinery to Adelaide in order to defeat the provisions of the board. It is claimed that in this trade it is necessary practically to get a new determination whenever it is proposed to introduce a new brand or quality of goods, and that as the boards contain members and employees of rival firms, this prejudices the chance of an enterprising manufacturer of getting a taking line of goods upon the market before his competitors. The piecework price established by the board ranges from a maximum of $1.46 a hundred for hand work, down to 60 cents a hundred for cheap quality cigars made in molds. For sorting and packing prices range from 60 cents to $1.33 a thousand, according to quality of goods and sizes of boxes. Cigars are used less in Australia than in America, pipes and cigarettes replacing them to a great extent. The average earnings of all male employees in the industry in Victoria were $8.96 a week, and of females, $6.43. In South Australia the average wages of males were $9.81, and of females of all ages, $2.80 a week.

The following rates of wages have been tabulated from data contained in the chapter upon industrial wages in the New South Wales statistical registers for the years in question and from information contained in the report of the chief inspector of factories of Queensland. The wage statistics of other States, while in some instances almost as complete, are not classified in a manner to allow a comparative showing with those here given, or are only approximate averages, worked down to even shillings or sixpences a week, and showing very little variation from year to year. The table shows the number of employees whose wages were averaged and the average weekly rate of pay for three successive years.

AVERAGE WAGES IN VARIOUS OCCUPATIONS IN BRISBANE, QUEENSLAND, AND SYDNEY, NEW SOUTH WALES, 1900 TO 1902.

Occupation.	Brisbane, Queensland.						Sydney, New South Wales.					
	1900.		1901.		1902.		1900.		1901.		1902.	
	Number.	Wages	Number.	Wages	Number.	Wages	Number.	Wages	Number.	Wages	Number.	Wages
MALES.												
Bakers	117	$11.48	114	$11.53	131	$11.86	297	$12.48	272	$12.30	315	$12.62
Blacksmiths	67	11.48	111	11.43	121	11.23	313	12.89	350	12.38	310	12.94
Boiler makers	53	13.49	74	13.42	46	13.89	234	14.46	224	14.34	189	14.75
Bookbinders	58	12.21	62	12.33	59	12.25	72	12.04	84	11.13	62	12.11
Bootmakers	150	8.72	166	8.60	134	8.88	305	8.88	267	9.12	315	9.14
Boot clickers	84	9.98	81	9.69	62	9.67	196	8.33	215	9.06	165	10.67
Boot finishers	91	9.50	76	9.23	63	9.06	192	8.70	193	8.76	257	9.10
Bricklayers	.....	.....	.....	14.60	.....	13.87	58	13.97	18	15.37	31	15.09
Cabinetmakers	80	10.04	89	9.67	73	9.96	100	11.61	68	11.16	79	11.61

AVERAGE WAGES IN VARIOUS OCCUPATIONS IN BRISBANE, QUEENSLAND, AND SYDNEY, NEW SOUTH WALES, 1900 TO 1902—Concluded.

Occupation.	Brisbane, Queensland.						Sydney, New South Wales.					
	1900.		1901.		1902.		1900.		1901.		1902.	
	Number.	Wages	Number.	Wages	Number.	Wages	Number.	Wages	Number.	Wages	Number.	Wages
MALES—concluded.												
Carpenters and joiners	194	$13.26	141	$12.69	161	$12.57	546	$13.04	509	$13.18	527	$13.70
Compositors	188	13.18	232	13.20	233	12.55	396	11.38	428	11.38	431	11.80
Coopers	48	11.85	34	12.41	24	12.11	95	11.78	114	11.56	72	12.26
Electrotypers	4	15.40	9	14.42	7	14.72	34	13.44	28	13.32	35	13.79
Laborers	776	7.87	578	8.02	433	7.97	1,601	8.99	2,245	9.77	2,317	9.25
Molders, iron	40	13.39	45	13.22	45	12.84	191	11.96	217	13.09	206	12.94
Painters, general	54	11.26	53	10.91	45	11.25	123	10.34	133	10.34	129	10.86
Painters, coach	31	10.31	32	10.40	25	10.30	78	11.19	77	10.58	63	10.79
Painters, sign	.....	.....	.....	.....	.....	13.14	63	11.62	42	11.16	26	11.80
Pattern makers	14	13.34	15	13.16	9	13.95	59	14.69	56	15.50	69	15.21
Plasterers	.....	.....	.....	14.60	.....	14.60	3	13.14	.....	.....	5	12.70
Plumbers	.....	.....	.....	.....	.....	13.87	170	13.31	176	12.94	144	13.36
Pressmen, printing	47	12.23	53	12.29	45	12.11	209	9.67	246	8.94	202	11.66
Sawyers	15	12.31	16	12.84	24	11.54	94	9.58	91	10.28	109	10.33
Shipwrights	.....	.....	.....	.....	.....	.....	88	16.67	136	16.28	130	16.71
Stone masons	17	12.07	21	12.57	18	12.06	80	12.06	64	12.33	58	12.53
Tailoring:												
Cutters, custom	26	20.13	24	19.95	25	21.09	25	22.87	39	20.74	38	21.98
Cutters, factory	25	14.12	27	14.13	30	13.71	88	13.69	76	13.63	63	13.48
Coat hands, custom	39	11.52	34	11.98	27	12.29	116	11.80	123	11.44	97	11.56
Pressers, factory	32	8.49	29	8.52	35	8.23	88	10.58	101	9.85	93	10.54
Tanners and curriers	75	10.21	81	9.73	86	9.55	59	9.73	135	9.67	125	10.12
Tinsmiths	81	9.78	82	9.67	70	9.25	129	10.62	145	9.79	168	10.03
Watchmakers	a37	12.68	33	12.90	11	14.70	19	11.19	23	10.77	26	12.43
FEMALES.												
Bookbinders	48	3.95	60	3.89	64	3.83	44	2.86	57	2.98	37	2.41
Coatmakers, custom	57	5.17	62	4.93	59	5.15	93	6.69	143	5.17	98	5.82
Dressmakers	232	4.25	303	4.14	310	4.14	303	4.08	379	3.77	318	4.06
Machine operators:												
Boots and shoes	122	4.97	151	4.66	97	4.75	359	3.95	371	4.32	329	4.46
Factory clothing	98	3.89	140	3.97	120	3.99	154	3.83	247	3.10	73	4.54
Shirts	16	3.71	18	3.81	24	3.79	28	3.83	138	2.74	86	3.81
Underclothing	19	3.65	25	3.79	41	3.89	.....	.....	33	3.41	70	3.81
Trouser hands, custom	97	4.42	84	4.52	88	4.52	97	5.29	111	4.32	52	5.17

a Including jewelers.

The transportation industry engages the labor of over 109,000 persons, a large proportion of whom are employed in the railway and marine service. In the coasting trade the average rate of pay of seamen in New South Wales is given as $24.33 a month on sailing vessels and $31.63 on steamers. Chief engineers receive $116.80 a month, first officers on steamers $73, and second officers $58.40 a month. On sailing vessels first officers are stated to receive $38.93 and second officers $27.98 a month. Firemen are paid between $40 and $45. Stewards receive all the way from $30 to $60, according to their rank and to the class of the vessel upon which they are employed. Australia is still in the throes of adjusting her coastal trade laws to the new demands and possibilities of federation. Though there is no disposition, partly out of recognition of the rights of the Empire, to follow the precedent of the United States, and to confine coasting trade to her

own vessels, the competition of foreign and British liners and freight vessels, paying low rates of wages and carrying goods and passengers between Australian ports in connection with their through voyages, is severely felt. This matter is at present the cause of lively discussion in certain labor circles especially affected, but it is naturally of only temporary importance, in view of projected and probable legislation, and hardly deserves more than passing reference in this report for that reason.

The railway employees constitute a strong body of government servants, and in most States are thoroughly organized, both as benefit and as trade organizations. Their relation to the public in the dual position of employees and citizens is the occasion of some embarrassment, especially where a dispute arises over conditions of labor. Indeed, the problem of reconciling these rights and interests is a serious one in case of all public employees in countries like the Australian States, where a democratic form of government prevails and the body of public servants is very large in proportion to the population. In every State visited civil servants were found to be well organized and using pressure, both as labor unions and politically, to maintain wages during the period of retrenchment necessitated by the drought, or to better their conditions of employment. In Victoria it is stated that they were able to turn elections by political influence and thus to increase very largely the salary expenditure of the State. In any case, a situation was created that led to the passage of laws partially disfranchising them, by giving them separate and limited representation in parliament. The regulations enforced in case of railway employees in that State forbade their unions from belonging to a political organization. The relation of the Melbourne Trades Hall to politics has already been described in another part of this report. In the spring of 1903 certain organizations of railway servants resolved to unite with that body. Some branches of the society, especially those including less skilled employees, had been members of the Hall for a considerable period without objection from the government. The railway authorities, however, interfered when this new move was planned, objecting especially to the action of the locomotive engineers, whose affiliation with the Trades Hall, it was claimed, might involve them in some general strike and thus paralyze the public traffic. The engineers had a number of previous grievances relating to the retrenchment policy pursued by the government. (It should be remarked by way of parenthesis that the railways of Victoria have been running at a heavy loss, which has to be made up out of general revenues.) So the engineers' society, against the advice of the Trades Hall officials, who considered a strike over this question inopportune at the time, decided to fight the issue.

The minister of railways had given an order for the suspension of the executive officers of that union if the body did not withdraw from the Hall, and in reply to this the strike was declared on May 8, 1903. The men were overconfident, and by their action antagonized the public. They made the fatal mistake of deserting their engines wherever they chanced to be at the strike hour, stranding train loads of passengers and goods in remote localities, and endangering life and traffic. While organized labor supported an action of which there seems to have been far from unanimous approval in their own ranks, the hostility of the mass of the public appears to have been very bitter. At least this is an inference from the sentiment displayed by people of all classes three months later, when the writer first visited the State. This inference is further confirmed by the fact that the government was able to bring in, without serious opposition, a bill providing that any person leaving the state railway service without fourteen days' previous notice, without proving good and sufficient reason for so doing, should be considered to have struck. The penalty for this offense, or for any violation of subsequent provisions of the act for which there were not severer penalties, was a fine not to exceed $487, or imprisonment not to exceed 12 months, or both. All pensions, increases of pay, and other rights acquired by the present strikers under existing regulations were declared forfeited. Any person advising or soliciting men to strike was liable to arrest without a warrant, and without bail. Any person collecting or receiving strike funds was guilty of an offense against the act, as was any person publishing any news or article intended to encourage the strike. The issue of publications containing such articles was subject to confiscation. Any meeting of more than 6 persons, to discuss or encourage the strike, whether in a building or in the open air, was an unlawful meeting, and any person attending was liable to fine and imprisonment. Police had full right of entry, without a warrant, to any building where such a meeting was suspected to be held. Such a bill, brought forward by a responsible government in a democratic parliament, suggests a state of public opinion extremely adverse to the strikers, and as a matter of fact the latter were utterly beaten, and the position of the government was probably strengthened politically by reason of the conflict.

The wages and hours of employees upon the New South Wales government railways are representative of those prevailing throughout the eastern States of Australia. In Western Australia the rates of pay are from 10 to 20 per cent higher, and in the gold fields trackmen are allowed 24 cents a day, and other employees $1.70 a week, special allowance.

AVERAGE DAILY RATES OF WAGES ON THE NEW SOUTH WALES GOVERNMENT RAILWAYS.

Occupation.	Number.	Minimum wages.	Maximum wages.	Average wages.
Drivers	582	$2.68	$3.65	$3.21
Firemen	694	1.95	2.43	2.21
Cleaners	589	.79	2.43	1.36
Fitters	355	1.95	3.89	2.54
Turners	112	1.95	3.08	2.52
Machinists	75	1.46	2.43	2.09
Boilermakers	172	1.95	3.41	2.49
Boilermakers' assistants	125	1.62	2.07	1.74
Molders	39	2.47	3.41	2.52
Blacksmiths (a)	86	1.70	3.89	2.62
Strikers	124	1.46	2.07	1.73
Tinsmiths	7	2.43	2.68	2.54
Pattern makers	5	2.60	2.96	2.72
Gas fitters	29	1.95	3.04	2.41
Gas makers	19	1.95	2.84	2.28
Carriage and wagon builders	173	1.95	2.92	2.43
Carriage and wagon examiners	91	1.88	3.16	2.25
Carpenters	10	2.11	2.56	2.38
Painters	79	1.70	2.68	2.17
Stationary engine drivers	40	1.70	2.56	1.98
Fuelmen	154	1.58	2.31	1.70
Oilers	19	1.58	1.95	1.76
Pumpers	47	1.70	2.43	2.03
Guards	406	2.07	2.92	2.44
Assistant guards	47	1.95	2.07	2.05
Porters	980	1.46	2.80	1.65
Junior porters	547	.61	1.22	.95
Signalmen	212	1.70	2.80	2.24
Shunters	232	1.70	2.68	1.99
Gangers	431	2.07	2.92	2.19
Fettlers and laborers	1,998	1.58	2.07	1.75
Station masters	144	b929.98	b1,946.60	b1,036.32
Officers in charge	196	b632.65	b900.30	b720.71
Night officers	204	c583.98	c973.30	c662.11
Clerks	173	c608.31	c2,189.93	c898.90
Junior clerks	133	c146.00	c583.98	c377.26
Operators	29	c608.31	c1,021.97	c813.05

a Including spring makers and Oliver wheel and steam-hammer smiths.
b Per annum, also house.
c Per annum.

In South Australia engine drivers, firemen, guards, and maintenance men work 8 hours for a day's pay (i. e., 48 hours per week), and the porters at a number of stations do the same, the remainder working 9½ hours for a day's pay.

In Victoria enginemen and firemen work 9 hours, and guards and maintenance men 8 hours, for a day's pay. As regards porters the 8-hour system applies at the metropolitan stations, but at the suburban and principal country stations 9 hours, and at the small country stations 10 hours is worked for a day's pay.

In New South Wales the locomotive-running men work 108 hours per fortnight. Traffic porters generally work 9 hours, but a number work longer, for a day's pay. Eight hours constitutes a full day's work for the maintenance men.

In Queensland the locomotive and traffic men work 9 hours for a day's pay, the 8-hour system applying to the maintenance men.

COST OF LIVING AND COMPARATIVE CONDITION OF LABOR, AUSTRALIA AND UNITED STATES.

Comparing Australian labor conditions in general with those of the United States and Canada, certain broad differences at once present themselves. One of these is the greater uniformity of compensation prevailing in the former country. Not only are wages more even throughout the extent of the Commonwealth, but they vary less as between different workers in the same trade or as between workers in different trades in the same place. Consequently no such high wages are to be found in Australia as in the leading American cities. In the skilled occupations, and in case of factory operatives, both nominal and real wages are lower than in America in cities of equal relative importance and population. Nowhere are there building mechanics receiving $5 and $6 a day, as in the larger towns of the United States in the case of organized trades, and nowhere in Australia are there mechanics doing $5 and $6 worth of work in an 8-hour day. An instance came to the attention of the writer in Australia where the cost of laying 461,413 brick in an electric power house and car shed was $4,098.08, or $9.31 per thousand. If this were a piecework rate, a good New York bricklayer, in the same class of construction, would earn about $16.75 in a 9-hour day. In Sydney it was noticed that bricklayers often, if not usually, worked with their pipes in their mouths. In other words, partly, doubtless, for climatic reasons, a slower rate of work is maintained in Australia than in America.

All that was said of New Zealand workmen in this connection might be repeated with some modification of those in Australia. There is less premium put upon exceptional competency, there is more of the lock step in the way men work, and there is more of the class spirit among workmen than in the United States. The potent forces and incentives of an environment favorable to industrial evolution are to some degree lacking. On the other hand, there are nowhere the depressing and depraving surroundings of our worst city slums, nowhere the same systematic and inveterate sweating that can be found in certain trades in New York and Chicago, nowhere perhaps as much industrial oppression as is reported in parts of our mining regions. In proportion to the standards for skilled labor, the unskilled laborer in Australia is paid more for his work than is his fellow in the United States; and his absolute wages are higher in country districts than they are in our Eastern and Southern States. In nearly every instance, also, this common laborer is of the same race and language as his employer; frequently he is a native of Australia; while in America the unskilled worker is usually a foreigner by birth, speaking a different tongue and accustomed to a different standard of living

than his employer and workmen of higher grade. The relatively greater influence of the craftless classes has had much to do with shaping the policy of organized labor in Australasia. But in that country there is a limited demand for labor, and one that fluctuates violently with climatic and general economic changes. Australia is remote from great employing markets. There is not the same chance of continuity of employment as in America, and when work is lacking thousands are sometimes obliged to desert their own country to seek occupations abroad. This is what chances to be occurring at present, and the population of some States in this almost virgin country is either decreasing or is not increasing as rapidly as the excess of births over deaths would imply. Laboring men oppose immigration, and the development that would ensue in all probability upon an influx of new population is a matter upon which they are not enlightened. Probably this is because they still remember the contests of the past to keep out convict labor, and later to abolish a system of assisted immigration that was turned to the advantage principally of large employers. There is therefore no competition of rival nationalities in Australian workshops, and this great force in favor of industrial progress is lacking. The tendency to governmentalism, inherited, it may be, from the earlier systems of settlement, which brought assisted colonists rather than a natural selection of individualists to many Australian colonies, probably weakens individual enterprise and the self-help spirit to some extent. Industrial establishments are largely controlled by individual owners or collectively managed by their proprietors, and there is therefore less promotion of men from the ranks to positions of control and trust than in the United States where combination and corporate control have put the administration of industrial capital so largely in the hands of promoted workmen. This fact probably accounts in part for the presence of a greater class spirit, which, apparently, at least, seems to exist in Australia, though it is a spirit out of harmony with the general sentiment of the country. Evidences are not lacking of an intelligent desire, on the part of employers, inspired by considerations of purely business utility and to a degree by more beneficent motives, to further the sense of common interest between employers and employees. In one large iron-working establishment, where locomotives are constructed for a State railway system, many permanent hands are shareholders in the company. The Colonial Sugar Refining Company, one of the largest industrial corporations of Australasia, maintains among its employees a partially self-supporting provident fund, and also subsidizes a benefit society at an aggregate annual expense of nearly $28,000; besides which the company has given "donations" of over $60,000 to the provident fund within the last 12 years. A large mercantile firm in Melbourne, with nearly 60 branch stores in Victoria, distributes a con-

siderable sum annually in bonuses to its employees, based upon their faithfulness and efficiency of service. Some of the large employers are not wholly unsympathetic toward the political labor movement, though this sentiment has been rather modified since the railway strike in Victoria.

Upon the whole, however, there is a mutually distrustful attitude on the part of employers and employees in Australia that is more evident to a casual observer than the latent antagonism engendered by the trade-union movement in America. In the latter country the atmosphere is periodically cleared by sharp discharges and the tension of opposing interests relieved; in the former there is a more uniform but continuous sense of mutual irritation. This is natural, for the political labor party attacks in principle the very existence of private capital in industry, while the trade union organizations merely drive the best possible bargains with their employers and frankly recognize the present industrial system. The Australian employer sees no hope of satisfying his employees short of turning over his business to the State, while the American employer is subject simply to a business demand from his employees, not differing in principle from many other demands made upon him in the conduct of his affairs. The distinction is one between reconcilable and irreconcilable differences of opinion and policy.

In factory occupations and in the building trades in the smaller towns hours of labor are shorter in Australia than in America. The 8-hour day, as yet limited to certain trades and certain districts of the United States, is all but universal in the Australasian countries. The origin of the movement for shorter hours dates back to the time of the gold excitement. There is a tablet in Auckland in honor of the founder of the movement in New Zealand, and a monument in Melbourne to signalize the practical attainment of this labor ideal in Victoria. In the Trades Hall of Melbourne there is a framed programme of the sports and games which formed part of the celebration of the first anniversary of the organized campaign for 8 hours in Victoria, dated April 21, 1857. Eight-hour organizations exist and an annual 8 hours' festival is held in most Australian cities—a sort of workers' May day in that country. A weekly half-holiday is required by law, as already mentioned, in many establishments, and in some wage board determinations and arbitration court awards overtime is allowed for any work done on one particular afternoon of the week.

The relative cost of living in Australia and America has already been indirectly referred to in connection with the retail prices of commodities for a series of years previously given. First-class board costs as much in Melbourne or Sydney as in New York or Boston, from $10 to $15 a week, and clerks and salesmen and other moderately paid employees of mercantile establishments secure passable

accommodations for $5 and $7.50 a week. There is a 6-pence (12-cent) meal given in cheap restaurants patronized by working people that is said to correspond to the 15-cent meal in the United States. Occasionally one sees an 8-cent meal advertised in the poorer portions of Melbourne. The shilling (24-cent) lodging house is common. In the suburbs of Melbourne small laborers' cottages can be had for about $7 a month, but the accommodations or surroundings are inferior to those demanded usually by industrious laborers either in Australia or America. From $10 to $15 a month would appear to be about what the average Australian urban workman pays for rent. His fuel bill is comparatively small. The many-storied tenement house, with its conveniences and atrocities, is unknown. One really gets more indoor comfort and conveniences, better baths and plumbing and heating and cooking arrangements, in a $10 or $12.50 "sanitary tenement" in Washington, or a model tenement flat renting for $16 in New York, than the writer saw in any of the cheaper Australian cottages; but this is at the sacrifice of the bit of yard and garden that often makes even the workingmen's suburbs of an Australian city attractive.

For the same quality most manufactured articles are slightly, though not materially, dearer in Australia than in America. This applies to furnishing goods and clothing. Foods are upon the whole fully as cheap, if not cheaper, than in the United States, though the balance is turned in favor of Australia by the lower price of fresh meats alone. Australia is normally a wheat-exporting country, and in Victoria that grain has varied in price from 46 cents a bushel in 1894 to $1.28 a bushel in 1897. In 1902 the average price was 70 cents. A drought or hot winds at a critical period of the year may cause importation of cereals and high prices, while in an abundant season prices must be low enough to enable the commission merchant to pay for the long ocean carriage and still sell in the English market. But these variations do not seriously affect the price of bread, and it is in this form that the wheat is purchased by urban workmen. The cost of groceries, meats, and provisions does not appear to vary greatly throughout the four eastern States of Australia, and the following representative prices, taken at random from merchants in the four capital cities, may be assumed as those normally ruling in the retail market: Meats, by the pound—bacon, 13 to 19 cents; ham, 20 to 22 cents; mutton leg, 6 cents; mutton chops, 7 cents; veal ribs, 6 cents; pork sausage, 20 cents; corned beef, 5 cents. Fresh vegetables—cabbage, 4 and 6 cents a head; cauliflower, 6 cents a head; potatoes, 35 and 40 pounds for 25 cents. Flour, white, 65 cents for a 25-pound sack; oatmeal, 30 and 35 cents for a 7-pound sack; "Quaker Oats" and "Force," 18 cents for a 2-pound package; bread, 12 and 14 cents for

a 4-pound loaf; Australian "Uneeda" biscuits, 12 cents a package. Canned goods—fruits, and jams, 18 cents for a 2-pound tin; tomatoes, 12 cents for a 2-pound tin; salmon, 15 and 18 cents for a 1-pound tin. Dried fruits, etc., by the pound—apricots, 14 and 16 cents; peaches, 18 cents; prunes, 16 cents; peas, 5 cents; white beans, 5 cents. Japan rice, 5 cents; tea, 31 to 40 cents a pound; milk, 8 cents a quart; eggs, 25 to 33 cents a dozen; kerosene, by the 4-gallon can, 20 to 23 cents a gallon.

In 1899 the female inspector of factories at Sydney reported that where two workingwomen occupied a room together the cost of their board and lodging was about $2.43 a week. An unfurnished room cost $0.97, food $1.70, and clothing and extras $0.97 a week. This was the cost of living for tailoresses who were earning on an average $3.70 a week. Since that date the cost of living is said to have increased in all parts of Australia except the goldfield districts. A working harness maker in Sydney said: "With my wife and 4 children and a 4-room house my family expenses are 42 shillings ($10.22) a week." A union officer in the western coal fields said: "My family of 10 costs me $3.41 a week for groceries, about $3.89 for the baker, and altogether, though I have no rent to pay, it costs me an even $14.60 a week." In the mining districts the men usually build shacks or live in tents until they can build a little cottage costing $500 to $1,000; so rent is seldom paid. The cost of maintaining a miner's family in the Newcastle colliery district was given by several parties as about £2 ($9.73) a week. According to testimony received among the longshoremen in Melbourne, the cost of maintaining a laborer's family in that city was about the same as in Newcastle. A "decent 4 or 5 room cottage in a workingmen's suburb rents for $11 or $12 a month and often higher. In Ballarat, a gold-mining district, workingmen's board and lodging costs from $3.89 to $4.38 a week. A working miner said, "I have never got along on less than $10.95 a week for family expenses. That gives a decent living for a family of 4 or 5 persons." The manager of a cooperative society in that city, who had followed expenses in his own and workingmen's families pretty closely, had made an average containing the following items: Rent, $1.70; bread, $0.49; meat, $0.97; groceries, $2.43; boots and shoes, $0.73; clothing, $1.46. This was for a man, wife, and two children. The estimates in South Australia did not vary materially from those already given for other States. A miner said, "It costs a miner with a family not less than $9.73 to live comfortably, though some are forced to do it for $7.50 or even $6.94 a week and what the children earn." A union secretary in Perth, after calculating out his general expenses, said, "It costs me about $14.60 a week for family expenses. I pay no rent. The least price for a decent cottage in the suburbs here is

$3.04 a week." Single men pay $5.35 a week for board and lodging, or $5.60 if their laundry is included. A workman out of employment said, "It costs me, with my wife and one child, $8.52 to squeeze along. I pay 4 cents for 3 carrots, 18 cents a head for cauliflower, 2 cents a pound for potatoes, 28 cents a dozen for packed eggs, and 7 cents a pound for meat." A workingman's board and lodging in Fremantle costs $4.87 a week. A family can live for $11.69 a week, but it costs $14.60 to keep a family "respectably." In Kalgoorlie a workingman's table board costs $6.09 a week, and the estimated cost of keeping a family, without rent, is about $17.03 a week. Many miners have their families at the coast or in Victoria. An itemized account of the expense of a common laborer, with a wife and one child, without rent, totaled $10 a week.

The following statistical comparison of wages and cost of living in Australia and in the United States is based, as far as cost of living is concerned, upon data contained in Coghlan's Statistical Account of Australia and New Zealand for 1902–3, and upon those in the Sixteenth Annual Report of the Commissioner of Labor upon Cost of Living and Retail Prices of Food in the United States. The United States report is based upon direct data gathered by agents of the Bureau of Labor from 25,440 workingmen's families in the principal industrial centers of 33 States of the Union as to the details of family expenditure and income, the relative consumption of different commodities, the nativity and size of families, home ownership, and similar items, checked by an extensive investigation of the retail prices of commodities extending over 13 years, the final results of which have recently been summarized. The wage statistics for Australia are taken from the Statistical Register of New South Wales for the year 1902, since that publication contains the results of the most exhaustive annual investigation of wages made in the Commonwealth. The American figures are selected from the special report upon wages and cost of living in Bulletin No. 53 of the Bureau of Labor.

The first table gives the wages per hour in 57 occupations reported under the same designation in the Statistical Register of New South Wales and the bulletin just mentioned. Ships' carpenters and shipwrights, bottle blowers and green-glass blowers are assumed to be the same. Tanner is a designation of but one of 11 occupations of leather making reported in the United States. The Australian figures are for tanners and curriers. In order to obtain the hour rate in Australia the weekly wages as reported in the Register have been divided uniformly by 48, the average number of working hours a week. In a few occupations 47 hours may be worked, and in others, as in baking and flour milling and country tanning, men work somewhat more than 48 hours, so that this appears to be the nearest possible approximation, as hours of work are not reported in the Australian statistics.

WAGES PER HOUR IN 57 OCCUPATIONS IN NEW SOUTH WALES AND IN THE UNITED STATES.

Industry and occupation.	Wages per hour in New South Wales.	Wages per hour in United States.	Amount per hour higher in United States.	Amount per hour higher in New South Wales.
Agricultural implements:				
Blacksmiths	$0.2868	$0.2364		$0.0502
Fitters	.2366	.2453	$0.0087	
Bread baking:				
Bakers	.2632	.2808	.0176	
Boots and shoes:				
Heel trimmers	.2218	.3507	.1289	
Lasters	.2112	.2797	.0685	
Brickmaking:				
Machine men	.2205	.1960		.0245
Laborers	.1985	.1365		.0620
Molders	.2433	.2291		.0142
Building trades:				
Bricklayers	.3346	.5471	.2125	
Carpenters	.2890	.3594	.0704	
House painters	.2737	.3450	.0713	
Plasterers	.3042	.5268	.2226	
Plumbers	.3346	.4371	.1025	
Stone masons	.3346	.4486	.1140	
Confectionery:				
Dippers (female)	.0414	.0872	.0468	
Carriage and wagon making:				
Blacksmiths	.2332	.2449	.0117	
Body makers	.2429	.2501	.0072	
Painters	.2247	.2289	.0042	
Trimmers	.2353	.2434	.0081	
Clothing, factory:				
Cutters, hand	.2797	.3983	.1186	
Cutters, machine	.2797	.2616		.0181
Pressers	.2197	.1954		.0243
Machinists (male)	.2361	.2867	.0506	
Machinists (female)	.0946	.0923		.0023
Clothing, custom:				
Coat makers	.2408	.3528	.1120	
Cutters	.4579	.5593	.1014	
Pants makers (male)	.1855	.3041	.1186	
Pants makers (female)	.1077	.1280	.0203	
Cooperage:				
Coopers	.2505	.2344		.0161
Flour milling:				
Millers	.2577	.2774	.0197	
Packers	.1639	.2414	.0775	
Foundries and machine shops:				
Blacksmiths	.2725	.2962	.0237	
Brass finishers	.2450	.2708	.0258	
Molders, brass	.2230	.3016	.0786	
Molders, iron	.2881	.3036	.0155	
Pattern makers	.3084	.3225	.0141	
Furniture:				
Cabinetmakers	.2404	.2426	.0022	
Upholsterers	.2285	.2955	.0670	
Glass:				
Blowers, green glass	.2594	.6078	.3484	
Harness making:				
Harness makers	.1876	.2241	.0365	
Leather:				
Tanners	.2091	.1463		.0628
Liquors, malt:				
Bottlers	.1639	.1967	.0328	
Coopers	.2552	.3058	.0506	
Pottery:				
Dippers	.2332	.5297	.2965	
Pressers	.2078	.3781	.1703	
Printing and publishing:				
Bookbinders	.2522	.3125	.0603	
Compositors	.2459	.3162	.0703	
Linotypers	.4360	.4328		.0032
Pressmen	.2429	.3172	.0743	
Shipbuilding:				
Boiler makers	.3261	.2568		.0693
Carpenters	.3042	.3179	.0137	
Fitters	.3092	.2647		.0445
Joiners	.3096	.2950		.0146
Tobacco:				
Plug makers	.2366	.1708		.0658
Cigar makers	.2273	.2839	.0567	
Woolen mills:				
Weavers (male)	.1115	.1849	.0734	
Weavers (female)	.1005	.1565	.0560	

In 43 of the 57 occupations reported the rate is higher in America, and the average margin for these 43 occupations is $0.0786, while the margin of larger pay for the 14 occupations in which a higher rate is paid in Australia is only $0.0301. If an employer had in his service one person in each occupation quoted in Australia and in the United States, his pay roll would be $2.9585 an hour more in America than in the Commonwealth. The only industry reported where wages are uniformly higher in Australia than in America is brickmaking.

Moreover, in considering the earnings of industrial workers in the two countries, it must be kept in mind that the American workman is employed on an average one hour or over a day more than the Australian in similar occupations except in the building trades; therefore his relative earnings are 12½ to 20 per cent higher than the table indicates. In those trades that have an 8-hour day in the United States wages are most markedly above the Australian rate. The difference is also greatest in the most highly skilled occupations. If a comparison of the wages of common laborers could be made, it is possible that the rate of payment on a time basis would prove higher in Australia than in America.

Any comparison of the cost of living in Australia with that in the United States must be defective because of insufficient data as to cost of commodities in the former country and of the relative weight of different commodities in determining total family expenditure. In the United States the average income of 25,440 workingmen's familes was found to be $749.50 per annum, and the average family expenditure for all purposes was $699.24, leaving an average annual surplus of $50.26. Total average savings somewhat exceeded this, as payments upon homes owned, including principal on mortgages, are reckoned part of the current expenditure. Food constitutes the largest single item of expenditure, forming 44.75 per cent of the total. A comparison of the relative cost of articles of food for which verified prices can be given is presented in the following table.

RETAIL PRICES OF FOOD IN AUSTRALIA AND IN THE UNITED STATES.

Article.	Retail price in Australia.	Retail price in United States.	Amount higher in United States.	Amount higher in Australia.
Bacon.....lb..	$0.2028	$0.1457	.....	$0.0571
Beef (fresh).....lb..	.1217	.1470	$0.0253	.....
Bread.....lb..	.0330	.0545	.0215	.....
Butter.....lb..	.2839	.2644	.....	.0195
Cheese.....lb..	.2028	.1634	.....	.0394
Coffee.....lb..	.3650	.2445	.....	.1205
Corn meal.....lb..	.....	.0230	.....	.....
Eggs.....doz..	.3650	.2194	.....	.1456
Flour (wheat).....lb..	(a)	a.0250	.....	(a)
Oatmeal.....lb..	.0457	.....	.....	.....
Potatoes.....bu..	1.0950	.9908	.....	.1042
Rice.....lb..	.0507	.0837	.0330	.....
Sugar.....lb..	.0507	.0587	.0080	.....
Tea.....lb..	.3041	.5455	.2414	.....

a By the ton flour costs 1.63 cents a pound in Australia, and by the barrel about 1.93 cents in the United States.

Six of the commodities quoted are dearer in Australia and five are dearer in the United States. But any figures such as these require a multitude of qualifications. The relative importance of different articles varies in the two countries. In both of them fresh meat is the most important single item. The average workingman's family in America consumes 349.7 pounds of fresh beef a year, and this costs him 15.3 per cent of his total expenditure for food. Butter, cheese, and milk, however, if taken together, are relatively more important than fresh meat in his bill of fare. While fresh meat is cheaper in Australia, dairy products cost less in America. Salt meats are cheaper in the United States. Baker's bread is relatively a much more important item in the expenditure of an Australian than of an American workingman, because the housewife is the latter's baker. Some workingmen in Australia estimated their baker's bill as about equal to their grocer's bill. It is probably not far out of the way to say that an average workingman's family in that country consumes 15 to 19 2-pound loaves a week. The average American workingman's family consumes 2.43 such loaves, or less than 5 pounds of baker's bread a week. On the other hand his family uses over 13 pounds of flour and meal weekly. Coffee is the staple drink of the workingman in America, and tea of the workingman in Australia. The former's family consumes 4.6 pounds of coffee for every pound of tea. In both countries the more usual drink is the cheaper. Vegetables are probably cheaper and more extensively used in America than in Australia, though we have the price of potatoes only for purposes of comparison.

No positive conclusion can be arrived at, therefore, as to the relative cost of a family's food in the two countries, but the indication is that, allowing for the different proportions of articles used, the difference in cost is not material either way.

The following percentage expenditures are based on estimates for all persons in Australia, by Coghlan, and for 2,567 workingmen's families only in the United States:

PER CENT OF EXPENDITURE FOR EACH OF THE PRINCIPAL ITEMS ENTERING INTO COST OF LIVING IN AUSTRALIA AND IN THE UNITED STATES.

Item.	Per cent of total expenditure in—	
	Australia.	United States.
Food	38.03	42.54
Clothing	12.26	14.04
Rent	[a] 11.31	12.95
Payments on home	.....	1.58
Furniture and utensils	1.10	3.42
Fuel	[b] 3.13	4.19
Lighting	[c]	1.06
Sickness and death	2.72	2.67
Insurance	.....	2.73
Intoxicating liquors	8.94	1.62
Amusements and vacation	2.60	1.60
Tobacco	2.11	1.42
Labor and society fees	.....	1.17
Religious purposes	[d] 1.68	.99
Charity	.....	.31
Books and periodicals	1.09	1.09
Taxes (direct)	1.07	.75
Locomotion	3.94	.....
Other purposes	10.02	5.87
	100.00	100.00

[a] Including value of buildings.
[b] Including lighting.
[c] Included in fuel.
[d] Including charities and education.

The expenditure in Australia, inasmuch as it includes the cost of living for families of large as well as of small incomes, shows considerable variation from that in the United States, especially in the proportion spent for miscellaneous purposes. The relatively larger value of this item, which includes wages of domestic servants, makes the other items, such as fuel, clothing, rent, etc., less than they would be if only workingmen's expenditure were given in Australia. Climatic conditions account for the larger share of expenditure devoted to such items as fuel, lighting, and rent in America. The most remarkable variation is in the relative amount spent for intoxicating liquors in the two countries, and this item is probably subject to correction.

In the Seven Colonies of Australasia, Mr. Coghlan estimates the average annual per capita expenditure in Australia at $185.05 in 1900, as compared with Mulhall's estimate of $159.66 in the United States; and that in Australia 37 per cent of the per capita expenditure is spent for food and drink, as compared with 25 per cent in America. Deductions from the figures presented in these connections in the book referred to would make the average per capita income in Australia about $222, as compared with $190 in the United States. All estimates of this sort are largely guesses based on partial evidence, but taking into account in the United States the Negroes and the mountain whites they probably possess a certain validity in as far as they show

that the magnitude of income or expenditure, considering national averages, is relatively greater in Australia than in this country. As far as cursory personal observation can determine the standard of living of city workmen in America and Australia is about the same. But the United States is an agricultural country, with much small thrift and neighborhood investment of local capital, while Australia is chiefly a pastoral and mining country, with its industries still, to some extent, upon a speculative basis, and employing a relatively larger amount of borrowed capital. It is possible that for these reasons there is a more "out West" liberal view of money in some country districts of Australia than in those of the Union. These conditions would react to some extent upon the comparative expenditure in the two countries.

One person in four in Australia is a savings-bank depositor, as compared with one person in 12 in the United States, though the average deposits in the former are less than two-fifths what they are in the latter country. However, in most Australian States there are post-office savings banks, and in all States the Government controls and encourages this form of savings more than does the Government in America. No comparative statistics of home ownership are available, but the number of owner occupiers was estimated by an official at 28 per cent in Victoria, a State, with the possible exception of South Australia, where the general conditions of industry and development would be most favorable to home proprietorship. In the United States 46.5 per cent of the householders own the homes they occupy, a condition due in large part to the predominance of agricultural industries in that country and the turn it gives to accumulation. But the building-society capital of Philadelphia is more per inhabitant than the savings-bank deposits per inhabitant in Australia. It would seem, therefore, that small realty investments are more sought after in the United States. It is evident that the trend of local investment in the two countries is on the whole so different as to prevent any very effective comparison, based upon statistics at present available, of the relative accumulation and form of wealth distribution prevailing among the working people.

A judgment as to the effect of the political labor propaganda upon the industrial condition of Australia, and upon the welfare of the workingmen themselves, would be premature. Neither could it well be formed by a temporary visitor to that country. The effects of socialistic theories and ideals are more profound than their explicit statement might indicate. They react to some degree upon the character of the person holding them, and upon his attitude toward every problem of life. To a certain extent they weaken individual energy and self-reliance, and to that extent subtract from the joy of living. Possibly the fact is due to temporary causes, possibly it may be a condition of which socialistic views are a result and not a cause; but one's

impression is that the working classes of Australia are not as happy as those of America. There is certainly more pessimism among their leaders. A certain humorous hopefulness, a kind of chronic expectation of good luck, that one is hardly conscious of until one misses it, appears to be absent among Australian workers. And yet this is hardly characteristic of the people, with their sunny skies and with their sanguine temperament.

One must remember in comparing conditions in the two countries that practically every part of Australia has nine or ten months summer, with only the ghost of an autumn in between, and that manual labor is really more onerous for a white man than in cooler climes. There is no rest period in the year, no tonic of sharply contrasted seasons. Generally where nature works long hours men want short hours. The essence of the labor movement in Australia is less work, while in the United States it is more wages. These conditions incline men to regard labor as essentially an evil—not consciously and admittedly, but subconsciously and as a fundamental assumption in all their social reasoning. It is not suggested that labor is popularly regarded as a blessing anywhere—but it certainly is not alone the desire to conciliate the "boss" that makes many American workingmen exert themselves well toward the limit of their capacity from sheer restlessness of temperament, desire for action, or a certain pleasure in doing things. Australasian workingmen would consider the wage-earner who boasted of the amount of work he turned out in a day a sort of labor heretic. Such sentiments would soon be silenced in that country by hostile class opinion. Yet without something of the sentiment described the life of the workman must be joyless. He can not derive pleasure in following an occupation that he considers the badge of a "hereditary bondsman"—to quote a trade hall circular. Of course the theory of the iniquity of private employment is not practically and universally accepted, and it has not deprived Australian workmen generally of their pride in their craft and their individual skill; but it has tinged the atmosphere of the labor movement, created discontent with the existing order, and whether or not it is a necessary condition of social progress, it has not as yet made toward the attainment of individual happiness.

In the sense just suggested the spread of socialistic sentiment among the working classes of Australia has not stimulated their industrial morality—to use the term as indicating accepted canons. It does not encourage thrift, frugality, and strenuous industry. Few would admit that work, like virtue, is in a certain sense its own reward. Labor leaders also appeal to a new theory of property right, and to one that disintegrates all old standards of thought and belief upon the subject. The radical and profoundly revolutionary character of these doctrines, whether they are right or wrong, is never fully appreciated from their

doctrinaire or literary statement. They go ultimately clear to the root of private morals, and while professedly social, possibly react most strongly upon the individual.

The men who are at the head of the labor movement in Australia, however, are the equals of their colleagues in the other political parties, possibly their superiors in conscientious devotion to certain ideals. As a rule their standard of private morality is high. A large percentage of them are total abstainers and the labor party rather inclines toward restrictive temperance legislation. Most of them favor women suffrage, and this is a plank in state platforms where the franchise has not already been granted. The labor movement is not anti-Christian in Australia. The working class of that country is really a middle class, and its party organization possesses, aside from its economic theories, middle class rather than fourth estate moral standards and ideals. Indeed the political labor movement of Australasia might be denominated the revolt of a socialistic bourgeoisie.

CONCLUSION.

The statistical bases for a thorough-going study of labor conditions in the Commonwealth do not yet exist, though satisfactory data may be obtained from individual States. The effects of recent labor legislation have not had time to manifest themselves, nor can they at present be distinguished from other effects due to federation and outside causes. Public opinion has not yet matured and crystallized in regard to the chief features of the labor propaganda; in fact people are still only half aware what the underlying theory of that movement is or whither it leads. Employers view with misgiving the effects of laws lately enacted or in prospect. The system of party politics is in a state of transition, both as to platforms and alignment and as to tactical organization. The impermanency of present conditions impresses itself everywhere upon the visitor. Predictions as to political developments or legislation made by those most competent to speak upon such subjects are falsified almost before they are uttered. Under such circumstances it would certainly be presumptuous for a stranger in Australia to draw final conclusions as to the meaning and the probable results of present economic tendencies in that country.

What has been attempted is to give some impressions and statistics with regard to labor conditions with as much history of the part of the labor movement that differentiates Australia from other Anglo-Saxon countries as is necessary in order to see the forces behind the experimental legislation recently enacted or now proposed.

The ultimate outcome of the labor movement—as far as the attainment of its practical ideals is concerned—may depend upon the attitude of the farmers. The latter have many old grievances against the

employing class. A considerable percentage of the small settlers in the pastoral States, like New South Wales, have at some period of their lives been shearers or station workmen, and members of trades unions. The labor party appeals to the farmers by its positive programme. It is easier to elicit interest among the politically apathetic rural classes by promising to do something definite than by promising indefinite generalities or merely insisting upon the sanctity of the status quo. Mr. Watson, the labor Federal premier, represented a country district. The president of the largest farmers' society in Australia, with more than 7,000 active members, said to the writer: "The labor party is the true democratic party of this country, and gives us all our true democratic legislation. But the trade-union leaders must broaden the labor platform and take in their country friends. The one point on which we now differ is on their programme of land nationalization." It is doubtful whether the two interests will ever agree upon this last point, and the general testimony of farmers and those familiar with the farmers was that as a class they oppose the labor party. This is especially true in Victoria, where farmers' leagues have been organized and an active campaign is being conducted antagonistic to socialism and labor doctrines.

Until the influence of the farmer has had time to be felt in Australia we shall know very little as to the relative forces at work for and against socialistic legislation. The prediction one would naturally venture is that the result will be practical compromises, upon the whole satisfactory to a majority of the workingmen, which will throw over many of the theoretical ideals and principles of the socialist political economy.

The labor movement represents a centering inward of Australian life. It has nothing to do with wider world interests. It is intensely local, and perhaps more self-confident in its policies than if Australia were not so remote from other civilization centers. There is no chance to compare home conditions with corresponding social conditions elsewhere. And, what is strange in a race so akin to our own and placed exteriorly in such similar circumstances, the national ideal of the Australians is almost the converse of ours. A speaker in the Westralian parliament said: "We have to choose between two ideals—between the ideal of rapid progress, large population, and, possibly, a very considerable residuum of poverty, and the ideal of a slower rate of progress, almost stationary population, and happily very little poverty." By protection and exclusion and formal regulation the labor party would raise the standard of life of the working people. Americans have sought the same end by reverse methods, by inviting the world into national partnership, and by an almost anarchic struggle of the fittest to survive. Our system may breed a more aggressive, energetic, and masterful race, but at the expense of more suffering and injustice

to the weak. There is danger in both systems. Extreme individualism may produce lawlessness, and lawlessness strain to the severing limit the bonds of society. Extreme socialism may make of a nation a social hypochondriac and injure the constitution of a country by too much doctoring.

An individual acknowledgment of the many hospitalities and helpful courtesies extended to the writer during his investigations in Australia would add materially to the length of this report. Without exception every facility was placed at his disposal, both by public authorities and by private parties, for obtaining information upon the matters which were the object of his visit. An American feels very much at home in the Commonwealth. He is apt to view its ultimate future almost as enthusiastically as a native citizen. And he is certain to regard with the most cordial sympathy and satisfaction the growing power and prosperity of this kindred Federation of the South Pacific.

AGREEEMENTS BETWEEN EMPLOYERS AND EMPLOYEES.

[It is the purpose of this Bureau to publish from time to time important agreements made between large bodies of employers and employees with regard to wages, hours of labor, etc. The Bureau will be pleased to receive copies of such agreements whenever made.]

JOINT INTERSTATE AGREEMENT OF OPERATORS AND MINERS.

It is hereby agreed between the representatives of the Southwestern Interstate Coal Operators' Association and the representatives of Districts 14, 21, and 25 of the United Mine Workers of America, that the existing interstate, district, and Texas agreements be continued without any change or addition whatever, except as follows:

Day wage, yardage, dead and deficient work to be reduced throughout 5.55 per cent, except the day-wage scale in Texas mines, which shall be reduced one-half the above amount.

Interstate and district scales to be signed simultaneously at Pittsburg and to expire March 31, 1906.

INSIDE DAY-WAGE SCALE.

Track layers	$2.42
Track layers' helpers	2.23
Trappers	1.07
Bottom cagers	2.42
Drivers	2.42
Trip riders	2.42
Pushers	2.42
Water haulers and machine haulers	2.42
Timbermen, where such are employed	2.42
Pipe men for compressed air plants	2.36
All other inside day labor	2.23
Spragging, coupling, and greasing, when done by boys	1.65
Shaft sinkers	2.64
Shot firers under normal conditions	2.83

OUTSIDE DAY-WAGE SCALE.

First blacksmiths	$2.83
Second blacksmiths	2.60
Blacksmiths' helpers	2.23
Carpenters	2.30

(Provided that in no case will there be any reduction from the rate of wages now paid to carpenters of more than 5.55 per cent.)

All other outside day labor not enumerated	$1.91

Provided that any class of outside day labor now receiving $2.02½ or more per day shall be reduced 5.55 per cent. This provision only applies to outside day labor not otherwise enumerated.

SCALE FOR ENGINEERS.

Engineers, first class, 500 tons and over, per month	$74.62
Second class, 300 to 500 tons, per month	68.95
Third class, 300 tons or less, per month	61.40

Tail rope and slope engineers shall be reduced 5.55 per cent below present wages.

The minimum rate for tail rope and slope engineers shall be $2.25 per day, or $58.56 per month; provided, further, that the maximum rate for tail rope and slope engineers shall be $2.55 per day, or $66.12 per month. Twenty-six days to constitute a month's work and nine hours to constitute a day's work. All overtime in excess of nine hours to be paid for at a proportionate rate per hour.

The tonnage shall be determined by the average for the month of November, 1902, and based upon mine-run coal; but in no case shall any reduction from the present wages be made.

This scale of wages applies only to mines in operation at least one year, and in all new mines the wages of the engineers shall be advanced with the increased tonnage until the maximum rate is reached; provided, that in no case shall engineers employed at new mines receive less than $2.25 per day; also that in no case shall engineers, firemen, or pumpers be interfered with or asked to cease work by any local committee or local union official during the life of this contract.

The mining prices inside and outside day-wage scale (except engineers) provided for in this contract is based upon an eight-hour work day.

RULES AND REGULATIONS.

EIGHT-HOUR DAY.

All classes of day labor are to work full eight hours, and the going to and coming from the respective working places is to be done on the day hands' own time. All company men shall perform whatever day labor the foreman may direct. An eight-hour day means eight hours' work in the mines at the usual working places, exclusive of noon time—which shall be one-half hour—for all classes of inside day labor. This shall be exclusive of the time required in reaching such working places in the morning and departing from the same at night.

Drivers shall take their mules to and from the stables, and the time required in so doing shall not include any part of the day's labor; their time beginning when they reach the change at which they receive empty cars—that is, the parting drivers at the shaft bottom and the inside drivers at the parting—and ending at the same places; but in no case shall a driver's time be docked while he is waiting for such cars at the points named. The inside drivers, at their option, may either walk to and from their parting, or take with them, without compensation, either loaded or empty cars to enable them to ride. This provision, however, shall not prevent the inside drivers from bringing to and taking from the bottom regular trips, if so directed by the operator, provided such work is done within the eight hours.

When the stables are located outside the mine the companies agree to deliver the mules at the bottom of the shaft in the morning and relieve the drivers of the mules at the bottom of the shaft at night.

When the men go into the mine in the morning they shall be entitled to two hours' pay whether or not the mine works full two hours; but

after the first two hours the men shall be paid for every hour thereafter, by the hour, for each hour's work or fractional part thereof. If for any reason the regular work can not be furnished the inside day laborers for a portion of the first two hours, the operators shall furnish other than the regular labor for the unexpired time.

PENALTIES FOR LOADING IMPURITIES.

In order to insure the production of clean, marketable coal, it is herein provided that if any miner shall load with his coal sulphur, bone, slate, blackjack, or other impurities, he shall, for the first offense, be notified by the mine foreman; for the second offense he may be suspended for one day; for the third and each subsequent offense occurring in any one month he may be suspended for three days; provided, that if in any case it is shown that a miner maliciously or knowingly loads impurities, he shall be subject to discharge. It is further agreed that if any miner has been suspended and claims that an injustice has been done him, the matter shall be taken up for investigation and adjustment in the manner provided in section three of this agreement.

DUTIES OF PIT COMMITTEE.

(a) The duties of the pit committee shall be confined to the adjustment of disputes between the pit boss and any member of the U. M. W. of A. working in and around the mines, arising out of this agreement or any district or subdistrict agreement made in connection therewith, when the pit boss and said miner or mine laborer have failed to agree.

(b) In case of any local trouble arising in any mine through such failure to agree between the pit boss and any miner or mine laborer, the pit committee and the pit boss are empowered to adjust it, and in the case of their disagreement it shall be referred to the superintendent of the company and the district president of the U. M. W. of A., or such person as he may designate to represent him; and should they fail to agree it shall be referred to the commissioner of the Southwestern Interstate Coal Operators' Association and the district president of the U. M. W. of A. for adjustment; and in all cases the mines, miners, mine laborers, and parties involved must continue at work, pending an investigation and adjustment, until a final decision is reached in the manner above set forth.

(c) If any day men refuse to continue at work because of a grievance which has or has not been taken up for adjustment in the manner provided herein, and such action shall seem likely to impede the operation of the mine, the pit committee shall immediately furnish a man or men to take such vacant place or places at the scale rate, in order that the mine may continue at work; and it shall be the duty of any member or members of the United Mine Workers who may be called upon by the pit boss or pit committee to immediately take the place or places assigned to him or them in pursuance hereof.

(d) The pit committee, in the discharge of its duties, shall under no circumstances go around the mine for any cause whatever, unless called upon by the pit boss or by a miner or company man who may have a grievance that he can not settle with the boss. Any pit committeeman who shall attempt to execute any local rule or proceeding in conflict

with any provision of this contract, or any other made in pursuance hereof, shall be forthwith deposed as committeeman. The foregoing shall not be construed to prohibit the pit committee from looking after the matter of membership dues and initiations in any proper manner.

(e) Members of the pit committee employed as day men shall not leave their places of duty during working hours except by permission of the operator, or in cases involving the stoppage of the mine.

(f) The right to hire and discharge, the management of the mine, and the direction of the working force are vested exclusively in the operator, and the U. M. W. of A. shall not abridge this right. It is not the intention of this provision to encourage the discharge of employees or the refusal of employment to applicants because of personal prejudice or activity in matters affecting the U. M. W. of A. If any employee shall be discharged or suspended by the company and it is claimed that an injustice has been done him, an investigation, to be conducted by the parties and in the manner set forth in paragraphs "a" and "b" of this section, shall be taken up promptly, and if it is proven that an injustice has been done, the operator shall reinstate said employee and pay him full compensation for the time he has been suspended and out of employment; provided, if no decision shall be rendered within five days the case shall be considered closed, in so far as compensation is concerned, unless said failure to arrive at a decision within five days is owing to delay upon the part of the operator, in which case a maximum of ten days' compensation shall be paid.

LOCAL DEMANDS.

There shall be no demands made locally by either operators or miners which are in conflict with this agreement or any district or subdistrict agreement made prior to September 1, 1904; and there shall be no provision imposed violating the same. Any local member, official, or committee shutting down a mine without orders from the district president or district executive board shall be fined in the manner provided for in the national constitution of the U. M. W. of A., and such additional penalties may be imposed as are now or may be provided for in the constitutions of the various district organizations. All such fines are to be collected by the companies and paid into the district treasury of the U. M. W. of A. Should any operator violate this agreement, or any provision hereof, such operator or company shall be fined one hundred dollars ($100), said fine to be paid into the treasury of the Southwestern Interstate Coal Operators' Association.

PAYMENT OF WAGES.

The operators agree to pay twice a month, the dates of payment to be determined by the district joint convention; and these payments are to be made at the office nearest to the mine wherein or at which the employees are employed; provided, however, that this office shall be located not more than two miles from such mine.

CHECK-OFF.

The operators will recognize the pit committee in the discharge of their duties, as provided in this agreement, and agree to check off dues,

assessments, fines, and initiations from all miners and mine laborers when desired. In order to protect the companies, the U. M. W. of A. agrees, when the companies so demand, to furnish a collective and continuous order authorizing the companies to make such deductions. The companies agree to furnish the miners' local representatives a monthly statement showing separately the amount of dues, assessments, fines, and initiations collected. In case any fine is imposed the propriety of which is questioned, the amount of such fine shall be withheld by the operator until the case has been taken up for adjustment and a decision reached.

It is agreed that the miners may employ a check weighman to see that coal is properly weighed and a correct record made thereof, and when such check weighman is employed the companies shall furnish him a check number, and he shall credit to his number such portion of each miner's coal as he may be authorized to do by the local union. It is understood that the above provision shall not affect the arrangements now existing at any mine where a check number is issued in the name of the local union, and dues, assessments, fines, and initiations collected by this method.

MEASUREMENTS.

It is agreed that measurements of entries, brushing, room turning, and deadwork shall be made semimonthly, and payment in full shall be made for such work in the same manner as that in which other work is paid for.

EQUAL TURN.

The operator shall see that an equal turn is offered each miner and that he be given a fair chance to obtain the same. The check weighman shall keep a turn bulletin for the turn keeper's guidance. The drivers shall be subject to whomever the mine manager shall designate as turn keeper in pursuance hereof.

DEATHS AND FUNERALS.

In the event of an instantaneous death by accident in the mine, the miners and underground employees shall have the privilege of discontinuing work for the remainder of that day; but work, at the option of the operator, shall be resumed the day following and continue thereafter. In case the operator elects to operate the mine on the day of the funeral of the deceased, as above, or where death has resulted from an accident in the mine, individual miners and underground employees may, at their option, absent themselves from work for the purpose of attending such funeral, but not otherwise. And whether attending such funeral or not, each member of the U. M. W. of A. employed at the mine at which the deceased member was employed, shall contribute fifty (50) cents and the operator twenty-five ($25) dollars for the benefit of the family of the deceased or his legal representatives, to be collected through the office of the company. In the event that the mines are thrown idle on account of the miners' or other employees' failure to report for work in the time intervening between the time of the accident and the funeral, or on the day of the funeral,

then the company shall not be called upon for the payment of the twenty-five ($25) dollars above referred to.

Except in cases of fatal accidents, as above, the mine shall in no case be thrown idle because of any death or funeral; but in the case of the death of any employee of the company or member of his family, any individual miner may, at his option, absent himself from work for the purpose of attending such funeral, but not otherwise.

DOCTOR.

No deduction shall be made for doctors, unless such deduction is authorized by the individual employee.

CONDITION OF THE MINE.

The company shall keep the mine in as dry condition as practicable, by keeping the water off the road and out of the working places. When a miner has to leave his working place on account of water, through the neglect of the company, they shall employ said miner doing company work when practicable, and provided that said miner is competent to do such work, or he shall be given another working place until such water is taken out of his place.

PROVISIONS FOR INJURED.

The operators shall keep sufficient blankets, oil, bandages, etc., and provide suitable ambulance or conveyance, readily available at each mine to properly convey injured persons to their homes after an accident.

POWDER.

The price of powder shall be $2.00 per keg during the term of this contract.

1906 JOINT CONVENTION.

It is agreed that the Southwestern Interstate Coal Operators' Association and the representatives of the United Mine Workers of America shall meet in the city of Indianapolis, Indiana, on the 25th day of January, 1906, at 10 o'clock a. m.

APPENDIX.

HARNESSING MULES.

In regard to taking the mules into the mine where the mules are kept on top of slope opening, the mules are to be taken to and from the tipple to the mouth of the slope. In shaft openings the mules are to be taken down and up the shaft by the company, either by the drivers on the company's time, or by the company employing a man to do so, and it may employ any man, or number of men, it chooses to do this work.

Where mules are kept in the mine, if the mules are harnessed by the company, the driver must be at the pit bottom, or the parting where he commences work, ready to begin at starting time. If the driver harnesses the mules he does so on the company's time.

PENALTIES FOR LOADING IMPURITIES.

The interpretation of, or the construction to be placed upon, that paragraph relative to penalties for loading impurities in the agreement between the U. M. W. of A. and the Southwestern Interstate Coal Operators' Association, entered into at Pittsburg, Kansas, July 27th, 1903, having been referred to the undersigned, is ruled upon as follows. The paragraph reads:

"In order to insure the production of clean, marketable coal, it is hereby provided that if any miner shall load with his coal sulphur, bone, slate, blackjack, or other impurities, he shall for the first offense be notified by the mine foreman; for the second offense he may be suspended for one day; for the third and each subsequent offense occurring in any one month he may be suspended for three days; provided that if in any case it is shown that a miner maliciously or knowingly loads impurities, he shall be subject to discharge."

The question is upon what constitutes "one month" within the meaning and the intent of this contract.

It was clearly intended by the parties to this contract that if it became necessary to insure the production of clean coal, the penalties provided in this agreement should be and could be inflicted. It is also clear that if the operation of this agreement is to be limited and confined to each calendar month for the period it is in effect, the penalties can not be inflicted as contemplated by the parties to the agreement, and the offender must be allowed to go unpunished.

For example, suppose a miner is notified on the first or any subsequent day of the calendar month that he has loaded dirty coal, that is the extent of his punishment for that offense; and suppose he is notified on the first or any subsequent day of the calendar month following that he has loaded dirty coal, that is the limit of his punishment for the second offense, notwithstanding the second offense may have been committed on consecutive days—that is to say, on the last day of one calendar month and the first day of the calendar month following.

Again, the first offense may be committed on any day subsequent to the first day of the month; the second offense on any day subsequent to the first offense, and the third offense on the first day of the succeeding month or any subsequent day, and the offender go practically unscathed, because no penalty other than that provided for the second offense could be inflicted. Again, if the second offense occurred on the last day of any calendar month on which the first offense occurred, the offense is condoned, because of the application, as lawyers would say, of the "statute of limitations" interfering to save the offender from the infliction of the punishment provided as just and necessary to the consummation of the intent and purpose of the contract—the "insurance of the production of clean, marketable coal."

Now, in my judgment, that could not have been the intent and purpose of the parties to this agreement, because they clearly intended that the penalty should be inflicted if the offenses were committed

within the specified time, "one month," i. e., thirty days. Nor would this impose any hardships on the miner, or give the operator any undue advantage.

The ruling is, therefore, that "one month" in this agreement means thirty days.

If either of the district presidents disagree with this ruling, they will please submit their reasons therefor in writing.

BENNET BROWN,
Commissioner.

Copies sent to and endorsed by—
George Colville, district president No. 25.
George Richardson, district president No. 14.
Pete Hanraty, district president No. 21.
Thomas M. King, vice-president district No. 21.

PITTSBURG, KANSAS, *August 19, 1904.*

A difference of opinion having arisen in regard to whether or not the brushing question in the northern part of Kansas is to be taken up and adjusted by the president of District 14 and the operators' commissioner, the representatives of the miners and the representatives of the operators agree to refer the matter to T. L. Lewis, national vice-president of the U. M. W. of A., and W. C. Perry, vice-president at large for the Southwestern Interstate Coal Operators' Association, for settlement.

Executed at Pittsburg, Kansas, this 19th day of August, 1904.

In behalf of the Southwestern Interstate Coal Operators' Association.

B. F. BUSH, *President.*
S. W. KNIFFIN, *Secretary.*

In behalf of the miners:

J. G. RICHARDSON,
President District 14.
PETE HANRATY,
President District 21.
GEO. COLVILLE,
President District 25.
ROBERT GILMOUR,
Secretary Joint Convention.
T. L. LEWIS,
National Vice-President.

DISTRICT AGREEMENT, ADOPTED AUGUST 19, 1904, BY SOUTHWESTERN INTERSTATE COAL OPERATORS' ASSOCIATION AND THE UNITED MINE WORKERS OF AMERICA, DISTRICT No. 14.

Article 1. That the following prices per ton of two thousand pounds shall be paid by the parties of the second part and received by the parties of the first part for mine run coal free from slate, dirt, bone sulphur, black jack and other impurities for a period of time beginning September 1st, 1904, and ending March 31st, 1906.

Article 2. Cherokee and Crawford counties, Kansas, and Barton County, Missouri. Shooting coal per ton for mine run, 72 cents.

Article 3. That the uniform price of dead work shall be as follows:

Entries 12 feet wide, $1.06 per yard.

Entries less than 12 feet wide, $1.59 per yard.

First crosscut in rooms, $1.59, or $1.06 per yard, according to width of same, based on width and price of entries. That in all cases where miners are unable to secure necessary width in rooms, being prevented by horseback or other unavoidable obstacles, the prices to be paid for such work shall be the same as above stipulated. Where the width obtained in rooms is less than 12 feet and over six feet, price shall be determined proportionately. The price for turning rooms shall be $2.13 where the room neck is six feet; $4.25 where they are 12 feet. That brushing shall be paid at the rate of 85 cents per yard for five feet above the rails and $1.06 for six feet above the rails. Horsebacks, $1.06 per foot. Stowing dirt, 11 cents per car; 53 cents per yard or to be taken away by the company.

Article 4. When entries are double shifted or when two men work together in entries on same shift 27 cents per yard additional shall be paid.

Article 5. The price for making wall for room through gob in entries shall be $1.59.

Article 6. Conditions governing shot-firers:

Shot-firers shall have but one job in mines employing forty men or more, and no shot-firer shall perform his duties while in the mine alone. Two shot-firers shall not fire shots for more than eighty men without extra compensation at the rate of 7c. per place for each additional man, but when there are a hundred and five men employed there shall be one additional shot-firer, and same conditions to apply when additional shot-firers are needed.

Article 7. The use of squibs and fuse shall be left to the men of each mine. Where one is voted the use of the other shall be excluded, with this provision, that when the men vote to use fuse the company shall make no charges for squibs, but in any event, when necessary to use dynamite in brushing or horseback shooting, the use of fuse is permissible, and in no event shall any shot-firer shoot more than one working place at a time.

BATES AND VERNON COUNTIES, MISSOURI.

Article 1. That the price for digging shall be as follows for mine-run coal:

Coal four feet and over, per ton, 62 cents.

Coal three feet six inches and over, per ton, 67 cents.

Coal three feet six inches or less, per ton, 72 cents.

Article 2. That prices for bottom grading be paid the same in rooms as in entries, and the price for removing bone coal or rock shall be determined by the miner and mine foreman.

Article 3. That rooms be 24 feet wide when roof will permit, and in no case shall two men be required to work in a room less than 16 feet wide, the mine foreman to be judge of conditions.

Article 4. That the same rules and customs in regard to first crosscut in rooms in Cherokee and Crawford counties, Kansas, shall also apply to these counties.

Article 5. That the prices for entries shall be, for 12-foot entries, $1.59; for six-foot entries, $2.13 per yard.

Article 6. That prices for top brushing be 80 cents per yard for five foot two inches above the rails, the existing custom. That bottom grading from six inches to one foot in thickness shall be 53 cents, and for each additional six inches in thickness the price to be 27 cents. When less than six inches the price to be determined between the miner and the mine foreman.

Article 7. Room turning and all other dead work not enumerated shall be reduced 5.55 per cent.

PLEASANTON DISTRICT.

Article 1. The price for mining shall be 95 cents per ton of two thousand pounds, under the condition now in operation.

Article 2. Brushing in entries shall be paid for at the rate of $1.75 for six feet above the rails. All dead work not enumerated shall be reduced 5.55 per cent.

OSAGE COUNTY.

Article 1. That the price per ton for mine-run coal shall be as follows:

Osage City, per ton, $1.60.

Burlingame, per ton, $1.55.

Scranton, per ton, $1.55.

Article 2. That room turning be paid $5.67 as a uniform price for Osage County, miner to put away dirt. That the distance of room turning shall be 12 feet from the corner of the rib of said room, and no room shall be considered turned until such distance is obtained. All yardage beyond the specified distance of 12 feet shall be paid at the rate of $1.42 per yard.

Article 3. All gob entries shall be paid at the rate of $1.59 per yard, said entries to be four and a half feet wide and three and a half feet high in Osage County. For narrow entries five feet wide and three and a half feet high, $1.97 per yard, the miner to have the coal. For entries 14 feet wide, $1.86 per yard, the miner to have the coal. For one-sided entries the price to be $1.33 per yard, the miner to have the coal.

Article 4. That rib-room turning be paid the same as other room turning.

Article 5. That all rock brushing shall be paid at the rate of 94 cents per yard of one foot in thickness and 47 cents for each additional six inches, help to be furnished by the company when drilling in rock.

Article 6. Cutting corners in rooms where rooms are full width, 53 cents per yard.

Article 7. That whenever a mine foreman desires two men to work together in one place, they shall be paid 14 cents extra per ton above the regular mining price, provided it is not the fault of the miner working in said place or his inability to keep up the working face.

Article 8. Where shooting is necessary, the company to be required to furnish drilling machines and other necessary materials for blasting, and that such necessities shall be delivered at the miner's platform or switch.

Article 9. That no room be driven over 185 feet without extra pay for pushing, said extra pay to be determined by mine foreman and pit committee, and that in any steep pushing the driver or pusher shall be required to assist in pushing.

Article 10. That mule brushing shall be contracted when desired, the price to be agreed upon by the mine foreman and the parties doing the work.

Article 11. All deficient work shall be paid extra, the price to be determined by the mine foreman, miner, or miners affected, but should they not agree, then the price shall be determined by the mine foreman and pit committee.

Article 12. It is hereby understood and agreed that all coal shall be accepted at the miner's switch or platform.

Article 13. Miners shall at no time load or send out dirt, in case of dispute, without the consent of the pit boss and pit committee.

Article 14. That whenever a room or entry caves in or abnormal conditions exist, the operator shall take the dirt at miner's switch or platform and the miner's turn for coal shall not be affected thereby.

Article 15. Where the blacksmith is hired by the company to sharpen tools for the men, the charges will be 1 per cent. When men sharpen their own tools, no charge shall be made.

Article 16. That each operator in Osage County shall furnish their employees domestic coal, during the six winter months commencing September 1 and ending February 28, at the September market quotations for Osage County coal, and during the six summer months at the actual market price at the mines.

INSIDE DAY-WAGE SCALE.

(Driver for each additional mule, 9 cents extra.)

Machine runner	$2.83
Machine helper	2.60
Loading and drilling after machine	2.42

Wages of motormen to be reduced 5.55 per cent below present wages. The company shall have the right to work any part or all of the mine by machines if they desire.

The men working with the machines shall be subject to the mine foreman's order, and do any work he may direct other than machine work; provided, however, there shall be no reduction made in the rate of wages paid. When either side to the agreement desires to do mining by the ton, the matter shall be taken up and adjusted.

Digging coal by the day	$2.65

GENERAL PROVISIONS.

Article 1. That the bimonthly pay days shall fall on the 2d and 4th Saturdays of each month.

Article 2. Any miner desiring to leave the service of the company shall give notice to the clerk of the company's local office and receive his money in full not later than 5 days after such notice.

Article 3. That all required timbers and rails shall be delivered when necessary at the working switch of the miner.

Article 4. That the color line shall not be a bar to employment.

Article 5. That the erection of head frames, buildings, scales, machinery, railroad switches, etc., necessary for the completion of a plant to hoist coal, all being in the nature of construction work, are to be excluded from the jurisdiction of the U. M. W. of A. Extensive repairs to and rebuilding of the same class of work shall also be included in the same, provided that any or all members of the U. M. W. of A. who may be employed at such work shall not be asked to work in conflict with the terms of this agreement.

Article 6. There shall be no unjust discrimination against any day laborers in so far that the work shall be as nearly as possible equally distributed, provided the parties are competent to do the work.

Article 7. All half turns shall be furnished a check number.

Article 8. That the check weighman shall have a check number to receive his pay, the same as miners.

Article 9. That the price of nut coal at the mines for household purposes to the employees shall be $1.35 per ton for the entire year where bought by the head of the family (except Osage and Pleasanton).

Article 10. When entry or horseback dirt is wheeled or pushed, extra compensation shall be paid when it is required to wheel or push same over 126 feet. (This applies to Cherokee and Crawford counties, Kansas, and Barton County, Missouri.)

Article 11. When rock brushing is necessary to be done the regular brushing price shall not apply, but the compensation for the same shall be mutually agreed upon between the miner and mine foreman. (This applies to Cherokee and Crawford counties, Kansas, and Barton County, Missouri.)

Article 12. Faulty coal shall be considered deficient work, and any miner hired to work the same shall be paid by the day, the company to furnish the powder and tools when required, or the man to be given another place, the mine foreman to determine whether the man is to be employed by the day or given another place.

Article 13. In opening new mines the work shall be done by the cubic yard or by the ton, and the price per cubic yard for the coal shall be the price per ton under the scale for that width of work. This rule to apply after the first parting on each side of bottom of shaft and air connections are made.

Article 14. That when a miner is prevented from work by reason of his switch not being laid in his turn or through neglect of the company, or in the event of a fall of rock in his place not otherwise provided for, he shall notify the mine foreman and if the same is not remedied at the expiration of twenty-four hours, he shall proceed as in paragraph A and B of the interstate agreement; and provided further, that if any miner or mine laborer absents himself from work for more than one day without a justifiable cause, the operator shall have the right to fill such vacancy, but if the miner or mine laborer believes that he is unjustly dealt with, he shall have the right to appeal to the pit committee for investigation.

Article 15. That the price for blacksmithing for the ensuing year be based on 1 per cent of the gross earnings of the miner. Where squibs are used the price shall be 25 cents per month.

Article 16. That the wage of blacksmiths at mines where construction work is being done shall be $2.83 per day, and the wage of mine blacksmith at mines where repairs and sharpening of tools only is being done shall be $2.60 per day, based on an eight-hour day.

Article 17. The prices for draw slate shall be:
24 cents per lineal yard where draw slate is 6 inches thick.
38 cents per lineal yard where draw slate is 9 inches thick.
52 cents per lineal yard where draw slate is 12 inches thick.
9 cents increase for each additional three inches in thickness.

These prices are for draw slate when it is necessary for the miner to handle same across full width of room when room is standard width. A proportionate price per yard based on actual width of room where room is less than standard width. When draw slate is less than 6 inches thick the price to be determined by miner and mine foreman. (Except Osage and Pleasanton.),

Article 18. That the price for bottom brushing shall be $1.12 per yard in Cherokee and Crawford counties, Kansas, and Barton County, Missouri.

Article 19. That all road and sump coal be placed on a check number and when wrecked cars are allowed they are to be deducted from the coal on such check number. At the end of each month the coal to be divided between the local union and the company, two-thirds to the local union and one-third to the company, the company to pay all labor in cleaning and loading such coal.

Article 20. When there is not enough cars at the mine to run with in the morning, that no local rule concerning this question be effective until 30 minutes after starting time, giving the company 30 minutes after starting time to get empties in at the mine to run with before the mines shall be thrown idle, but in no event shall the thirty minutes be taken advantage of when the company knows that no empties shall be received that day, and when the company knows that no cars will be received the men shall be notified either at the office, company store, or at the mine.

Article 21. It is agreed that on the first Monday in March, 1906, that representatives of the Southwestern Interstate Coal Operators' Association and the representatives of District 14, U. M. W. of A., parties to this agreement, respectively, shall meet on that day in Pittsburg and go into session and continue in session to agree upon and formulate a new contract, and all clauses that can not be amicably settled between the operators and miners' representatives shall be settled by a board of arbitration, consisting of two operators chosen by the operators and two miners chosen by the miners, these four to choose the fifth member of this board, and the decision of this board shall be final and binding upon all parties to said arbitration.

We, the undersigned, respective parties to said contract, have read the same and fully approve of the conditions contained therein and bind ourselves to the faithful performance of the same.

In behalf of the Southwestern Interstate Coal Operators' Association:

B. F. BUSH, *President.*
S. W. KNIFFIN, *Secretary.*

In behalf of the miners:

J. G. RICHARDSON,
JOHN BILLINGS,
JOHN LENON.

APPENDIX.

SHOT-FIRERS.

In regard to shot-firers, the men who fire shots will be paid daily for men actually at work in the mine, or it may be agreed upon between the employer and the shot-firer that the enumeration of the men employed in the mine may be taken on the 1st, 7th, 15th, 20th, and 25th, and an average taken from the numbers so ascertained, the enumeration on the 15th to apply to both the first and last days of the month.

STOWING DIRT, AND ONE-SIDED ENTRIES, OSAGE COUNTY.

Miners are required to stow dirt in any gob-road in the entry in which they work. Where necessary to move dirt from the entry in which the dirt is made, the miner will go to any gob-road within 700 feet, and stow the dirt. If there is no gob-room within 700 feet, the miner will wheel the dirt to the shaft bottom, provided the distance does not exceed 700 feet, under ordinary conditions.

That one-sided entries mentioned in the contract scale for Osage County, means where rib is cut; and such entries are entitled to $1.33 per yard, and when all the coal is taken out by room and entry, men working through upon each other is short entry, and shall be paid for at the rate of $1.15 per yard, the miners to have the coal. Whenever the rib is cut $1.33 must be paid, as per contract.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

MASSACHUSETTS.

Thirty-third Annual Report of the Bureau of Statistics of Labor. March, 1903. Chas. F. Pidgin, chief. v, 260 pp.

The present report consists of four parts, as follows: Part I, annual report of the chief to the legislature, 12 pages; Part II, labor chronology (for year ending September 30, 1902), embracing strikes and lockouts, wages, hours of labor, trades unions, and social and industrial benefits, 67 pages; Part III, mercantile wages and salaries, 49 pages; Part IV, sex in industry, 127 pages.

STRIKES AND LOCKOUTS.—Under this title is presented a chronological record, by cities and towns, of the 276 labor disagreements occurring in the State during the year ending September 30, 1902. Of the total number of strikes, 105 were for increase or against decrease of wages, 25 were for reduction of working hours, 36 were for both wages and hours, 31 were for wages, hours, and some other grievance, and 79 were for causes into which the question of wages or hours did not enter. Considering the results of strikes, 76 succeeded, 23 succeeded partly, 42 were compromised, 106 failed, 5 were still pending at the close of the period, and for 24 the results were not stated. For all strikes, the approximate number of strikers involved was 42,400, and the number of working days lost 569,400. In the case of 2 strikes, the duration was 5 months and 1,770 work people were involved.

WAGES.—Chronologically arranged by cities and towns, there is here shown the principal instances reported of increases in wages throughout the State during the year covered by the report. Wherever possible to do so the number of operatives affected by the changes in rates and the extent of change are given.

HOURS OF LABOR.—The information relative to hours of labor presents chronologically for the different cities and towns of the State the action of organized labor upon the question of reducing the number of hours per day of working time. The changes in working time secured are given, showing the establishment or class of employment affected, together with the number of hours established under the new arrangement, or the special change in working time which was instituted.

TRADE UNIONS.—The new organizations of labor formed during the year, as far as reported to the bureau, together with the number of original members when known, are presented chronologically by cities and towns under this head. Also, there is presented a statement of the action of associations of organized labor with respect to the principal subjects to which they gave their indorsement or condemnation by resolution during the year. The subject of the union label was one which received unusual attention by numerous unions.

SOCIAL AND INDUSTRIAL BENEFITS.—This section of the report includes brief abstracts of the action of employers for the benefit of their employees, or to improve the conditions of employment. Employees' benefit associations have been considered, as have also bequests or gifts from whatever source if intended primarily to improve industrial conditions. The information is presented chronologically by cities and towns.

MERCANTILE WAGES AND SALARIES.—Statistics of wages and salaries paid to persons employed in what is generally designated "trade" is presented in this part of the report. The investigation was limited to the city of Boston, and to that part of it usually called the "congested business section," and embraced 36 kinds of business represented by 455 establishments. Individuals owned 241 of the establishments, firms 155, and corporations 59. The number of persons employed in the establishments considered was 9,454, of whom 5,124 were males and 4,330 females. Of the total persons, 21.03 per cent were employed in establishments owned by individuals, 39.26 per cent in those owned by firms, and 39.71 per cent in those owned by corporations. Of the 36 kinds of business enumerated, department stores employed the largest number of persons, viz, 2,373, or 25.10 per cent of the total. Graded and average weekly wages and salaries are presented by sex, kind of business, and branches of occupations; also, average weekly wages and salaries, by sex and occupations, without regard to kind of business.

SEX IN INDUSTRY.—This presentation is intended to show the numerical representation of women in the different branches of gainful occupations in the State, and to compare their number with the number of males employed in the same branches, as well as to consider those branches in which men only are employed, and those in which women only are employed. A brief history of the entrance of women into the industrial field, with a table showing at national and State census periods the number of females and males employed in gainful occupations from 1831 to 1900, introduces the chapter.

A summary of the number of males and females engaged in the different branches of gainful employment covered by the investigation is shown in the table which follows:

NUMBER AND PER CENT OF MALES AND FEMALES IN GAINFUL EMPLOYMENTS, BY KIND OF EMPLOYMENT, 1900.

Kind of employment.	Males.	Females.	Total.	Per cent.	
				Males.	Females.
Government	17,240	2,846	20,086	2.19	0.97
Professional	23,845	19,923	43,768	3.03	6.81
Domestic service	14,782	79,265	94,047	1.88	27.09
Personal service	25,724	19,762	45,486	3.27	6.75
Trade	129,875	24,142	154,017	16.51	8.25
Transportation	69,680	368	70,048	8.86	.13
Agriculture	37,281	275	37,556	4.74	.09
The fisheries	8,813	18	8,831	1.12	.01
Manufactures	349,546	142,951	492,497	44.45	48.85
Mining	2,367	.....	2,367	.30	.....
Laborers	98,758	207	98,965	12.56	.07
Apprentices	5,320	567	5,887	.68	.19
Children at work	3,223	2,312	5,535	.41	.79
Total	786,454	292,636	1,079,090	100.00	100.00

From the above it is seen that of the total females in gainful employment the greatest number was found in manufactures, namely, 142,951, or 48.85 per cent, while 79,265, or 27.09 per cent were in domestic service. Female apprentices numbered 567, or 0.19 per cent, and children at work 2,312, or 0.79 per cent.

A consideration of the descent of the total (1,079,090) males and females in gainful employment, shows that 403,231, or 37.37 per cent, were native born, native descent; 233,643, or 21.65 per cent, were native born, foreign descent; 159,616, or 14.79 per cent, were foreign born; 129,102, or 11.96 per cent, were foreign born, naturalized; and 153,498, or 14.23 per cent, were foreign born, alien. Of the 292,636 females, only 85,733, or 29.30 per cent, were native born, native descent; 80,304, or 27.44 per cent, were native born, foreign descent; and 126,599, or 43.26 per cent, were foreign born. As to the conjugal condition of females in gainful employment, it was found that less than one-eighth of the total were married.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

AUSTRIA.

Die Arbeitseinstellungen und Aussperrungen in Österreich während des Jahres 1902. Herausgegeben vom k. k. Arbeitsstatistischen Amte im Handelsministerium. 446 pp.

This volume contains the ninth annual report of the Austrian Government on strikes and lockouts. The information, which is compiled by the Austrian labor bureau, is given in the form of an analysis and seven tables showing (1) strikes according to geographical distribution, (2) strikes according to industries, (3) general summary of strikes, (4) comparative summary of strikes for each of the years 1894 to 1902, (5) summary of strikes for all the years 1894 to 1902, (6) details for each strike in 1902, (7) details for each lockout in 1902. An appendix gives a brief review of industrial and labor conditions in the leading countries of the world, statistics of trade associations in Austria, and notes concerning the strikes reported in the preceding pages.

STRIKES IN 1902.—While the number of strikes in 1902 was slightly above the average for the period beginning with 1894, the number of strikers and the number of establishments affected was somewhat below the average for the same period. There were 284,046 days lost in 1902 on account of strikes, or 126,302 days more than in the preceding year. During the year there were 264 strikes, which affected 1,184 establishments and involved 37,471 strikers and 6,354 other employees who were thrown out of employment on account of strikes. The strikers represented 43.98 per cent of the total number of employees in the establishments affected. The average number of strikers in each strike was 141. Of the total strikers, 90.5 per cent were males and 9.5 per cent were females. After the strikes 35,395 strikers were reemployed and 1,431 new employees took places formerly occupied by strikers.

The following table shows, by industries, the number of strikes, establishments affected, strikers and others thrown out of employment, etc., during the year 1902:

STRIKES, BY INDUSTRIES, 1902.

Industry.	Strikes.	Establishments.	Total employees.	Strikers.		Others thrown out of employment.	Strikers reemployed.	New employees after strikes.
				Number.	Per cent of total employees.			
Mining	63	70	33,011	13,573	41.1	993	13,229	167
Stone, glass, china, and earthen ware	24	80	2,739	1,819	66.4	292	1,605	206
Metals and metallic goods	18	58	2,188	741	33.9	48	673	59
Machinery and instruments	15	15	11,863	1,013	8.5	133	783	163
Wooden and caoutchouc goods	20	177	1,769	1,312	74.2	81	1,106	151
Leather, hides, brushes, and feathers	8	17	614	282	45.9	35	161	85
Textiles	34	34	6,795	2,599	38.3	274	2,476	46
Paper hanging and upholstering	2	7	44	29	65.9	.....	29	.....
Clothing	22	157	2,009	927	46.1	20	855	39
Paper	4	5	1,825	173	9.5	4	167	.....
Food products	7	173	726	584	80.4	6	560	19
Hotels, restaurants, etc	2	47	559	430	76.9	.....	374	56
Chemical products	4	85	961	626	65.1	302	583	20
Building trades	22	156	16,064	10,476	65.2	3,983	10,002	345
Printing and publishing	6	10	177	114	64.4	35	85	10
Commerce	5	19	1,076	863	80.2	.....	825	38
Transportation	7	73	2,756	1,880	68.2	148	1,852	27
Other industries	1	1	30	30	100.0	.....	30	.....
Total	264	1,184	85,206	37,471	44.0	6,354	35,395	1,431

The mining industry had the largest number of strikes (63) and strikers (13,573) in 1902. Next in importance with regard to the number of strikers involved was the group of building trades, with 10,476. Of all the strikers during the year, 64.18 per cent were engaged in these two groups of industries.

In the presentation of strikes by causes the cause and not the strike is taken as the unit, and since several causes frequently operate to bring about one strike, the number of causes usually exceeds the number of strikes. Thus the 264 strikes in 1902 were produced by 323 causes.

The following table shows the causes of the strikes for 1902, by industries:

CAUSES OF STRIKES, BY INDUSTRIES, 1902.

[Strikes due to two or more causes have been tabulated under each cause; hence the totals for this table do not agree with those for the preceding tables.]

Industry.	Against reduction of wages.	For increase of wages.	For change in method of payment.	For reduction of hours.	For discharge of foremen, workmen, etc.	Against obnoxious treatment.	Against discharge of employees.	Against obnoxious rules.	Other causes.	Total.
Mining	16	19	3	2	1	1	8	11	7	68
Stone, glass, china, and earthen ware	1	18	.....	6	2	.....	1	1	.....	29
Metals and metallic goods	1	10	1	6	.....	.....	3	1	.....	22
Machinery and instruments	1	7	1	1	1	.....	5	1	.....	17
Wooden and caoutchouc goods	2	8	1	7	.....	.....	3	1	6	28
Leather, hides, brushes, and feathers	1	3	1	1	.....	.....	1	3	1	11
Textiles	4	15	3	4	2	1	8	2	6	45
Paper hanging and upholstering	.....	1	.....	2	.....	.....	.....	.....	.....	3
Clothing	1	14	.....	5	.....	.....	2	2	1	25
Paper	.....	1	1	2	.....	.....	1	.....	.....	5
Food products	.....	5	.....	6	.....	.....	.....	.....	2	13
Hotels, restaurants, etc	.....	2	.....	.....	.....	.....	.....	.....	1	3
Chemical products	.....	3	.....	1	.....	.....	1	.....	1	6
Building trades	1	12	1	7	1	.....	.....	2	2	26
Printing and publishing	.....	.....	.....	.....	2	.....	2	.....	4	8
Commerce	.....	4	.....	1	.....	.....	1	.....	.....	6
Transportation	.....	4	.....	1	.....	.....	1	1	.....	7
Other industries	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Total	28	127	12	52	9	2	37	25	31	323

As in previous years, the most frequent causes of strikes were the demands for increased wages and for reduction of hours, the former having been one of the causes of 39.32 per cent, and the latter of 16.10 per cent of all the strikes.

The following table shows the results of strikes, by industries:

RESULTS OF STRIKES, BY INDUSTRIES, 1902.

Industry.	Strikes.				Strikers.			
	Succeeded.	Succeeded partly.	Failed.	Total.	Succeeded.	Succeeded partly.	Failed.	Total.
Mining	7	12	44	63	1,070	3,469	9,034	13,573
Stone, glass, china, and earthen ware	3	14	7	24	94	1,473	252	1,819
Metals and metallic goods	5	9	4	18	236	314	191	741
Machinery and instruments	2	7	6	15	146	617	250	1,013
Wooden and caoutchouc goods	5	7	8	20	80	444	788	1,312
Leather, hides, brushes, and feathers	1	1	6	8	74	79	129	282
Textiles	7	16	11	34	363	1,302	934	2,599
Paper hanging and upholstering	2	.....	.....	2	29	.....	.....	29
Clothing	11	7	4	22	615	273	39	927
Paper	1	3	.....	4	100	73	.....	173
Food products	.....	4	3	7	.....	558	26	584
Hotels, restaurants, etc	.....	2	.....	2	.....	430	.....	430
Chemical products	.....	2	2	4	.....	196	430	626
Building trades	5	10	7	22	977	9,185	314	10,476
Printing and publishing	1	2	3	6	30	28	56	114
Commerce	.....	4	1	5	.....	798	65	863
Transportation	2	2	3	7	1,348	470	62	1,880
Other industries	.....	1	.....	1	.....	30	.....	30
Total	52	103	109	264	5,162	19,739	12,570	37,471

Of the total number of strikes in 1902, 19.70 per cent succeeded, 39.01 per cent succeeded partly, and 41.29 per cent failed. Of the total number of strikers 13.77 per cent were engaged in strikes which succeeded, 52.68 per cent in strikes which succeeded partly, and 33.55 per cent in strikes which failed.

The following table shows the results of the strikes in 1902, according to their duration:

RESULTS OF STRIKES, BY DURATION, 1902.

Days of duration.	Strikes.				Strikers.			
	Succeeded.	Succeeded partly.	Failed.	Total.	Succeeded.	Succeeded partly.	Failed.	Total.
1 to 5	29	43	74	146	2,723	6,409	9,138	18,270
6 to 10	10	23	12	45	597	7,845	1,160	9,602
11 to 15	6	13	5	24	1,555	744	152	2,451
16 to 20	1	7	3	11	14	1,279	98	1,391
21 to 25	3	5	3	11	43	2,907	50	3,000
26 to 30	1	3	2	6	23	70	129	222
31 to 35	.....	2	2	4	.....	45	963	1,008
36 to 40	1	2	1	4	59	55	108	222
41 to 50	1	3	2	6	148	219	62	429
51 to 100	.....	2	4	6	.....	166	691	857
101 or over	.....	.....	1	1	.....	.....	19	19
Total	52	108	109	264	5,162	19,739	12,570	37,471

STRIKES DURING NINE YEARS.—The following table shows the number and extent of the strikes in Austria for the period during which the ministry of commerce has published reports on strikes:

STRIKES, BY YEARS, 1894 TO 1902.

Year.	Strikes.	Establishments affected.	Strikers.	Per cent of strikers of total employees.	Days lost.
1894	172	2,542	67,061	69.47	795,416
1895	209	874	28,652	59.68	300,348
1896	305	1,499	66,234	65.72	899,939
1897	246	851	38,467	59.03	368,098
1898	255	885	39,658	59.86	323,619
1899	311	1,330	54,763	60.23	1,029,937
1900	303	1,003	105,128	67.29	3,483,963
1901	270	719	24,870	38.47	157,744
1902	264	1,184	37,471	43.98	284,046

The number of strikes and the number of strikers for each year of the nine-year period are shown, by industries, in the following two tables:

STRIKES, BY INDUSTRIES, 1894 TO 1902.

Year.	Mining.	Stone, glass, china, and earthen ware.	Metals and metallic goods.	Machinery and instruments.	Wooden and caoutchouc goods.	Textiles.	Building trades.	Other.	Total.
1894.....	13	22	23	7	23	34	11	39	172
1895.....	4	29	37	6	38	29	24	42	209
1896.....	11	29	33	14	55	43	42	78	305
1897	25	27	26	20	27	28	34	59	246
1898.....	29	27	26	13	28	28	49	55	255
1899.....	26	21	32	24	35	84	33	56	311
1900.....	40	19	26	13	34	56	23	92	303
1901.....	40	29	22	15	27	28	24	85	270
1902.....	63	24	18	15	20	34	22	68	264
Total .	251	227	243	127	287	364	262	574	2,335

STRIKERS, BY INDUSTRIES, 1894 TO 1902.

Year.	Mining.	Stone, glass, china, and earthen ware.	Metals and metallic goods.	Machinery and instruments.	Wooden and caoutchouc goods.	Textiles.	Building trades.	Other.	Total.
1894.....	22,986	6,415	2,752	194	9,793	6,317	14,975	3,629	67,061
1895.....	626	9,943	3,694	258	2,336	4,085	5,361	2,354	28,652
1896.....	30,120	3,217	2,973	2,058	5,972	9,791	5,434	6,669	66,284
1897.....	3,632	3,053	1,568	4,689	1,372	11,275	4,995	7,883	38,467
1898.....	7,046	4,491	991	2,471	1,318	3,171	13,961	6,209	39,658
1899.....	3,477	2,112	2,459	1,356	3,198	30,249	7,842	4,070	54,763
1900.....	78,791	574	1,977	519	1,391	12,010	4,849	5,017	105,128
1901.....	7,496	1,698	1,393	389	2,925	2,675	3,214	4,580	24,370
1902.....	13,573	1,819	741	1,013	1,312	2,599	10,476	5,938	37,471
Total .	167,747	33,322	18,548	13,442	29,617	82,172	71,107	46,349	462,804

The causes of strikes for the nine-year period are shown in the following table, the cause and not the strike being made the unit:

CAUSES OF STRIKES, 1894 TO 1902.

[Strikes due to two o. more causes have been tabulated under each cause; hence the totals for this table do not agree with those for the preceding tables.]

Year.	Against reduction of wages.	For increase of wages.	For change in method of payment.	For reduction of hours.	For discharge of foremen, workmen, etc.	Against obnoxious treatment.	Against discharge of employees.	Against obnoxious rules.	Other causes.	Total.
1894	23	53	5	19	12	5	34	16	32	199
1895	19	89	6	31	22	2	31	8	37	245
1896	28	140	8	67	32	5	40	12	34	366
1897	26	116	7	47	26	13	32	18	45	330
1898	33	124	8	54	29	9	36	20	39	352
1899	29	143	5	78	17	5	40	18	40	370
1900	26	152	6	69	13	10	36	14	53	379
1901	28	116	7	46	28	4	36	15	33	313
1902	28	127	12	52	9	2	37	25	31	323
Total.	240	1,060	64	458	188	55	322	146	344	2,877

The following table shows, for both strikes and strikers, during each year of the period, the results expressed in percentages:

RESULTS OF STRIKES, 1894 TO 1902.

Year.	Strikes.				Strikers.			
	Number.	Per cent succeeded.	Per cent succeeded partly.	Per cent failed.	Number.	Per cent succeeded.	Per cent succeeded partly.	Per cent failed.
1894	172	25.00	27.91	47.09	67,061	9.15	37.31	53.54
1895	209	26.79	24.88	48.33	28,652	12.81	60.69	26.50
1896	305	20.98	36.40	42.62	66,234	4.60	62.80	32.60
1897	246	17.48	36.99	45.53	38,467	15.69	47.81	36.50
1898	255	18.82	41.18	40.00	39,658	8.36	66.46	25.18
1899	311	15.43	45.02	39.55	54,763	10.21	71.99	17.80
1900	303	20.13	44.89	34.98	105,128	4.65	85.54	9.81
1901	270	20.74	36.30	42.96	24,870	20.13	47.83	32.04
1902	264	19.70	39.01	41.29	37,471	13.77	52.68	33.55
Total	2,335	20.17	37.86	41.97	462,304	9.27	62.67	28.06

LOCKOUTS.—There were 8 lockouts reported in 1902, 1 each being due to the observance of Labor day (May 1), to the arbitrary reduction of hours by employees, to the demand for a nine-hour day, to the refusal of employees to consent to a change in the method of payment, 2 to the demand for reinstatement of discharged employees, and 2 to the employees leaving the factory without permission of the employers.

The following table contains statistics of lockouts for the period 1894 to 1902:

LOCKOUTS, BY YEARS, 1894 TO 1902.

Year.	Lockouts.	Establishments involved.	Persons locked out.	Per cent of persons locked out of total employees.	Persons locked out and reemployed.
1894					
1895	8	17	2,317	51.25	2,183
1896	10	211	5,445	79.52	4,589
1897	11	12	1,712	54.40	1,647
1898					
1899	5	38	3,457	60.96	3,448
1900	10	58	4,036	75.81	3,703
1901	3	3	302	70.40	302
1902	8	9	1,050	49.90	1,003

FRANCE.

Statistique des Grèves et des Recours à la Conciliation et à l'Arbitrage Survenus Pendant l'Année 1903. Direction du Travail, Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes. xvi, 575 pp.

This is the thirteenth of a series of annual reports on strikes and conciliation and arbitration issued by the French labor bureau. The information is presented in the same form as that contained in previous reports:

STRIKES.—During the year 1903 there were 567 strikes, involving 3,246 establishments, 123,151 strikers, and 11,268 persons thrown out of work on account of strikes. Of the strikers, 87,283 were men, 26,501 were women, and 9,367 were children. The strikes caused a

total loss of 2,243,323 working days by strikers and 198,621 by other employees thrown out of work, or a total of 2,441,944 working days. In 1902 there were 512 strikes, in which 212,704 strikers were involved and 9,461 other employees were affected, causing an aggregate loss of 4,675,081 working days. The large number of strikers and days lost in 1903 is due to a general strike of textile workers in that year, which alone involved 75,676 strikers and caused a loss of 1,783,015 working days. The average number of days lost per striker in 1903 was 18.

Of the 567 strikes in 1903, 449 involved but 1 establishment each, 39 involved from 2 to 5 establishments, 20 from 6 to 10 establishments, 29 from 11 to 25 establishments, 17 from 26 to 50 establishments, and 5 from 51 to 100 establishments. Of the remaining strikes 7 involved over 100 establishments each, and for 1 the number of establishments was not reported.

In 416 strikes, all or a part of the striking employees were organized. The employers were organized in 218 strikes. Ten workingmen's unions and 2 employers' associations were organized during the progress of or immediately following strikes. In 60 strikes regular aid was given by labor organizations to their striking members.

Of the 567 strikes, 122, involving 12,526 strikers, succeeded; 222 strikes, involving 89,736 strikers, succeeded partly, and 223 strikes, involving 20,899 strikers, failed. In 225 strikes, the striking employees worked by the hour, day, week, or month; in 211, by the piece, and in the remaining 131, by both time and piece.

The two tables following show, by groups of industries, the number of strikes, strikers, and establishments involved, according to the results of strikes; also the days of work lost by all employees and the number of strikers per 1,000 working people in each group of industries:

STRIKES AND ESTABLISHMENTS INVOLVED, BY GROUPS OF INDUSTRIES, 1903.

Industry.	Succeeded.		Succeeded partly.		Failed.		Total.	
	Strikes.	Establishments.	Strikes.	Establishments.	Strikes.	Establishments.	Strikes.	Establishments.
Agriculture, forestry, and fisheries	5	299	7	205	2	2	14	506
Mining	3	3	11	11	9	9	23	23
Quarrying	2	12	4	19	3	7	9	38
Food products	1	1	6	343	12	104	19	448
Chemical industries	2	2	4	4	2	2	8	8
Paper and printing	4	4	7	13	12	22	23	39
Hides and leather	15	15	10	96	13	43	38	154
Textiles	41	45	67	486	65	112	173	643
Clothing, cleaning, etc	3	10	3	84	5	36	11	130
Wood working	6	20	8	28	13	17	27	65
Building (woodwork)	.....	.....	6	68	4	39	10	107
Metal refining	.....	.....	5	5	2	2	7	7
Metal working	16	34	24	72	35	49	74	155
Precious-metal work	1	1	1	200	1	1	3	202
Stone, earthenware, glass, etc	.....	.....	9	22	11	11	20	33
Building (stone, tile, excavating, roofing, etc., work)	9	38	25	233	17	79	51	350
Transportation and handling	15	72	25	189	17	77	57	338
Total	122	556	222	2,078	223	612	567	3,246

STRIKERS AND DAYS OF WORK LOST BY ALL EMPLOYEES THROWN OUT OF WORK BY STRIKES IN 1903, BY GROUPS OF INDUSTRIES.

Industry.	Strikers in strikes which—			Total strikers.	Strikers per 1,000 working people in each industry. (a)	Days of work lost by all employees thrown out of work.
	Succeeded.	Succeeded partly.	Failed.			
Agriculture, forestry, and fisheries	1,915	1,399	198	3,512	1.05	19,827
Mining	78	1,308	1,066	2,452	15.76	49,088
Quarrying	90	1,151	144	1,385	24.90	17,554
Food products	220	787	660	1,667	2.77	8,136
Chemical industries	69	799	74	942	8.87	12,533
Paper and printing	612	371	302	1,285	10.64	13,028
Hides and leather	1,321	2,504	1,650	5,475	32.40	71,934
Textiles	3,828	63,408	8,440	75,676	118.71	1,783,015
Clothing, cleaning, etc	128	467	323	918	2.10	20,818
Wood working	186	1,281	474	1,941	8.63	92,120
Building (woodwork)	.....	747	305	1,052	(b)	15,398
Metal refining	.....	1,849	1,092	2,941	5.28	94,726
Metal working	1,000	2,287	2,135	5,422	13.04	62,449
Precious-metal work	12	1,225	17	1,254	61.33	29,908
Stone, earthenware, glass, etc	.....	402	560	962	6.51	41,006
Building (stone, tile, excavating, roofing, etc., work)	498	2,656	1,360	4,514	c 10.68	38,286
Transportation and handling	2,569	7,095	2,089	11,753	18.88	72,108
Total	12,526	89,736	20,889	123,151	d 28.71	2,441,944

a Based on the census of 1896. b Included in building (stone, tile, excavating, roofing, etc., work).
c Including building (woodwork). d Based on the total number of industrial working people in France.

Of the 17 groups of industries above shown, 3, namely, textiles, metal working, and transportation and handling together furnished over one-half of the total number of strikes during the year. With regard to the number of strikers, however, over three-fifths the total number were in the textile industry.

The strike data are shown by causes in the two tables following:

STRIKES, BY CAUSES, 1903.

[Strikes due to two or more causes have been tabulated under each cause; hence the totals for this table do not agree with those for the preceding tables.]

Cause or object.	Succeeded.		Succeeded partly.		Failed.		Total.	
	Strikes.	Establishments.	Strikes.	Establishments.	Strikes.	Establishments.	Strikes.	Establishments.
For increase of wages	66	530	110	1,375	108	457	284	2,362
Against reduction of wages	23	46	16	34	19	20	58	100
For reduction of hours of labor with present or increased wages	18	432	11	449	28	315	57	1,196
Relating to time and method of payment, etc., of wages	21	169	12	79	22	201	55	449
For or against modification of conditions of work	22	84	14	109	16	105	52	298
Against piecework	4	23	4	4	13	98	21	125
For or against modification of shop rules	7	12	9	12	18	18	34	42
For abolition or reduction of fines	1	1	11	11	7	7	19	19
Against discharge or for reinstatement of workmen, foremen, or directors	20	22	13	16	44	74	77	112
For discharge of workmen, foremen, or directors	9	43	19	19	41	42	69	104
Against employment of women	2	24	.....	.....	4	4	6	28
For limitation of number of apprentices	.....	.....	.....	.....	2	12	2	12
Relating to deductions from wages for support of insurance and aid funds	10	60	.....	.....	1	1	11	61
Other causes	14	53	7	211	22	172	43	436

STRIKERS AND DAYS OF WORK LOST BY ALL EMPLOYEES THROWN OUT OF WORK BY STRIKES IN 1903, BY CAUSES.

[Strikes due to two or more causes have been tabulated under each cause; hence the totals for this table do not agree with those for the preceding tables.]

Cause or object.	Strikers in strikes which—			Total strikers.	Days of work lost by all employees thrown out of work.
	Succeeded.	Succeeded partly.	Failed.		
For increase of wages	6,448	70,618	9,529	86,595	1,838,970
Against reduction of wages	2,840	2,741	941	6,522	180,611
For reduction of hours of labor with present or increased wages	4,415	2,691	4,917	12,023	213,234
Relating to time and method of payment, etc., of wages	4,828	1,930	2,705	8,963	92,290
For or against modification of conditions of work	5,157	4,327	2,744	12,228	296,728
Against piecework	271	4,367	1,032	5,670	84,827
For or against modification of shop rules	1,284	828	1,926	4,038	117,088
For abolition or reduction of fines	220	1,973	713	2,906	61,164
Against discharge or for reinstatement of workmen, foremen, or directors	2,824	1,877	6,399	11,100	209,309
For discharge of workmen, foremen, or directors	2,189	2,799	5,157	10,145	110,696
Against employment of women	737	.....	38	775	23,920
For limitation of number of apprentices	.....	.....	105	105	2,393
Relating to deductions from wages for support of insurance and aid funds	2,944	.....	56	3,000	74,791
Other causes	4,388	1,799	6,043	12,230	173,298

The most frequent causes of strikes during the year were wage disputes, the demands for increased wages, alone or in conjunction with other demands, having figured in 284 strikes (50 per cent of the total number of strikes for the year) involving 86,595 strikers (70 per cent of the total number of strikers), and causing a loss of 1,838,970 working days, which includes days lost by persons who were thrown out of employment on account of strike. Sixty-six of these demands were successful, for 6,448 strikers; 110 partly successful, for 70,618 strikers; and 108, involving 9,529 strikers, failed.

The next two tables show, respectively, the results of strikes, by duration, and the duration and results of strikes, by number of strikers involved:

STRIKES AND STRIKERS, BY DURATION OF STRIKES, 1903.

Days of duration.	Strikes.				Strikers.			
	Succeeded.	Succeeded partly.	Failed.	Total.	Succeeded.	Succeeded partly.	Failed.	Total.
7 or under	85	108	126	319	7,515	13,972	7,796	29,283
8 to 15	17	44	30	91	3,037	8,645	3,142	14,824
16 to 30	9	29	26	64	747	13,738	4,027	18,512
31 to 100	11	36	36	83	1,227	51,742	4,141	57,110
101 or over	.....	5	5	10	.....	1,639	1,783	3,422
Total	122	222	223	567	12,526	89,736	20,889	123,151

DURATION AND RESULTS OF STRIKES, BY NUMBER OF STRIKERS INVOLVED, 1903.

Strikers involved.	Strikes.				Days of duration.				
	Succeeded.	Succeeded partly.	Failed.	Total.	7 or under.	8 to 15.	16 to 30.	31 to 100.	101 or over.
25 or under	36	39	83	158	103	19	15	20	1
26 to 50	34	51	52	137	85	18	12	19	3
51 to 100	18	41	40	99	55	19	8	16	1
101 to 200	17	27	21	65	36	15	6	7	1
201 to 500	14	42	18	74	37	10	15	10	2
501 to 1,000	3	12	7	22	2	9	3	7	1
1,001 or over	.....	10	2	12	1	1	5	4	1
Total	122	222	223	567	319	91	64	83	10

Of the 567 strikes, 319 lasted one week or less, and of these, 98 lasted only one day or less.

The following table gives a summary of the most important strike data for each of the years 1894 to 1903:

STRIKES, BY YEARS, 1894 TO 1903.

Year.	Strikes.	Establishments.	Strikers.	Aggregate days of work lost by employees thrown out of work.	Strikes which—			Strikers in strikes which—		
					Succeeded.	Succeeded partly.	Failed.	Succeeded.	Succeeded partly.	Failed.
1894	391	1,731	54,576	1,062,480	84	129	178	12,897	24,784	16,895
1895	405	1,298	45,801	617,469	100	117	188	8,565	20,672	16,564
1896	476	2,178	49,851	644,168	117	122	237	11,579	17,057	21,215
1897	356	2,568	68,875	780,944	68	122	166	19,338	28,767	20,270
1898	368	1,967	82,065	1,216,306	75	123	170	10,594	32,546	38,925
1899	789	4,288	176,772	3,550,734	180	282	277	21,131	124,767	30,874
1900	902	10,258	222,714	3,760,577	205	360	337	24,216	140,358	58,140
1901	523	6,970	111,414	1,862,050	114	195	214	9,364	44,386	57,664
1902	512	1,820	212,704	4,675,081	111	184	217	23,533	160,820	28,351
1903	567	3,246	123,151	2,441,944	122	222	223	12,526	89,736	20,889

CONCILIATION AND ARBITRATION.—During the year 1903 recourse to the law of December 27, 1892, in regard to the conciliation and arbitration [a] of labor disputes, was had in 152 disputes. In 9 cases recourse was had to the law before entire cessation of work had occurred, in 2 of which a compromise was effected, although the employers had refused the offer of conciliation, and in 2 cases strikes occurred after such refusal. In the other 5 cases committees of conciliation were formed, but in none of these 5 cases was a strike averted. The number of disputes in which the application of the law was requested in 1903 is equal to 26.80 per cent of the number of strikes that actually occurred during the year. During the preceding ten-year period such recourse was had in a number of disputes equal to 23.76 per cent of the total strikes for the period. Requests for the application of the law during 1903 were made by employees in 89 disputes, by employers in 3 disputes, and by employees and employers united in 2 disputes. In the other 58 disputes in which recourse was had to the law the initiative was taken by justices of the peace.

[a] For the provisions of this law see Bulletin of the Department of Labor, No. 25, pp. 854–856.

As for results, it was found that 4 strikes had terminated by agreement between employers and employees before committees of conciliation were formed. The offer of conciliation was rejected in 55 of the 148 remaining disputes, the rejection coming from employers in 46 cases, from the employees in 1 case, and from both employers and employees in 8 cases. In 13 of the 55 cases in which conciliation was rejected the dispute was terminated on the employees withdrawing their demands or accepting concessions previously offered, while in the 42 other cases strikes were declared or continued.

Committees of conciliation were constituted for the settlement of the remaining 93 disputes. Forty-two of these disputes were settled directly by such committees, and of the 51 disputes remaining 2 were settled by arbitration and 9 were settled by the parties themselves, after having appeared without success before committees of conciliation. Strikes were declared or continued after the failure of conciliation and arbitration in the 40 remaining disputes.

The following is a summary statement in regard to disputes in which recourse was had to the law concerning conciliation and arbitration during 1903, and for the preceding ten years, taken collectively:

SUMMARY OF CASES IN WHICH RECOURSE WAS HAD TO THE LAW CONCERNING CONCILIATION AND ARBITRATION, 1893 TO 1902, AND 1903.

Items.	1893 to 1902.	1903.
Total number of strikes	5,307	567
Disputes in which recourse was had to the law of 1892	[a] 1,261	152
Disputes settled:		
Before the creation of committees of conciliation	83	4
After refusal of request for conciliation	56	13
Directly by committees of conciliation	[b] 313	42
By arbitration	52	2
Directly by the parties, after having had recourse to conciliation	24	9
Total cases settled through the application of the law	525	70
Strikes resulting or continuing:		
After refusal of request for conciliation	[c] 428	43
After failure of recourse to conciliation and arbitration	[d] 303	39
Total cases of failure after application of the law	728	82

[a] Relates to 1,253 disputes. Prior to 1900 the instances in which the application of the law were requested, and not the disputes themselves, were counted.
[b] There were but 310 disputes settled by committees of conciliation. Three disputes have been counted twice, because 2 committees were formed in each case.
[c] Including 4 disputes that were submitted to committees of conciliation after strike was declared. Hence the figures should be 424; but they are given as found in the report.
[d] Figures here should be 304; those given are, however, according to the original.

The above summary shows that of 152 disputes considered in 1903, 70 were settled directly or indirectly through the application of the law of 1892, and in the case of 82 the recourse to the law proved fruitless. Of the 70 disputes settled, 10 were favorable to the demands of the employees, 46 resulted in a compromise, and 14 were unfavorable to the employees. In the 82 disputes which continued after the failure of attempts at conciliation and arbitration the employees succeeded in 11, succeeded partly in 41, and failed in 30 cases.

GERMANY.

Streiks und Aussperrungen im Jahre 1903. Bearbeitet im Kaiserlichen Statistischen Amt. 263 pp.

This is the fifth annual report on strikes and lockouts published by the German imperial statistical bureau. The report contains analyses and summaries of the strikes and lockouts in 1903, copies of schedules of inquiry, and tables showing in detail, by locality and by industry for each dispute, the duration, establishments affected, total number of employees, strikers and others thrown out of employment, causes, results, manner of settlement, etc. The data relate to disputes ending in 1903.

STRIKES.—During 1903 there were 1,374 strikes reported, affecting 7,000 establishments. Operations were completely suspended in 1,634 establishments. Of a total of 198,636 employees in the establishments affected, 85,603 participated in the strikes and 13,811 others were thrown out of employment on account of them.

The following table shows the results of the strikes in 1903:

RESULTS OF STRIKES, 1903.

[The column headed "Strikers" shows the maximum number of strikers engaged at any time during strike.]

Result of strikes.	Strikes.	Establishments affected.	Total employees in establishments affected.	Strikers.	Others thrown out of work.
Succeeded	300	1,013	31,030	13,815	1,029
Succeeded partly	444	3,951	79,736	39,352	2,175
Failed	630	2,036	87,870	32,456	10,607
Total	1,374	7,000	198,636	85,603	13,811

Forty-six per cent of all the strikes in 1903 were complete failures, although the proportion of persons participating in unsuccessful strikes was 38 per cent of the total number of strikers. Only 16 per cent of the strikers were engaged in successful strikes.

The following table shows, by principal groups of industries, the number and results of strikes, the number of establishments and strikers involved, and the number of other employees thrown out of work on account of strikes during the year 1903.

SUMMARY OF STRIKES, BY GROUPS OF INDUSTRIES, 1903.

[The column headed "Strikers" shows the maximum number of strikers at any time during strike.]

Industry.	Total strikes.	Strikes which—			Establishments.	Strikers.	Other employees thrown out of work.
		Succeeded.	Succeeded partly.	Failed.			
Gardening, florist, and nursery trades	7	1	2	4	184	1,328	.....
Mining, smelting, salt, and peat extraction	12	3	6	3	13	2,005	49
Stonework and earthenware	74	14	24	36	166	3,190	375
Metal work	150	25	35	90	1,488	11,099	7,424
Machinery, tools, and instruments	75	12	24	39	79	4,866	232
Chemicals	14	4	3	7	14	449	.....
Textiles	62	10	22	30	78	6,881	762
Paper	16	2	6	8	34	445	.....
Leather	35	6	10	19	250	1,058	23
Wooden ware and carved goods	195	41	66	88	636	6,168	155
Food products	40	7	14	19	129	1,291	38
Clothing and cleaning	75	21	30	24	943	4,309	90
Building trades	520	133	176	211	2,744	35,491	4,632
Printing and publishing	22	4	5	13	31	1,168	10
Painting, sculpture, decoration, and artistic work	7	1	5	1	19	168	.....
Commercial employment	39	8	9	22	114	3,003	6
Transportation	28	7	7	14	80	2,628	15
Hotels, restaurants, etc	2	1	.....	1	2	16	.....
Other industries	1	.....	.....	1	1	40	.....
Total	1,374	300	444	630	7,000	85,603	13,811

The group of building trades, as in previous years, had the largest number of strikes, strikers, and establishments affected, 35,491, or 41 per cent, of all the strikers during 1903 being persons engaged in this industry. Of the building-trade strikes, 41 per cent were failures. Next in importance with regard to the number of persons involved are the groups of metal work, of textiles, and of wooden ware and carved goods. Seventy per cent of all the strikers belonged to these four groups.

The next two tables show, respectively, the results of strikes according to their duration and according to the number of strikers involved:

SUMMARY OF STRIKES, BY DURATION, 1903.

[The column headed "Strikers" shows the maximum number of strikers at any time during strike.]

Days of duration.	Total strikes.	Strikes which—			Establishments.	Strikers.	Otheremployees thrown out of work.
		Succeeded.	Succeeded partly.	Failed.			
Less than 1	118	37	12	69	128	2,920	243
1 to 5	515	155	125	235	787	20,156	2,028
6 to 10	207	46	86	75	787	10,185	464
11 to 20	174	34	79	61	806	9,715	954
21 to 30	92	4	46	42	746	5,960	530
31 to 50	119	12	44	63	1,330	16,576	1,115
51 to 100	115	9	41	65	2,063	16,201	8,343
101 or over	34	3	11	20	353	3,890	134
Total	1,374	300	444	630	7,000	85,603	13,811

SUMMARY OF STRIKES, BY NUMBER OF STRIKERS INVOLVED, 1903.

[The column headed "Strikers" shows the maximum number of strikers at any time during strike.]

Strikers involved.	Total strikes.	Strikes which—			Establishments.	Strikers.	Other employees thrown out of work.
		Succeeded.	Succeeded partly.	Failed.			
2 to 5	118	23	25	70	127	462	100
6 to 10	205	47	37	121	246	1,682	145
11 to 20	318	74	81	163	437	4,846	352
21 to 30	220	61	71	88	425	5,526	509
31 to 50	166	40	59	67	419	6,594	615
51 to 100	175	31	81	63	1,056	12,533	896
101 to 200	96	14	51	31	1,213	13,676	1,780
201 to 500	53	7	26	20	1,284	17,110	1,329
501 or over	23	3	13	7	1,793	23,174	8,085
Total	1,374	300	444	630	7,000	85,603	13,811

The following table shows the causes and results of strikes in 1903, the cause and not the strike being taken as the unit:

STRIKES, BY CAUSES AND RESULTS, 1903.

[Strikes due to two or more causes have been tabulated under each cause; hence the totals for this table do not agree with those for the preceding tables.]

Cause or object.	Total strikes.	Strikes which—		
		Succeeded.	Succeeded partly.	Failed.
Against reduction of wages	97	27	21	49
For increase of wages	836	157	366	313
For extra rate for overtime	123	18	73	32
For extra pay for secondary work	64	7	46	11
Other causes affecting wages	127	31	56	40
Against increase of hours	11	4	1	6
For reduction of hours	253	43	140	70
For abolition or limitation of overtime work	33	2	19	12
For reduction of hours on Saturday	37	6	25	6
For regular hours	13	4	6	3
Other causes affecting hours of labor	25	6	5	14
For change in method of payment	56	5	24	27
Against change in method of payment	13	2	1	10
For reinstatement of discharged employees	233	36	51	146
For discharge or against employment of certain persons	69	20	8	41
For discharge of foremen, etc	24	4	6	14
Against being compelled to work on holidays	12	.....	8	4
For better sanitary conditions, etc	33	7	19	7
Against use of material from establishment in which strike was pending	10	2	1	7
For better treatment	25	4	10	11
For recognition of committee of employees	72	7	40	25
For adoption, retention, or change of wage scale	148	35	60	53
Other causes	230	40	111	79

The results of strikes for the five-year period, 1899 to 1903, are shown in the table following:

RESULTS OF STRIKES, 1899 TO 1903.

Year.	Total strikes.	Establishments affected.	Total employees in establishments affected.	Strikers.	Strikes which—					
					Succeeded.		Succeeded partly.		Failed.	
					Number.	Per cent of total strikes.	Number.	Per cent of total strikes.	Number.	Per cent of total strikes.
1899	1,288	7,121	256,858	99,338	331	25.7	429	33.3	528	41.0
1900	1,433	7,740	298,819	122,803	275	19.2	505	35.2	653	45.6
1901	1,056	4,561	141,220	55,262	200	18.9	285	27.0	571	54.1
1902	1,060	3,437	131,086	53,912	228	21.5	235	22.2	597	56.3
1903	1,374	7,000	198,636	85,603	300	21.8	444	32.3	630	45.9

LOCKOUTS.—During 1903 there were 70 lockouts reported, affecting 1,714 establishments. Of a total of 52,541 employees in the establishments affected, 35,273 were locked out and 835 others were thrown out of employment on account of the lockouts.

The following table shows the results of the lockouts in 1903:

RESULTS OF LOCKOUTS, 1903.

[The column headed "Persons locked out" shows the maximum number of persons locked out at any time during lockout.]

Result of lockouts.	Lockouts.	Establishments affected.	Total employees in establishments affected.	Persons locked out.	Others thrown out of work.
Succeeded	36	699	32,771	24,609	400
Succeeded partly	15	639	8,660	3,948	156
Failed	19	376	11,110	6,716	279
Total	70	1,714	52,541	35,273	835

Of the lockouts in 1903, 51.4 per cent were successful, 21.4 per cent were partly successful, and 27.2 per cent were complete failures. Compared with the rates per cent for 1902 the successful lockouts for 1903 show a decrease of 13.8 per cent, the partly successful an increase of 6.2 per cent, and the complete failures an increase of 7.6 per cent.

The following table shows, by principal groups of industries, the number and results of lockouts, the number of establishments and persons involved in lockouts, and the number of other employees thrown out of work on account of lockouts during the year 1903:

SUMMARY OF LOCKOUTS, BY GROUPS OF INDUSTRIES, 1903.

[The column headed "Persons locked out" shows the maximum number of persons locked out at any time during lockout.]

Industry.	Total lockouts.	Lockouts which—			Establishments.	Persons locked out.	Other employees thrown out of work.
		Succeeded.	Succeeded partly.	Failed.			
Stonework and earthenware	9	5	1	3	20	711	.....
Metal work	5	5	.....	.....	308	7,369	.....
Machinery, tools, and instruments	8	6	1	1	75	8,009	240
Textiles	3	1	2	.....	3	136	.....
Wooden ware and carved goods	9	3	3	3	401	1,916	150
Food products	2	1	.....	1	2	55	.....
Clothing and cleaning	6	3	2	1	92	5,513	3
Building trades	28	12	6	10	813	11,564	442
Total	70	36	15	19	1,714	35,273	835

The group of building trades had the largest number of lockouts, establishments affected, and number of persons locked out, nearly one-third of all the persons locked out during 1903 being engaged in this industry. Nearly 43 per cent of the lockouts in building trades were successful. Next in importance with regard to the number of persons involved are the groups of metal work and machinery, tools, and instruments. Seventy-six per cent of all the persons locked out belonged to these three groups of industries.

The next two tables show, respectively, the results of lockouts according to their duration and according to the number of persons locked out:

SUMMARY OF LOCKOUTS, BY DURATION, 1903.

[The column headed "Persons locked out" shows the maximum number of persons locked out at any time during lockout.]

Days of duration.	Total lockouts.	Lockouts which—			Establishments.	Persons locked out.	Other employees thrown out of work.
		Succeeded.	Succeeded partly.	Failed.			
Less than 1	3	1	.....	2	3	26	.....
1 to 5	14	7	2	5	26	2,859	275
6 to 10	8	6	2	.....	163	4,098	.....
11 to 20	8	3	3	2	138	2,262	12
21 to 30	9	4	1	4	481	7,912	183
31 to 50	8	6	1	1	336	7,668	67
51 to 100	13	8	2	3	455	10,182	298
101 or over	7	1	4	2	112	266	.....
Total	70	36	15	19	1,714	35,273	835

SUMMARY OF LOCKOUTS, BY NUMBER OF PERSONS LOCKED OUT, 1903.

[The column headed "Persons locked out" shows the maximum number of persons locked out at any time during lockout.]

Persons locked out.	Total lockouts.	Lockouts which—			Establishments.	Persons locked out.	Other employees thrown out of work.
		Succeeded.	Succeeded partly.	Failed.			
2 to 5	2	1	.....	1	3	6	.....
6 to 10	11	3	1	7	12	89	.....
11 to 20	9	6	2	1	79	146	.....
21 to 30	8	2	5	1	60	202	.....
31 to 50	8	3	2	3	38	303	9
51 to 100	11	6	3	2	48	783	35
101 to 200	7	7	.....	.....	34	976	67
201 to 500	2	1	.....	1	2	877	240
501 or over	12	7	2	3	1,438	31,891	484
Total	70	36	15	19	1,714	35,273	835

The following table shows the causes and results of lockouts in 1903, the cause and not the lockout being taken as the unit:

LOCKOUTS, BY CAUSES, 1903.

[Lockouts due to two or more causes have been tabulated under each cause; hence the totals for this table do not agree with those for the preceding tables.]

Cause or object.	Total lockouts.	Lockouts which—		
		Succeeded.	Succeeded partly.	Failed.
Against increase of wages	24	14	5	5
For reduction of wages	2	1	.....	1
Other causes affecting wages	5	.....	4	1
Against reduction of hours	8	5	2	1
For increase of hours	1	.....	.....	1
For retention of overtime work	3	2	1	.....
For introduction of contract work	1	1	.....	.....
To compel employees to leave union	15	4	5	6
To force settlement of strikes	14	10	2	2
Other causes	23	15	3	5

The results of lockouts for the five-year period, 1899 to 1903, are shown in the table following:

RESULTS OF LOCKOUTS, 1899 TO 1903.

Year.	Total lockouts.	Establishments affected.	Total employees in establishments affected.	Persons locked out.	Lockouts which—					
					Succeeded.		Succeeded partly.		Failed.	
					Number.	Per cent of total lockouts.	Number.	Per cent of total lockouts.	Number.	Per cent of total lockouts.
1899	23	427	8,290	5,298	6	26.1	9	39.1	8	34.8
1900	35	607	22,462	9,085	13	37.1	17	48.6	5	14.3
1901	35	238	7,980	5,414	16	45.7	8	22.9	11	31.4
1902	46	948	18,705	10,305	30	65.2	7	15.2	9	19.6
1903	70	1,714	52,541	35,273	36	51.4	15	21.4	19	27.2

GREAT BRITAIN.

Report on Strikes and Lockouts in the United Kingdom in 1903, and on Conciliation and Arbitration Boards. 1904. 142 pp. (Published by the Labor Department of the British Board of Trade.)

The report on strikes and lockouts in the United Kingdom, prepared by the labor department of the board of trade, is the sixteenth issued since the commencement of the series in 1888. The report shows in detail for each dispute, beginning in 1903, the locality, the number of establishments involved, the number and occupations of working people thrown out of work, the cause or object of the dispute, the date of beginning and ending, and the result; also statements of the work of boards of conciliation and arbitration, and of certain agreements and awards terminating trade disputes. The tables giving details are preceded by summary tables, by tables presenting comparative data for the years 1899 to 1903, and by an analysis of the statistics of strikes and lockouts and of conciliation and arbitration. The general method of inquiry and the plan of presentation are the same as for the past few years. Disputes involving fewer than 10 employees (and those which lasted less than one day) have been omitted from the tabulations, except when the aggregate duration exceeded 100 working days.

STRIKES AND LOCKOUTS IN 1903.—The number of labor disputes arising in 1903 was less than in any of the preceding four years (1899 to 1902), and the number of working people directly and indirectly affected and the aggregate days of duration were also less than in any of those years. During 1903 there were 387 strikes and lockouts, involving 93,515 employes directly and 23,386 indirectly, or throwing out of work a total of 116,901 working people, and resulting in an aggregate loss of 2,338,668 working days.

The following tables show the number of strikes and lockouts and the number of employees involved in 1903, classified according to the principal causes and the results:

STRIKES AND LOCKOUTS, BY CAUSES AND RESULTS, AND WORKING DAYS LOST, 1903.

["Aggregate working days lost by all employees thrown out of work" includes the aggregate duration in 1903 of disputes which began in previous years and excludes the duration in 1904 of disputes which began in 1903.]

Principal cause or object.	Strikes and lockouts the results of which were—				Total strikes and lockouts.	Aggregate working days lost by all employees thrown out of work.
	In favor of employees.	In favor of employers.	Compromised.	Indefinite or unsettled.		
Wages	46	107	73	6	232	1,768,608
Hours of labor	3	7	7	.....	17	44,173
Employment of particular classes or persons	10	29	13	2	54	132,862
Working arrangements, rules, and discipline	14	26	16	.....	56	238,737
Trade unionism	14	8	1	2	25	151,862
Other causes	1	2	.....	.....	3	2,426
Total	88	179	110	10	387	2,338,668

STRIKERS AND EMPLOYEES LOCKED OUT, BY CAUSES AND RESULTS, 1903.

Principal cause or object.	Strikers and employees locked out in disputes the results of which were—				Total strikers and employees locked out.	Other employees thrown out of work.
	In favor of employees.	In favor of employers.	Compromised.	Indefinite or unsettled.		
Wages	3,777	35,225	10,058	497	49,557	15,993
Hours of labor	500	211	3,397	.....	4,108	382
Employment of particular classes or persons	961	4,750	1,962	149	7,822	4,520
Working arrangements, rules, and discipline	6,916	3,007	3,686	.....	13,609	2,154
Trade unionism	16,723	297	207	375	17,602	269
Other causes	31	786	.....	.....	817	68
Total	28,908	44,276	19,310	1,021	93,515	23,386

As in previous years, the disputes in 1903 related mostly to wages, 232 out of a total of 387 strikes and lockouts, or 59.9 per cent, resulting from this cause. Of the total of 93,515 strikers and employees locked out in disputes from all causes, 49,557, or 53 per cent, were involved in wage disputes. Only 17 disputes, or 4.4 per cent of the total were due to the question of hours of labor, and but 4,108 working people, or 4.4 per cent of the total, were directly affected thereby.

Of the 387 disputes, 88, or 22.7 per cent, resulted in favor of the employees; 179, or 46.3 per cent, in favor of the employers; 110, or 28.4 per cent, were compromised, and 10, or 2.6 per cent, remained indefinite or unsettled. Of the 93,515 strikers and employees locked out, 28,908, or 30.9 per cent, were engaged in disputes which resulted in favor of employees; 44,276, or 47.3 per cent, in disputes which resulted in favor of employers; 19,310, or 20.7 per cent, in disputes which were compromised, and 1,021, or 1.1 per cent, in disputes which remained indefinite or unsettled at the close of the year. Employees involved in disputes relating to wages and hours of labor were mostly unsuccessful, while in disputes relating to trade unionism they were mostly successful.

In 1903, as in previous years, a large proportion of disputes affected comparatively few working people. This is brought out in the table which follows:

STRIKES AND LOCKOUTS, BY GROUPS OF EMPLOYEES THROWN OUT OF WORK, 1903.

["Aggregate working days lost by all employees thrown out of work" includes the aggregate duration of disputes which began in 1903 and embraces working days lost in 1904 in disputes which extended beyond 1903.]

Groups of employees thrown out of work.	Strikes and lockouts.	Employees thrown out of work.		Aggregate working days lost by all employees thrown out of work.	
		Number.	Per cent.	Number.	Per cent.
5,000 or over	2	19,000	16.3	157,000	10.0
2,500 or under 5,000	3	10,505	9.0	59,058	3.7
1,000 or under 2,500	18	27,570	23.6	145,748	9.3
500 or under 1,000	32	21,557	18.4	410,032	26.0
250 or under 500	52	18,417	15.8	314,697	20.0
100 or under 250	77	12,213	10.4	315,794	20.0
50 or under 100	63	4,262	3.6	91,168	5.8
25 or under 50	61	2,148	1.8	56,871	3.6
Under 25	79	1,229	1.1	25,079	1.6
Total	387	116,901	100.0	1,575,447	100.0

From the above table it is seen that out of 387 disputes, 203, or 52.5 per cent, involved less than 100 employees each, or only 6.5 per cent of all employees thrown out of work, and 11 per cent of the time lost in all the disputes of the year. The 5 largest disputes involved 29,505, or 25.3 per cent, of the employees thrown out of work, and 13.7 per cent of the time lost in all the disputes of the year.

The tables following show the extent to which each of the various groups of industries was involved in the strikes and lockouts of 1903, and the results of the dispute in each case:

STRIKES AND LOCKOUTS, BY INDUSTRIES AND RESULTS, AND WORKING DAYS LOST, 1903.

["Aggregate working days lost by all employees thrown out of work" includes the aggregate duration in 1903 of disputes which began in previous years and excludes the duration in 1904 of disputes which began in 1903.]

Industry.	Strikes and lockouts the results of which were—				Total strikes and lockouts.	Aggregate working days lost by all employees thrown out of work.
	In favor of employees.	In favor of employers.	Compromised.	Indefinite or unsettled.		
Building trades	14	20	10	.....	44	114,371
Mining and quarrying	28	49	43	5	125	1,397,898
Metal, engineering, and shipbuilding	18	34	31	4	87	481,016
Textile	12	33	10	.....	55	117,038
Clothing	8	10	7	.....	25	136,182
Transportation	3	9	3	.....	15	26,779
Miscellaneous	4	22	5	1	32	64,892
Employees of public authorities	1	2	1	.....	4	492
Total	88	179	110	10	387	2,338,668

STRIKERS AND EMPLOYEES LOCKED OUT, BY INDUSTRIES AND RESULTS, 1903.

Industry.	Strikers and employees locked out in disputes the results of which were—				Total strikers and employees locked out.	Other employees thrown out of work.
	In favor of employees.	In favor of employers.	Compromised.	Indefinite or unsettled.		
Building trades	887	1,504	922	.....	3,313	350
Mining and quarrying	23,135	14,307	11,859	694	49,995	13,583
Metal, engineering, and shipbuilding	2,685	20,669	4,115	287	27,756	4,624
Textile	1,069	3,690	733	.....	5,492	3,966
Clothing	327	1,392	487	.....	2,206	270
Transportation	407	1,133	592	.....	2,132	40
Miscellaneous	345	1,526	67	40	1,978	485
Employees of public authorities	53	55	535	.....	643	68
Total	28,908	44,276	19,310	1,021	93,515	23,386

The mining and quarrying industry shows the largest number of disputes, working people involved, and working days lost. The largest measure of success on the part of employees seems to have been attained by those involved in disputes in the mining and quarrying and in the metal, engineering, and shipbuilding industries.

STRIKES AND LOCKOUTS DURING FIVE YEARS.—During the five-year period 1899 to 1903 there was a yearly average of 567.6 disputes, in which there was affected an average of 184,374 working people. The table following presents some of the principal statistics of strikes and lockouts for each year from 1899 to 1903:

STRIKES AND LOCKOUTS, EMPLOYEES THROWN OUT OF WORK, AND WORKING DAYS LOST 1899 TO 1903.

["Aggregate working days lost by all employees thrown out of work" includes the aggregate duration in each year of disputes which began in previous years.]

Year.	Strikes and lockouts.	Strikers and employees locked out.	Other employees thrown out of work.	Total employees thrown out of work.	Aggregate working days lost by all employees thrown out of work.
1899	719	138,058	42,159	180,217	2,516,416
1900	648	135,145	53,393	188,538	3,152,694
1901	642	111,437	68,109	179,546	4,142,287
1902	442	116,824	139,843	256,667	3,479,255
1903	387	93,515	23,386	116,901	2,338,668

The table following shows the number of strikes and lockouts and the employees thrown out of work during each year from 1899 to 1903, by industries:

STRIKES AND LOCKOUTS, AND EMPLOYEES THROWN OUT OF WORK, BY INDUSTRIES, 1899 TO 1903.

Industry.	Strikes and lockouts.					Employees thrown out of work.				
	1899.	1900.	1901.	1902.	1903.	1899.	1900.	1901.	1902.	1903.
Building trades	180	146	104	39	44	30,524	19,178	9,797	5,356	3,663
Mining and quarrying	109	136	210	168	125	46,831	74,364	112,981	208,526	63,578
Metal, engineering, and shipbuilding	140	111	103	71	87	21,119	19,810	22,489	15,914	32,380
Textile	124	96	96	82	55	61,499	24,143	16,609	16,706	9,458
Clothing	37	38	39	23	25	2,258	2,154	4,135	2,790	2,476
Transportation	47	50	20	14	15	12,611	23,026	2,682	1,590	2,172
Miscellaneous	71	60	65	41	32	4,212	24,968	10,489	3,679	2,468
Employees of public authorities	11	11	5	4	4	1,163	895	364	2,106	711
Total	719	648	642	442	387	180,217	188,538	179,546	256,667	116,901

The above table shows that in each year, except 1899, the mining and quarrying industry had the largest number of employees involved in disputes. In 1899 the great dispute of the year was in the jute industry. Probably the most noteworthy point shown in the table is the decrease since 1900 in the number of persons affected by disputes in the building trades.

The following table shows the principal causes of strikes and lockouts and the number of disputes and employees directly involved in each cause from 1899 to 1903:

STRIKES AND LOCKOUTS, AND STRIKERS AND EMPLOYEES LOCKED OUT, BY PRINCIPAL CAUSES, 1899 TO 1903.

Principal cause or object.	Strikes and lockouts.					Strikers and employees locked out.				
	1899.	1900.	1901.	1902.	1903.	1899.	1900.	1901.	1902.	1903.
Wages	460	438	402	267	232	94,651	82,903	58,865	56,733	49,557
Hours of labor	17	6	29	20	17	3,857	718	4,198	3,044	4,108
Employment of particular classes or persons	102	93	84	58	54	8,187	10,427	10,524	11,436	7,822
Working arrangements, rules, and discipline	68	57	79	64	56	17,895	18,956	23,185	19,849	13,609
Trade unionism	46	45	38	29	25	5,130	19,573	11,531	25,489	17,602
Sympathetic disputes	24	5	6	1	.....	8,233	1,018	1,890	14	.....
Other causes	2	4	4	3	3	105	1,550	1,244	259	817
Total	719	648	642	442	387	138,058	135,145	111,437	116,824	93,515

During this five-year period—1899 to 1903—63.4 per cent of all the strikes and lockouts related to wages. Next in order of importance were disputes relating to the employment of particular classes of persons, to working arrangements, rules, and discipline, to trade unionism, and to hours of labor.

The following table shows the number of strikes and lockouts and the strikers and employees locked out each year during the five-year period—1899 to 1903—classified according to results:

STRIKES AND LOCKOUTS, AND STRIKERS AND EMPLOYEES LOCKED OUT, BY RESULTS, 1899 TO 1903.

Result.	Strikes and lockouts.					Strikers and employees locked out.				
	1899.	1900.	1901.	1902.	1903.	1899.	1900.	1901.	1902.	1903.
In favor of employees	230	202	163	107	88	36,808	40,612	30,591	36,917	28,908
In favor of employers	245	211	280	202	179	60,275	33,497	37,675	35,515	44,276
Compromised	236	221	192	123	110	40,237	56,390	40,955	41,645	19,310
Indefinite or unsettled	8	14	7	10	10	738	4,646	2,216	2,747	1,021
Total	719	648	642	442	387	138,058	135,145	111,437	116,824	93,515

Of the 2,838 disputes reported during the five-year period, 790, or 27.8 per cent, resulted in favor of employees; 1,117, or 39.4 per cent, resulted in favor of employers; 882, or 31.1 per cent, were compromised, and 49, or 1.7 per cent, remained indefinite or unsettled. Of 594,979 strikers and employees locked out during the period, 173,836, or 29.2 per cent, were engaged in disputes resulting in favor of employees; 211,238, or 35.5 per cent, in disputes resulting in favor of employers; 198,537, or 33.4 per cent, in disputes which were compromised, and 11,368, or 1.9 per cent, in disputes which remained indefinite or unsettled.

In the table following, the disputes beginning in each of the years 1899 to 1903 and the employees thrown out of work are classified according to the various methods of settlement:

STRIKES AND LOCKOUTS, AND EMPLOYEES THROWN OUT OF WORK, BY METHOD OF SETTLEMENT, 1899 TO 1903.

Method of settlement.	Strikes and lockouts.					Employees thrown out of work.				
	1899.	1900.	1901.	1902.	1903.	1899.	1900.	1901.	1902.	1903.
Arbitration	16	19	23	16	18	3,319	7,118	8,349	4,481	18,658
Conciliation	22	13	18	13	8	8,386	8,593	8,465	7,129	3,110
Direct arrangement or negotiation between the parties or their representatives	562	487	456	316	266	156,743	155,025	143,470	222,547	80,057
Submission of employees	22	45	45	40	36	7,054	8,895	9,362	16,570	11,461
Replacement of employees	88	71	89	47	47	3,980	4,918	6,415	3,188	2,658
Closing of works	3	4	5	3	5	95	300	1,288	230	251
Indefinite or unsettled	6	9	6	7	7	640	3,689	2,197	2,522	706
Total	719	648	642	442	387	180,217	188,538	179,546	256,667	116,901

The great majority of the strikes and lockouts were settled by direct negotiation between the parties concerned or their representatives. Of the total of 387 disputes in 1903, not fewer than 266, or 68.7 per cent, were so settled, and these embraced 80,057, or 68.5 per cent, of all the persons involved. In 1903 there were 26 disputes settled by arbitration and by conciliation, involving under the two methods a total of 21,768 persons.

ITALY.

Statistica degli Scioperi avvenuti nell'Industria e nell'Agricoltura durante l'anno 1901. Ministero di Agricoltura, Industria e Commercio, Direzione Generale della Statistica. 1904. lvii, 424 pp.

This is the tenth of a series of annual reports on strikes and lockouts published by the bureau of statistics of the Italian department of agriculture, industry, and commerce. The report presents in detailed tables and text statements the most important facts in reference to each strike or lockout that occurred during the year 1901, the strikes being separated into two categories—(1) those occurring in the group of agricultural industries, and (2) those occurring in industries other than agriculture. The report also contains summary tables of strikes for 1901 and for periods of years.

STRIKES AND LOCKOUTS IN 1901.—During the year 1901 there were 1,671 strikes, of which 629 were agricultural and 1,042 occurred in other industries. There were 30 shut downs, of which 6 were lockouts.

The 629 strikes among agricultural workers involved a total of 222,985 strikers and caused a loss of 2,931,766 working days. In addition 715 agricultural workers were thrown out of employment on account of the strikes, causing an additional loss of 5,149 working days. Of the strikers, about 65 per cent were men, 23 per cent women, and 12 per cent children.

The 1,042 strikes in the other industries involved 196,540 strikers, of whom 137,389 were men, 40,683 were women, and 18,468 were children. There were, in addition, 14,674 employees thrown out of work on account of strikes. The aggregate time lost by these strikers was 2,146,184 days, and by the nonstrikers thrown out of work, 208,302 days, making a total loss of 2,354,486 days in the industries other than agriculture.

The largest strikes of the year occurred among agricultural workers, 4 strikes involving, respectively, 18,500, 12,000, 11,000, and 10,000 laborers. These strikes were all for increased wages. The first succeeded, and the other three succeeded partly. A strike of masons and bricklayers in Milan involved 12,000 workmen and lasted 28 days. While various demands were made in this strike, the principal cause was a demand for increased wages. It was partly successful.

The following table shows, for the year 1901, the number of strikes, strikers, and working days lost, by industries:

STRIKES, STRIKERS, AND WORKING DAYS LOST, BY INDUSTRIES, 1901.

Industry.	Strikes.	Strikers.				Working days lost.
		Adults.		Children 15 years of age or under.	Total.	
		Males.	Females.			
Agriculture	629	144,642	51,846	26,497	222,985	2,931,766
Mining and quarrying	66	15,296	37	793	16,126	116,464
Metals and machinery	75	13,034	1,291	728	15,053	146,753
Stone, earth, sand, and building work	268	42,075	138	6,285	48,498	720,370
Chemical industries	22	1,410	313	102	1,825	22,091
Wood working	43	4,113	.....	418	4,531	45,990
Paper	14	1,443	582	161	2,186	37,799
Printing and publishing	22	1,287	43	593	1,923	29,890
Textiles	227	7,985	28,060	7,508	43,553	467,873
Hides and leather	25	1,097	36	38	1,171	17,224
Dyeing of leather and textures	3	91	13	2	106	1,372
Wood and metal painting and gilding	8	2,702	.....	100	2,802	26,472
Clothing	48	4,058	3,341	314	7,712	37,888
Food products	77	12,645	5,298	854	18,797	152,996
Transportation	89	23,383	190	216	23,789	256,818
Other industries	55	6,770	1,341	356	8,467	66,184
Total	1,671	282,031	92,529	44,965	419,525	5,077,950

The strikes were mostly among agricultural workers and employees in the groups of stone, earth, sand, and building work and textiles, over 67 per cent of all the strikes and 70 per cent of the strikers belonging to these three groups.

The following table shows for the agricultural and for the other industries, separately, the number and per cent of strikes and strikers, by principal causes:

CAUSES OF STRIKES, 1901.

Cause or object.	Agricultural occupations.				Other industries.			
	Strikes.		Strikers.		Strikes.		Strikers.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
For increase of wages	456	72.49	167,304	75.03	657	63.05	117,492	59.78
Against reduction of wages	3	0.80	727	0.33	27	2.59	3,824	1.95
For reduction of hours	5	0.48	272	0.12	67	6.43	13,158	6.69
Against increase of hours	.....	.....	.....	.....	4	.39	475	.24
Other causes	165	26.23	54,682	24.52	287	27.54	61,591	31.34
Total	629	100.00	222,985	100.00	1,042	100.00	196,540	100.00

The next two tables show, for the agricultural and for the other industries, respectively, the results of strikes, arranged according to causes:

RESULTS OF STRIKES IN AGRICULTURAL OCCUPATIONS, BY CAUSES, 1901.

Cause or object.	Succeeded.				Succeeded partly.				Failed.			
	Strikes.		Strikers.		Strikes.		Strikers.		Strikes.		Strikers.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
For increase of wages	203	44	69,814	42	172	38	82,183	49	81	18	15,307	9
Against reduction of wages	1	33	12	4	1	33	60	22	1	34	200	74
For reduction of hours	.....	.....	.....	.....	1	20	84	12	4	80	643	88
Other causes (a)	72	45	28,934	53	54	33	17,376	32	36	22	7,967	15
Total (a)	276	44	98,760	44	228	36	99,703	45	122	20	24,117	11

a Results of 3 strikes, involving 405 strikers, not reported.

RESULTS OF STRIKES IN INDUSTRIES OTHER THAN AGRICULTURE, BY CAUSES, 1901.

Cause or object.	Succeeded.				Succeeded partly.				Failed.			
	Strikes.		Strikers.		Strikes.		Strikers.		Strikes.		Strikers.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
For increase of wages	187	28	28,100	24	313	48	70,706	60	157	24	18,686	16
Against reduction of wages	8	29½	845	22	8	29½	2,037	53	11	41	942	25
For reduction of hours	21	31	2,924	22	29	43	4,859	37	17	26	5,375	41
Against increase of hours	1	25	40	9	1	25	305	64	2	50	130	27
Other causes (a)	77	29½	18,654	33	77	29½	17,313	31	108	41	20,058	36
Total (a)	294	29	50,563	26	428	42	95,220	50	295	29	45,191	24

a Results of 25 strikes, involving 5,566 strikers, not reported.

In 30 instances in 1901 employers closed their establishments for the purpose of accomplishing certain objects, sometimes of a political and sometimes of a business nature. Of these shut downs, only 6 were directed against employees and can be properly classed as lockouts. These 6 lockouts affected 937 employees, of whom 595 were men, 283 were women, and 59 were children 15 years of age or under.

The following table shows the method of settlement of the strikes and lockouts, arranged according to results.

STRIKES AND LOCKOUTS, BY METHOD OF SETTLEMENT, 1901.

	Strikes and lockouts settled—						
	By intervention of—					Without outside intervention.	Total strikes and lockouts.
	Public authorities.	Trade associations.	Councils of prud-homme.	Ecclesiastical authorities.	Private parties.		
Strikes in trades and industries which succeeded	76	35	1	2	6	174	294
Succeeded partly	129	59	9	5	12	214	428
Failed	43	40	1	.....	3	208	295
Total	248	134	11	7	21	596	[a]1,017
Strikes in agricultural occupations which succeeded	113	23	2	8	12	118	276
Succeeded partly	73	17	1	12	6	114	228
Failed	16	4	.....	3	1	98	122
Total	207	44	3	23	19	330	[b]626
Lockouts which succeeded	2	1	.....	.....	1	7	11
Succeeded partly	9	1	.....	.....	1	5	16
Failed	2	.....	.....	.....	.....	1	3
Total [c]	13	2	.....	.....	2	13	30
Total strikes and lockouts which succeeded	191	59	3	10	19	299	581
Succeeded partly	216	77	10	17	19	333	672
Failed	61	44	1	3	4	307	420
Total [c]	468	180	14	30	42	939	[d]1,673

[a] Results not reported in 25 strikes.
[b] Results not reported in 3 strikes.
[c] Of the disputes classed as lockouts only 6 were lockouts proper; the others were shut-downs not directed against employees.
[d] Not including 28 strikes for which results were not reported.

STRIKES DURING TWENTY-THREE YEARS.—The following two tables contain a summary of the more important facts in relation to strikes in agricultural occupations for the years 1881 to 1901, and in the other industries for the years 1879 to 1901, respectively:

STRIKES IN AGRICULTURAL OCCUPATIONS, BY YEARS, 1881 TO 1901.

Year.	Total strikes.	Strikes for which strikers were reported.	Strikers.	Aggregate days of work lost.
1881	1	1	100	200
1882	2	2	2,200	4,400
1883	3	3	262	1,812
1884	10	2	245	245
1885	62	36	8,857	53,761
1886	17	16	3,346	9,623
1887	9	8	2,275	3,785
1888	5	5	1,366	1,366
1889	4	4	[a]1,087	2,880
1890	8	7	1,950	8,420
1891	24	24	7,795	33,377
1892	10	9	3,504	7,123
1893	18	18	12,390	1,718,370
1894	8	8	4,748	43,058
1895	7	6	1,765	20,565
1896	1	1	100	100
1897	12	12	24,135	322,020
1898	36	36	8,495	82,333
1899	9	9	1,895	7,475
1900	27	26	12,517	72,057
1901	629	629	222,985	2,931,766
Total	902	862	[a]322,517	5,325,736

[a] In 1 strike the number of families taking part was reported.

STRIKES IN INDUSTRIES OTHER THAN AGRICULTURE, BY YEARS, 1879 TO 1901.

Year.	Total strikes.	Strikes which—			Strikes for which strikers were reported.	Strikers.				Strikes for which days lost were reported.	Aggregate days of work lost.
		Succeeded.	Succeeded partly.	Failed.		Men.	Women.	Children 15 years of age or under.	Total.		
1879.....	32	(a)	(a)	(a)	28	(b)	(b)	(b)	4,011	28	21,896
1880.....	27	(a)	(a)	(a)	26	(b)	(b)	(b)	5,900	26	91,899
1881.....	44	(a)	(a)	(a)	39	(b)	(b)	(b)	8,272	38	95,578
1882.....	47	(a)	(a)	(a)	45	(b)	(b)	(b)	5,854	45	25,119
1883.....	73	(a)	(a)	(a)	67	(b)	(b)	(b)	12,900	65	111,697
1884.....	81	(a)	(a)	(a)	81	(b)	(b)	(b)	28,967	78	149,215
1885.....	89	(a)	(a)	(a)	86	(b)	(b)	(b)	34,166	82	244,393
1886.....	96	(a)	(a)	(a)	96	(b)	(b)	(b)	16,951	95	56,772
1887.....	69	(a)	(a)	(a)	68	(b)	(b)	(b)	25,027	66	218,612
1888.....	101	(a)	(a)	(a)	99	(b)	(b)	(b)	28,974	95	191,204
1889.....	126	(a)	(a)	(a)	125	(b)	(b)	(b)	23,322	123	215,880
1890.....	139	(a)	(a)	(a)	133	(b)	(b)	(b)	38,402	129	167,657
1891.....	182	c 158	c 421	c 401	128	(b)	(b)	(b)	34,733	123	258,059
1892.....	d 119	24	33	57	117	(b)	(b)	(b)	30,800	114	216,907
1893.....	e 131	34	46	41	127	(b)	(b)	(c)	32,109	122	284,328
1894.....	f 109	35	29	39	103	19,766	3,890	3,939	27,595	103	323,261
1895.....	126	41	39	46	126	11,788	5,192	2,327	19,307	126	125,968
1896.....	210	79	51	80	210	39,955	34,264	21,832	96,051	210	1,152,503
1897.....	217	70	60	87	217	21,809	38,435	16,326	76,570	217	1,113,585
1898.....	256	70	68	118	256	22,112	9,571	4,022	35,705	256	239,292
1899.....	259	80	69	110	259	28,228	11,280	3,686	43,194	259	231,590
1900.....	383	112	143	128	382	59,750	16,292	4,816	80,858	383	493,093
1901.....	g 1,042	294	428	295	1,042	137,389	40,683	18,468	196,540	1,042	2,146,184
Total .	h 3,908	997	1,387	1,402	i 3,861	j840,797	j159,607	j75,416	901,208	3,825	8,124,687

a Included in results of strikes for 1891.
b Not reported.
c Including strikes occurring during the years 1879 to 1890, but not including 76 strikes the results of which were not reported.
d Including 5 strikes the results of which were not reported.
e Including 10 strikes the results of which were not reported.
f Including 6 strikes the results of which were not reported.
g Including 25 strikes the results of which were not reported.
h Including 122 strikes the results of which were not reported.
i This total does not agree with the total in table showing strikes by number of strikers involved, page 290; the computation is made, however, from figures in the original reports.
j Not including figures for 1879 to 1893.

The other data concerning strikes for a series of years are shown only for the industries other than agriculture. The following table shows the number and result of strikes and the number of strikers, by industries, for the period 1892 to 1901:

SUMMARY OF STRIKES IN INDUSTRIES OTHER THAN AGRICULTURE, BY INDUSTRIES, FOR THE PERIOD 1892 TO 1901.

Industries.	Total strikes.	Strikes which—			Strikes for which strikers were reported.	Total strikers.
		Succeeded.	Succeeded partly.	Failed.		
Mining and quarrying	283	119	66	98	287	99,977
Metals and machinery	220	51	66	103	223	35,712
Stone, earth, sand, and building work	618	206	224	188	617	99,724
Wood working	71	20	34	17	71	6,692
Printing and publishing	66	20	13	33	66	4,334
Textiles	747	212	264	271	763	142,827
Hides and leather	77	21	24	32	78	4,973
Dyeing of leather and textures (a)	31	6	11	14	31	5,113
Wood and metal painting and gilding	(b)	(b)	(b)	(b)	(b)	(b)
Clothing	143	40	52	51	143	100,729
Food products	124	33	45	46	126	21,488
Transportation	195	55	86	54	197	56,315
Other industries	231	56	81	94	239	60,845
Total	c 2,806	839	966	1,001	2,841	638,729

a Includes wood and metal painting and gilding.
b Included in dyeing of leather and textures.
c Not including 46 strikes the results of which were not reported.

The next table shows the causes of strikes, by years, from 1879–1891 to 1901:

CAUSES OF STRIKES IN INDUSTRIES OTHER THAN AGRICULTURE, 1879–1891 TO 1901.

Year.	For increase of wages.		Against reduction of wages.		For reduction of hours.	
	Strikes.	Strikers.	Strikes.	Strikers.	Strikes.	Strikers.
1879–1891 (a)	516	151,678	106	22,992	68	9,884
1892 (b)	39	6,642	23	7,551	4	1,790
1893 (c)	51	13,386	22	3,931	11	1,519
1894 (d)	46	17,685	12	1,498	12	2,539
1895	45	8,513	22	3,093	9	1,239
1896	111	78,722	26	5,723	6	980
1897	106	60,559	27	4,426	16	3,551
1898	113	16,779	44	6,902	12	891
1899	113	19,539	28	4,325	17	3,631
1900	181	26,370	29	2,998	31	3,516
1901	657	117,492	27	3,824	67	13,158

Year.	Against increase of hours.		Other causes.		Total.	
	Strikes.	Strikers.	Strikes.	Strikers.	Strikes.	Strikers.
1879–1891 (a)	20	5,646	270	61,384	980	251,584
1892 (b)	4	630	44	13,571	114	30,184
1893 (c)	1	300	36	12,492	121	31,628
1894 (d)	2	330	31	5,293	103	27,345
1895	.....	.....	50	6,462	126	19,207
1896	2	267	65	10,359	210	96,051
1897	1	230	67	7,804	217	76,570
1898	7	908	80	10,225	256	35,705
1899	5	2,384	96	13,315	259	43,194
1900	6	694	136	47,280	383	80,858
1901	4	475	287	61,591	1,042	196,540

a The causes were not reported in the case of 76 strikes.
b The causes were not reported in the case of 5 strikes.
c The causes were not reported in the case of 10 strikes.
d The causes were not reported in the case of 6 strikes.

The two following tables show the strikes for the period 1879 to 1891, and for each year 1892 to 1900, classified according to duration and the number of strikers involved, respectively:

STRIKES IN INDUSTRIES OTHER THAN AGRICULTURE, BY DURATION, 1879–1891 TO 1901.

Days of duration.	1879–1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.	Total.
3 or under	633	60	67	52	61	91	104	153	161	208	481	2,071
4 to 10	256	36	39	33	44	70	56	57	70	105	330	1,096
11 to 30	112	19	11	12	19	42	37	33	23	55	177	540
Over 30	16	1	8	7	2	7	19	13	5	15	54	147
Total	a1,017	a116	a125	a104	126	210	a216	256	259	383	1,042	a3,854

a This total does not agree with the figures given in the general table of strikes, page 288; the figures are reproduced, however, as shown in the original report.

STRIKES IN INDUSTRIES OTHER THAN AGRICULTURE, BY NUMBER OF STRIKERS INVOLVED, 1879–1891 TO 1901.

Strikers involved.	1879–1891.	1892.	1893.	1894.	1895.	1896.	1897.	1898.	1899.	1900.	1901.	Total.
1 to 49	265	27	28	40	39	54	70	92	98	116	406	1,235
50 to 99	203	18	24	16	34	35	52	55	51	95	214	797
100 to 199	195	26	22	18	21	46	44	63	48	88	176	747
200 to 499	219	27	41	18	27	52	31	35	39	62	157	708
500 to 999	86	11	6	5	3	14	14	6	15	13	55	228
1,000 or over	53	8	6	7	2	9	6	5	8	9	34	147
Total	[a]1,021	117	127	[a]104	126	210	217	256	259	383	1,042	[a]3,862

[a] This total does not agree with the figures given in the general table of strikes, page 288; the figures are reproduced, however, as shown in the original report.

The results of strikes for the period 1879–1891 to 1901 are shown in the following table:

RESULTS OF STRIKES IN INDUSTRIES OTHER THAN AGRICULTURE, 1879–1891 TO 1901.

Year.	Per cent of strikes.			Per cent of strikers.		
	Succeeded.	Succeeded partly.	Failed.	Succeeded.	Succeeded partly.	Failed.
1879–1891	16	43	41	25	47	28
1892	21	29	50	29	19	52
1893	28	38	34	29	44	27
1894	34	28	38	19	24	57
1895	32	31	37	33	40	27
1896	38	24	38	49	31	20
1897	33	27	40	23	45	32
1898	27	27	46	27	31	42
1899	31	27	42	33	38	29
1900	29	37	34	43	37	20
1901	29	42	29	26	50	24

NETHERLANDS.

Werkstakingen en Uitsluitingen in Nederland gedurende 1901, 1902, 1903. Bijvoegsel van het Tijdschrift van het Centraal Bureau voor de Statistiek, Afl. 2, 1903, 53 pp.; Afl. 3–4, 1903, 28 pp.; Afl. 7, 1904, 43 pp.

These three volumes, which are published in the form of supplements to the Review of the Central Bureau of Statistics of the Netherlands, contain the first three annual reports on strikes and lockouts in that country. The information is given in the form of an analysis, with summary tables and a tabular statement showing in detail the important facts concerning each strike and lockout. The report for 1903 contains comparative tables for the three years.

STRIKES.—There were 115 strikes reported in 1901, 128 in 1902, and 149 in 1903. The number of establishments involved and persons affected were not reported in the case of all of these strikes. Eighty-four of the strikes in 1901 involved 192 establishments, 113 strikes in 1902 involved 394 establishments, and 132 strikes in 1903 involved 327 establishments. Fifty-eight of the strikes in 1901 affected 4,182 employees, 119 strikes in 1902 affected 12,652 employees, and 136 strikes in 1903 affected 33,487 employees.

The following table shows for each of the years 1901, 1902, and 1903 the number of strikes, establishments involved, and employees affected in each group of industries.

STRIKES, BY INDUSTRIES, 1901 TO 1903.

Industry.	Strikes.	Strikes for which number of establishments involved was reported.		Strikes for which number of persons affected was reported.		Results.			
		Number.	Establishments.	Number.	Persons affected.	Succeeded.	Succeeded partly.	Failed.	Not reported.
1901.									
Earthenware, glass, lime, and stone	5	2	3	1	16	4	.....	.....	1
Diamond and other precious stone cutting	5	5	5	.....	.....	4	.....	.....	1
Building trades	29	22	26	21	1,578	9	4	10	6
Chemical industries	1	1	1	1	29	.....	.....	1	.....
Wood, cork, and straw working	3	3	3	1	80	.....	2	.....	a1
Clothing	3	3	3	3	65	1	.....	1	a1
Mining	16	2	90	5	1,097	7	5	1	3
Metal working	7	7	7	5	300	3	1	.....	3
Machinery and implements	1	1	1	1	10	.....	.....	1	.....
Shipbuilding and coach making	1	1	1	.....	.....	.....	.....	1	.....
Paper	1	1	1	.....	.....	.....	.....	.....	1
Textiles	4	4	4	2	43	2	.....	2	.....
Food products	13	13	13	6	82	3	3	4	b3
Agriculture	14	10	21	6	324	4	1	7	2
Transportation	10	8	12	6	558	2	1	5	2
Professional service	2	1	1	.....	.....	.....	.....	.....	2
Total	115	84	192	58	4,182	39	17	33	c26
1902.									
Earthenware, glass, lime, and stone	10	10	11	10	228	1	4	5	.....
Diamond and other precious stone cutting	8	7	7	8	3,637	4	3	.....	a1
Printing and publishing	5	5	7	5	62	.....	2	3	.....
Building trades	35	30	154	33	2,218	16	5	12	b2
Wood, cork, and straw working	3	3	3	3	116	.....	.....	2	a1
Clothing	2	2	2	2	19	1	.....	1	.....
Mining	6	5	102	6	5,030	3	1	2	.....
Metal working	5	5	5	5	133	1	1	3	.....
Paper	2	2	2	2	76	1	.....	1	.....
Textiles	5	5	5	5	194	1	1	3	.....
Food products	31	25	27	25	371	10	7	7	b7
Agriculture	6	4	54	6	314	2	2	2	.....
Commercial occupations	2	2	2	2	18	2	.....	.....	.....
Transportation	7	7	12	6	197	5	1	1	.....
Professional service	1	1	1	1	39	1	.....	.....	.....
Total	128	113	394	119	12,652	48	27	42	d11
1903.									
Earthenware, glass, lime, and stone	7	7	7	7	150	2	1	4	.....
Diamond and other precious stone cutting	7	7	7	7	494	5	1	.....	a1
Printing and publishing	6	6	6	6	93	.....	.....	5	1
Building trades	45	39	108	42	1,896	10	13	19	b3
Wood, cork, and straw working	7	7	9	7	111	1	4	2	.....
Clothing	14	14	40	14	439	9	1	4	.....
Mining	1	1	50	1	500	.....	1	.....	.....
Metal working	1	.....	.....	.....	.....	.....	.....	1	.....
Machinery and implements	5	5	5	5	454	.....	2	3	.....
Shipbuilding and coach making	1	1	1	1	19	.....	.....	1	.....
Paper	2	2	4	2	39	.....	.....	2	.....
Textiles	6	6	6	5	320	1	4	1	.....
Food products	18	15	21	15	439	4	2	7	e5
Agriculture	6	3	3	5	165	3	1	2	.....
Commercial occupations	7	7	7	7	228	1	2	3	1
Transportation	15	12	53	12	28,140	3	5	6	1
Professional service	1	.....	.....	.....	.....	.....	.....	.....	1
Total	149	132	327	136	33,487	39	37	60	d13

a Indefinite or unsettled.
b Including 1 indefinite or unsettled.
c Including 3 indefinite or unsettled.
d Including 4 indefinite or unsettled.
e Including 2 indefinite or unsettled.

During each of the three years the building trades had the largest number of strikes. As regards the number of persons affected, the building trades had the largest number in 1901, the mining industry had the largest number in 1902, and the transportation industry had the largest number in 1903.

The table which follows shows the number of strikes, establishments involved, and persons affected each year, classified by causes. For the year 1901 the strike is taken as the unit. For the years 1902 and 1903, however, the cause is taken as the unit, so that wherever a strike was due to two or more causes the data for such a strike are repeated under each cause. Hence the total number of strikes, establishments involved, and persons affected in 1902 and 1903, as shown in the tables giving causes of strikes, does not agree with the number in the other tables.

CAUSES OF STRIKES, 1901 TO 1903.

[For the year 1901 the strike, and for the years 1902 and 1903 the cause, has been taken as the unit. As a considerable number of strikes in 1902 and 1903 were due to two or more causes, the facts in those cases have been tabulated under each cause; hence the totals for those years do not agree with those in other tables.]

Cause or object.	Strikes.		Strikes for which number of establishments involved was reported.		Strikes for which number of persons affected was reported.		Strikes for which number of working days lost was reported.	
	Number.	Per cent of total reporting cause.	Number.	Establishments involved.	Number.	Persons affected.	Number.	Days lost.
1901.								
For increase of wages	62	54.39	37	138	30	2,761	42	562½
Against reduction of wages	15	13.16	15	19	8	500	11	140
Other disputes concerning wages	7	6.14	6	7	2	18	4	45
Hours of labor	3	2.63	1	1	1	300	1	12
Trade-unionism	5	4.38	5	7	3	76	3	51
For reinstatement of employees	15	13.16	14	14	10	196	9	117
Working arrangements, rules, etc	1	.88	1	1	1	88	1	49
Other	6	5.26	5	5	3	293	4	51½
Not reported	1	.....	.....	.....	.....	.....	1	30
Total	115	100.00	84	192	58	4,182	76	1,058
1902.								
For increase of wages	61	34.66	54	195	61	5,976	59	1,161½
Against reduction of wages	19	10.79	19	68	18	441	19	444
Other disputes concerning wages	17	9.66	15	101	16	1,894	16	98½
Hours of labor	10	5.68	7	7	10	1,194	9	96
Trade-unionism	2	1.14	1	1	2	3,132	2	143
For reinstatement of employees	25	14.20	25	27	25	740	24	636
Working arrangements, rules, etc	2	1.14	2	5	1	5	2	49
Other	40	22.73	38	46	37	3,966	36	751
Not reported	5	.....	.....	.....	.....	.....	.....	.....
Total	181	100.00	161	450	170	17,348	167	3,379
1903.								
For increase of wages	80	35.55	70	206	76	3,802	71	1,277
Against reduction of wages	6	2.67	6	55	6	582	5	50
Other disputes concerning wages	24	10.67	23	46	23	838	23	477
Hours of labor	21	9.33	17	68	20	1,007	18	366½
Trade-unionism	11	4.89	11	97	11	4,818	9	247
For reinstatement of employees	36	16.00	36	71	36	3,501	32	679½
Working arrangements, rules, etc	14	6.22	13	51	14	1,024	14	278
Other	33	14.67	30	113	32	28,725	32	697
Not reported	9	.....	4	4	2	9	2	2½
Total	234	100.00	210	711	220	44,306	206	4,074½

It will be observed that the strikes in each year were mostly due to wage disputes, strikes for the reinstatement of employees being next in importance.

The results of strikes are shown in the following table:

RESULTS OF STRIKES, 1901 to 1903.

Result.	Strikes.		Strikes for which number of establishments involved was reported.		Strikes for which number of persons affected was reported.	
	Number.	Per cent of total reporting result.	Number.	Establishments involved.	Number.	Days lost.
1901.						
Succeeded	39	42.39	25	114	17	1,493
Succeeded partly	17	18.48	10	10	11	1,180
Failed	33	35.87	28	47	21	1,289
Indefinite or unsettled	3	3.26	3	3	1	34
Not reported	23	.....	18	18	8	186
Total	115	100.00	84	192	58	4,182
1902.						
Succeeded	48	39.67	45	133	46	4,219
Succeeded partly	27	22.31	26	196	27	4,354
Failed	42	34.71	37	60	40	3,967
Indefinite or unsettled	4	3.31	4	4	4	61
Not reported	7	.....	1	1	2	51
Total	128	100.00	113	394	119	12,652
1903.						
Succeeded	39	27.86	37	74	37	3,334
Succeeded partly	37	26.43	34	147	36	2,107
Failed	60	42.86	53	98	57	27,821
Indefinite or unsettled	4	2.85	4	4	4	152
Not reported	9	.....	4	4	2	73
Total	149	100.00	132	327	136	33,487

The proportion of strikes which succeeded shows a decrease each year, while the proportion which succeeded partly and which failed shows an increase.

In the table which follows the strikes are shown, by causes and results, for each of the three years, 1901, 1902, and 1903. As in a preceding table, the strike is taken as the unit in 1901 and the cause as the unit in 1902 and 1903:

STRIKES, BY CAUSES AND RESULTS, 1901 TO 1903.

[For the year 1901 the strike, and for the years 1902 and 1903 the cause, has been taken as the unit. As a considerable number of strikes in 1902 and 1903 were due to two or more causes, the facts in those cases have been tabulated under each cause; hence the totals for those years do not agree with those in other tables.]

Cause or object.	Succeeded.	Succeeded partly.	Failed.	Indefinite or unsettled.	Not reported.	Total.
1901.						
For increase of wages	19	13	18	.....	12	62
Against reduction of wages	7	2	3	2	1	15
Other disputes concerning wages	3	.....	1	.....	3	7
Hours of labor	1	.....	1	.....	1	3
Trade-unionism	1	1	2	.....	1	5
For reinstatement of employees	5	.....	6	1	3	15
Working arrangements, rules, etc	.....	.....	1	.....	.....	1
Other	2	1	1	.....	2	6
Not reported	1	.....	.....	.....	.....	1
Total	39	17	33	3	23	115
1902.						
For increase of wages	21	17	21	1	1	61
Against reduction of wages	8	5	6	.....	.....	19
Other disputes concerning wages	8	7	2	.....	.....	17
Hours of labor	2	3	4	1	.....	10
Trade-unionism	.....	1	.....	1	.....	2
For reinstatement of employees	13	4	6	2	.....	25
Working arrangements, rules, etc	2	.....	.....	.....	.....	2
Other	17	4	16	2	1	40
Not reported	.....	.....	.....	.....	5	5
Total	71	41	55	7	7	181
1903.						
For increase of wages	20	23	35	2	.....	80
Against reduction of wages	1	3	1	1	.....	6
Other disputes concerning wages	8	4	12	.....	.....	24
Hours of labor	5	7	9	.....	.....	21
Trade-unionism	5	2	3	.....	1	11
For reinstatement of employees	7	9	19	.....	1	36
Working arrangements, rules, etc	3	6	5	.....	.....	14
Other	9	14	9	1	.....	33
Not reported	.....	1	1	.....	7	9
Total	58	69	94	4	9	234

The next table shows the strikes in 1901, 1902, and 1903 by duration and results:

STRIKES, BY DURATION AND RESULT, 1901 TO 1903.

Result.	Less than 1 day.	1 to 2 days.	3 to 7 days.	8 to 14 days.	15 to 28 days.	29 to 42 days.	43 to 91 days.	Over 91 days.	Duration not reported.	Total.
1901.										
Succeeded	1	6	6	5	7	4	3	.....	7	39
Succeeded partly	.....	2	7	1	1	1	1	.....	4	17
Failed	1	6	11	4	1	3	1	.....	6	33
Indefinite or unsettled	.....	.....	.....	.....	.....	1	1	.....	1	3
Not reported	.....	1	1	.....	.....	.....	.....	.....	21	23
Total	2	15	25	10	9	9	6	.....	39	115
1902.										
Succeeded	1	6	20	8	4	5	2	1	1	48
Succeeded partly	3	6	6	4	2	1	2	3	.....	27
Failed	.....	11	10	8	4	3	3	1	2	42
Indefinite or unsettled	.....	.....	.....	.....	.....	.....	1	1	2	4
Not reported	.....	.....	.....	.....	.....	.....	1	.....	6	7
Total	4	23	36	20	10	9	9	6	11	128
1903.										
Succeeded	9	9	9	5	2	2	1	.....	2	39
Succeeded partly	5	10	4	6	5	5	2	.....	.....	37
Failed	3	12	8	7	15	3	3	2	7	60
Indefinite or unsettled	.....	1	.....	.....	.....	.....	1	.....	2	4
Not reported	.....	.....	.....	.....	.....	.....	.....	.....	9	9
Total	17	32	21	18	22	10	7	2	20	149

More than one-half of the strikes for which duration was reported lasted 7 days or less, and but 8 strikes during the three years lasted over 91 days.

The table which follows shows the number of strikes and their results, and the number of persons affected by strikes, classified according to method of settlement:

STRIKES, BY METHOD OF SETTLEMENT, 1901 TO 1903.

Method of settlement.	Strikes.		Strikes which—					Strikes for which number of persons affected was reported.		
	Number.	Per cent of total reporting method	Succeeded.	Succeeded partly.	Failed.	Remained indefinite or unsettled.	Result not reported.	Number.	Persons affected. Number.	Persons affected. Per cent of total reporting method
1901.										
Direct negotiation between the parties or their representatives	34	54.84	25	7	2	.....	.....	17	931	32.05
Mediation of third parties	8	12.90	1	6	1	.....	.....	7	844	29.05
Employment of other workmen	6	9.68	.....	.....	5	1	.....	4	437	15.04
Disintegration (a)	14	22.58	.....	.....	14	.....	.....	10	693	23.86
Not reported	53	.....	13	4	11	2	23	20	1,277	.....
Total	115	100.00	39	17	33	3	23	58	4,182	100.00

a By disintegration is meant the breaking up of the strike by the gradual return of the strikers.

STRIKES, BY METHOD OF SETTLEMENT, 1901 TO 1903—Concluded.

Method of settlement.	Strikes.		Strikes which—					Strikes for which number of persons affected was reported.		
	Number.	Per cent of total reporting method	Succeeded.	Succeeded partly.	Failed.	Remained indefinite or unsettled.	Result not reported.	Number.	Persons affected. Number.	Persons affected. Per cent of total reporting method
1902.										
Direct negotiation between the parties or their representatives	59	55.66	28	20	11	.....	.....	59	7,269	79.65
Mediation of third parties	13	12.26	5	4	4	.....	.....	13	640	7.01
Arbitration	4	3.77	3	.....	1	.....	.....	2	31	.34
Employment of other workmen	8	7.55	.....	.....	8	.....	.....	8	145	1.59
Disintegration (a)	14	13.21	.....	.....	12	2	.....	13	847	9.28
Other	8	7.55	1	1	4	2	.....	8	194	2.13
Not reported	26	.....	12	2	5	.....	7	20	3,700	.....
Total (b)	132	100.00	49	27	45	4	7	123	12,826	100.00
1903.										
Direct negotiation between the parties or their representatives	70	51.09	22	19	29	.....	.....	68	5,666	16.90
Mediation of third parties	15	10.95	5	9	1	.....	.....	14	950	2.83
Arbitration	3	2.19	.....	1	2	.....	.....	3	487	1.45
Employment of other workmen	21	15.33	.....	.....	21	.....	.....	20	542	1.62
Disintegration (a)	4	2.92	1	.....	3	.....	.....	4	60	.18
Defeat of one of the parties without negotiation	13	9.49	3	.....	10	.....	.....	13	25,011	74.61
Other	11	8.03	1	4	2	4	.....	11	806	2.41
Not reported	23	.....	8	4	2	.....	9	14	253	.....
Total (b)	160	100.00	40	37	70	4	9	147	33,775	100.00

a By disintegration is meant the breaking up of the strike by the gradual return of the strikers.
b Where two or more methods of settlement have been employed the data were reported in each case, hence these totals do not show the actual number of strikes.

In the above table, where two or more methods of settlement have been employed, the data were repeated in each case. Hence the totals do not agree with those of the actual number of strikes and persons affected as shown elsewhere. It will be observed that in each year over one-half of the strikes were settled by direct negotiation of the parties, disintegration being next in frequency in 1901 and 1902, and employment of other workmen in 1903.

LOCKOUTS.—There were 7 lockouts in 1901, 14 in 1902, and 14 in 1903. The number of persons locked out was 362 in 1901, 2,381 in 1902, and 1,021 in 1903.

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, matter needed simply by way of explanation is given in the words of the editorial reviser.]

DECISIONS UNDER STATUTORY LAW.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—FELLOW-SERVANTS—CONSTITUTIONALITY OF STATUTE—*Kane v. Erie Railroad Company, United States Circuit Court, Northern District of Ohio, Eastern Division, 128 Federal Reporter, page 474.*—Thomas M. Kane, a fireman in the employment of the above-named railroad company, met his death, as was alleged, through the negligence of an engineer on another locomotive than that on which he was serving. An action was brought by his administratrix to recover damages for such death. The right to recover was based upon section 3365–22 of the Revised Statutes of Ohio, which provides that the alleged negligent engineer would be held to be the superior and not a fellow-servant of the said Kane. The claim of the railroad company was made that the petition did not state facts sufficient to constitute a cause of action and the court was asked to enter final judgment in favor of the company against the claimant. The essential portion of the statute in question will be found quoted in the remarks of Judge Wing, who announced the opinion of the court granting the request of the defendant company, and declaring that portion of the statute under consideration to be unconstitutional. The remarks of Judge Wing are given in full below:

My first reason for sustaining the objection to the introduction of any testimony under the petition in this case is that in the case of Baltimore and Ohio Railroad Company *v.* Baugh, 149 U. S. 368, 13 Sup. Ct. 914, 37 L. Ed. 772, it was decided that a question of liability by reason of the negligent acts of a fellow-servant, and what relation constituted one a fellow-servant, was a question of general law, and that the solution of the question as to whether one person is the fellow-servant of another is not based upon the superiority of one over the other, but upon the character of labor in which they are engaged, and that, if two are working together, they may be fellow-servants, notwithstanding that one is superior in authority to the other. The statute relied upon in this case (section 3365–22 of the Revised Statutes

of Ohio), when forming the basis of an action in the courts of the State of Ohio, has read into it the ruling of the supreme court of Ohio, to the effect that the negligence of a servant superior to another servant is, with respect to the latter, by reason of such superiority, the negligence of the master. When an action is brought in the Federal courts, the statute should have read into it the decisions of the Federal courts with respect to fellowship in service. The statute does not, in terms, create liability, and only has that effect when it is assumed that negligence by a superior servant creates liability of the master to the inferior. But since, in the Federal court, negligence of a superior does not create liability of the master to the inferior, the statute creates no right of action in the Federal court.

My second reason is that, in my opinion, the third section of the act, which is section 3365–22 of the Revised Statutes, is in contravention of section 2 of article 1 of the constitution of Ohio, which provides that government is instituted for the equal protection and benefit of the people. Assuming that the section of the statutes referred to creates a liability, and consequently a right of action, it withholds that right of action by the exception found in the last two lines of the statute from general operation. The provision of the statute is:

" * * * that every person in the employ of such company having charge or control of employees in any separate branch or department, shall be held to be the superior and not fellow-servant of employees in any other branch or department who have no power to direct or control in the branch or department in which they are employed."

We may understand the operation of this provision of the statute by applying it to the incident which gives rise to this suit. Two engines belonging to the defendant railroad company collide. This collision is occasioned by the negligence of the engineer of engine No. 1. Such engineer has control of his fireman. The collision results in the injury of both the engineer and fireman of engine No. 2. If the negligence of the engineer of engine No. 1 is attributable to his master, then there should be a right of action, on account of such negligence, in favor of both the engineer and the fireman of engine No. 2, except for the defense of fellow-servant. The right of action, however, by the statute, is allowed to the fireman, and withheld from the engineer, by a fact which has in no wise had to do with the causing of the injury. We may go further, so as to relieve the question from the level rank of the two engineers. Suppose that on engine No. 2 there is a coal passer, who, by the rules of the company, is under the charge or control of the fireman, and who has no one under his charge or control. Then a right of action for this accident would be given to the coal passer, and withheld from the fireman, by the arbitrary distinction made in the statute. Before the passage of the statute, no right of action, under similar circumstances, would have existed in favor of either the engineer, fireman, or coal passer of engine No. 2.

The statute attempts to make a classification between individuals who may have a right of action, and bases that classification upon a fact which has had nothing to do with occasioning the accident, and over which the person injured has had no control. The law does not operate to equally protect the persons injured, or liable to be injured. Although I have used the word "classification," we can not say that the legislature, in enacting this section of the statute, has made a classification. It rather has delegated to the railroad company the

right to make the classification which will serve as the criterion of its own liability, because by its rules and its acts a right of recovery for an injury can be prevented. It lies entirely within the power of a railroad company as to whether or not a servant shall have charge and control of another servant, as, we may suppose, a railroad company, for the purpose of relieving itself from liability, puts upon each of its trains a boy, who, under its rules, is in the charge and under the control of every other employee on the train. The only liability, then, of the railroad company, for a collision occasioned by the negligence of an employee on another of its trains, would be to this boy; and this, by reason of the creation of facts which are the basis of the assumed classification established by the statute. The statute might as well have read that, "in the event of injury occasioned by the negligence of an employee in a separate branch or department, right of action, notwithstanding the doctrine of fellow-servant, shall exist in favor of those only whom the railroad company shall designate." For the reasons given, I hold that so much of section 3365–22, Rev. St. Ohio, as provides that "every person in the employ of such company having charge or control of employees in any separate branch or department shall be held to be the superior and not fellow-servant of employees in any other branch or department who have no power to direct or control in the branch or department in which they are employed," is unconstitutional, because its benefits are restricted to those who have no power to direct or control in the branch or department in which they are employed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—SAFETY APPLIANCE LAW—ASSUMPTION OF RISK—CONTRIBUTORY NEGLIGENCE—*Denver and Rio Grande Railway Co. v. Arrighi, United States Circuit Court of Appeals, Eighth Circuit, 129 Federal Reporter, page 347.*—The plaintiff, Arrighi, was a switchman in the service of the railroad company named above, and had been injured while endeavoring to couple freight cars which were not equipped with automatic couplers as directed by the act of 1893. This act provides that any employee of any interstate carrier who may be injured by any car used in interstate traffic by reason of the same not having been equipped with an automatic coupling device shall not be deemed to have assumed the risk thereby occasioned, though continuing in the service after the fact of such defective equipment has been brought to his knowledge. The circuit court of the United States for the district of Colorado had allowed damages, from which judgment the company appealed, procuring a reversal of such judgment and orders for a new trial. It appeared from the evidence that the plaintiff was a skillful workman of about eleven years' experience in railroading; that he was acquainted with the old style coupling which was in use on the cars in question, and that the movement of the engine was being directed by him, and there were no circumstances making the coupling especially difficult. He was holding the coupling link of the approaching car with his left hand and failed to remove it in time to avoid the impact so that his

hand was crushed, resulting in the loss of three fingers. The opinion of the court was announced by Judge Hook, who held that while the statute provides against the assumption of risk it did not do away with the defense of contributory negligence. The following extract from Judge Hook's opinion presents the grounds on which the conclusions are based:

Prior to the time when the act of Congress became fully operative, the employees of a railroad company subject to its provisions, engaged in coupling cars used in moving interstate traffic, but not equipped with automatic couplers, assumed the ordinary risks and hazards of that employment, and the company was not liable to them for injuries resulting therefrom. The common-law doctrine of the assumption of risk was then applicable. But a new rule is prescribed by the act. It specially provides that the employees shall no longer rest under the burden of that assumption in respect of any car used contrary to its provisions. While this is true, the railroad company is not thereby deprived of the defense of contributory negligence. With an exception, unnecessary to be noted here, the risks and dangers of an employment which at common law are assumed by the employee are not those which arise from the negligence of either party. And when the burden of those assumed risks and dangers were lifted from the employee by statutory enactment, and cast upon the railroad company, there was not transferred therewith a responsibility for the negligence of the employee himself. The rationale of the doctrine of assumption of risk is not that which supports the rule of contributory negligence. They operate differently, and are dependent upon widely different principles. It can not be assumed that by the passage of a salutary law designed for the protection of those engaged in a hazardous occupation Congress intended to offer a premium for carelessness, or to grant immunity from the consequences of negligence. The reasonable conclusion is that the defense of contributory negligence is as available to a railroad company after as before the passage of the act of Congress, although it has not complied with its requirements.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—SAFETY COUPLERS—DEFECTIVE APPLIANCES—CUSTOM—ASSUMPTION OF RISK—*Chicago, Milwaukee and St. Paul Railway Co. v. Voelker, United States Circuit Court of Appeals, Eighth Circuit, 129 Federal Reporter, page 522.*—Emil Voelker was a switchman in the employment of the railway company, and was killed while attempting to effect a coupling between cars in the line of his employment. One of the cars to be coupled was provided with a coupler so defective that it was necessary to go entirely between the cars to adjust it for the impact, and while so occupied Voelker had been crushed by the unexpected kicking of other cars against those he wished to couple.

The circuit court of the United States for the northern district of Iowa had awarded Voelker's administratrix damages (see Bulletin of the Department of Labor No. 44, p. 165), on the ground that the defec-

tive condition of the coupler was the proximate cause of his death, and was such a violation of the safety appliance law of 1893 as to fix the liability on the company. From this judgment this appeal was taken and a reversal procured on grounds that appear in the following quotations from the court's opinion as delivered by Judge Van Devanter.

Having stated the facts, the court said:

It is entirely clear that the trial proceeded upon the theory that plaintiff's petition charged two acts of negligence on the part of the railway company as proximate causes of Voelker's death: First, permitting the coupler upon the coal car to become inoperative and defective; and, second, kicking or sending other cars against the cars between which Voelker was engaged without a signal from him, and contrary to a general and established practice. Each party, without objection from the other, introduced evidence bearing directly upon each charge of negligence, and not otherwise relevant to the issues. The court also instructed the jury upon this theory. The contention on behalf of the railway company that the case was tried upon the theory that the petition charged the negligent kicking or sending of other cars against those between which Voelker was engaged as the sole proximate cause of the injury is not supported by the record, but is refuted by it.

Judge Van Devanter then took up the contention of the company that the statute was satisfied with the use of a coupler "to prepare which for the impact" it is necessary to go between the ends of the cars, provided that when so prepared the actual coupling is automatically effected, as to which he said:

The contention that the preparation of the coupler for the impact is distinct from the act of coupling is a mistaken attempt to separate a part of an act from the whole. The preparation of the coupler and the impact are not isolated acts, but connected and indispensable parts of the larger act, which is regulated by these [United States and State] statutes, and the performance of which is intended to be relieved of unnecessary risk and danger.

The company contended further that inasmuch as the track on which the accident occurred was used "to set out and handle thereon * * * cars having some defect in them and needing repairs, as well as other cars not defective," the trial court should have instructed the jury that the plaintiff in working on that track assumed the risk of such defects as might exist in the cars. As to this the court said:

Section 8 of the controlling act of Congress declares:

"That any employee of any such common carrier who may be injured by any locomotive, car, or train in use contrary to the provision of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, car, or train had been brought to his knowledge."

The evidence, without any substantial conflict, showed that this track was principally used in actively handling freight trains and freight cars; that incoming trains were received thereon and the cars distributed therefrom; that outgoing trains were made up thereon and dispatched therefrom; that incoming trains sometimes brought thereon cars in need of repair, and in some instances such cars were temporarily transferred thereto from other tracks; that there was in the yards at Dubuque a hospital track specially designed and used for isolating and holding cars in need of repair; that the practice was to inspect the cars of incoming trains, and to mark those found in need of repair, commonly termed "bad order" cars, in such manner as to indicate their condition, preparatory to their proper disposition, and as a warning to those handling them; and that at the time of the injury this car had not been marked or isolated as in bad order. There was no evidence that Voelker was engaged in moving the car as one in bad order, with a view to its isolation or repair. Of this evidence it is sufficient to say that, working under such circumstances with a car in use contrary to the Congressional act does not, in the presence of section 8, amount to an assumption of the risk arising therefrom, and the court very properly instructed the jury to that effect.

As to the alleged negligent method of moving the cars, the Judge spoke as follows:

The principal allegations constituting plaintiff's second charge of negligence were: First, the existence of a practice in defendant's yards at Dubuque, long recognized by defendant, and amounting to a general custom, requiring, when a car coupler, also called "fieldman," is engaged between two cars in preparing them for coupling, that other cars be not moved against those between which he is engaged without a signal from him; and, second, the kicking or sending of other cars forcibly against those between which Voelker was engaged, without a signal from him, and with knowledge of his exposed position between the cars. It was important, therefore, to know whether it was Voelker's duty to take the precaution necessary to avoid injury from an exposed position between the cars and the movement of other cars, or whether it was the duty of the switching crew to take this precaution. While the evidence respecting the practice in switching cars and the duties to be performed by those engaged therein was conflicting, that produced by defendant, including the testimony of the yard master and of the foreman of the switching crew under whom Voelker was employed, tended to show that the practice long established, generally followed, and effective during Voelker's employment, was that this duty rested upon the car coupler, and not upon the switching crew.

As applicable to this state of the evidence bearing upon the second charge of negligence, defendant requested the court to charge the jury as follows:

"If, while Voelker was working in the yards, it was the general and uniform custom to kick cars down to the fieldman without giving him any notice or warning, and Voelker continued in the service, such custom being practiced or acted on, he took the risks arising from this manner of kicking cars, and no recovery can be had because of injury to him caused thereby."

"If, while Voelker was working in the yard, it was the general and uniform custom to kick cars down to a fieldman, so called, without

giving him any notice or warning, and Voelker was acting as fieldman, and he remained working in the yard while this custom or practice was observed, there can be no recovery for any injury done him because of the kicking of cars to him without giving notice or warning that it was to be done."

The court refused to so instruct the jury, and gave no other instruction upon the subject.

We regard these requests as substantially the same, and think one of them should have been granted. The rejection of both was error. Each is in terms carefully confined to the charge of negligence in kicking or sending down the second set of cars, and each requires that the custom should have been general and uniform, and that Voelker should have continued in the service while the custom was being observed. If it was general and uniform, and was observed during his continuance in the service, it was manifestly within not merely his means of knowledge, but his actual knowledge. He was an experienced railroad employee, and was familiar with this branch of that service, having been in defendant's employ as a brakeman and switchman for a period of eight years. He therefore understood the dangers incident to the observance of such a custom. There can be no claim, under the evidence, that the injury was willfully or wantonly inflicted. Nor was the custom an unreasonable one. Whether or not there was occasion to go between the cars, and thus assume a position of exposure to injury from the movement of other cars, would be known to the fieldman, but not to the switching crew. His position would also enable him to judge of the character and probable duration of the exposure better than could be done by others. He would be primarily in a place of safety, would know that the work in which he was engaged was, in a larger sense, that of moving cars and making up trains, and, being in control of his movements, would not assume a position of danger without some volition of his own. If, in the presence and during the observance of a general and uniform custom of the character stated, Voelker continued in the service of defendant, he assumed the risk of injury arising from its observance.

The judgment is reversed, with a direction to grant a new trial.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—SAFETY COUPLERS—SUFFICIENT EQUIPMENT—LOCOMOTIVES—INTERSTATE TRAFFIC—*Johnson v. Southern Pacific Company, United States Supreme Court, 25 Supreme Court Reporter, page 158.*—This was an action brought by one W. O. Johnson to recover damages for injuries received while in the employment of the above-named company as brakeman. Johnson was injured while undertaking to effect a coupling between a freight engine, provided with a Janney coupler, and a dining car, equipped with a Miller hook or coupler. Both these couplers were automatic and worked satisfactorily with others of their kind, but would not work with each other, so that Johnson tried to make the coupling with a link and pin and while so doing had his hand caught and crushed so that it had to be amputated at the wrist. The accident occurred on a side track leading to a turntable where the car was

being prepared for a return trip later in the day from Promontory, Utah, where it then was, to San Francisco, Cal., from which latter city it had been brought in the regular course of traffic.

The defendant company had been awarded judgment in the United States circuit court for the district of Utah, and likewise in the circuit court of appeals. (See Bulletin of the Department of Labor, No. 44, p. 167.) From this judgment an appeal was taken to the United States Supreme Court, which reversed the former judgments and directed a new trial.

The opinion of the court, delivered by Chief Justice Fuller, is, with slight omissions, reproduced herewith.

The plaintiff claimed that he was relieved of assumption of risk under common law rules by the act of Congress of March 2, 1893 (27 Stat., 531, c. 196), entitled "An act to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes, and for other purposes."

The issues involved questions deemed of such general importance that the Government was permitted to file brief and be heard at the bar.

The act of 1893 provided—

"That from and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any common carrier engaged in interstate commerce by railroad to use on its line any locomotive engine in moving interstate traffic not equipped with a power driving-wheel brake and appliances for operating the train-brake system. * * *

"SEC. 2. That on and after the first day of January, eighteen hundred and ninety-eight, it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its line any car used in moving interstate traffic not equipped with couplers coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars.

"SEC. 6. That any such common carrier using any locomotive engine, running any train, or hauling or permitting to be hauled or used on its line any car in violation of any of the provisions of this act, shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed, and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violations having occurred.

"SEC. 8. That any employee of any such common carrier who may be injured by any locomotive, car, or train in use contrary to the provision of this act shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, car, or train had been brought to his knowledge."

The circuit court of appeals held, in substance, Sanborn, J., delivering the opinion and Lochren, J., concurring, that the locomotive

and car were both equipped as required by the act, as the one had a power driving-wheel brake and the other a coupler; that section 2 did not apply to locomotives; that at the time of the accident the dining car was not "used in moving interstate traffic;" and, moreover, that the locomotive, as well as the dining car, was furnished with an automatic coupler, so that each was equipped as the statute required if section 2 applied to both. Thayer, J., concurred in the judgment on the latter ground, but was of opinion that locomotives were included by the words "any car" in the second section, and that the dining car was being "used in moving interstate traffic."

We are unable to accept these conclusions, notwithstanding the able opinion of the majority, as they appear to us to be inconsistent with the plain intention of Congress, to defeat the object of the legislation, and to be arrived at by an inadmissible narrowness of construction.

The intention of Congress, declared in the preamble and in sections one and two of the act, was "to promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes and their locomotives with driving-wheel brakes," those brakes to be accompanied with "appliances for operating the train-brake system;" and every car to be "equipped with couplers coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars," whereby the danger and risk consequent on the existing system was averted as far as possible.

The present case is that of an injured employee, and involves the application of the act in respect of automatic couplers, the preliminary question being whether locomotives are required to be equipped with such couplers. And it is not to be successfully denied that they are so required if the words "any car" of the second section were intended to embrace, and do embrace, locomotives. But it is said that this can not be so because locomotives were elsewhere in terms required to be equipped with power driving-wheel brakes, and that the rule that the expression of one thing excludes another applies. That, however, is a question of intention, and as there was special reason for requiring locomotives to be equipped with power driving-wheel brakes, if it were also necessary that locomotives should be equipped with automatic couplers, and the word "car" would cover locomotives, then the intention to limit the equipment of locomotives to power driving-wheel brakes, because they were separately mentioned, could not be imputed. Now, it was as necessary for the safety of employees in coupling and uncoupling, that locomotives should be equipped with automatic couplers, as it was that freight and passenger and dining cars should be, perhaps more so, as Judge Thayer suggests, "since engines have occasion to make couplings more frequently."

And manifestly the word "car" was used in its generic sense. There is nothing to indicate that any particular kind of car was meant. Tested by context, subject-matter and object, "any car" meant all kinds of cars running on the rails, including locomotives. And this view is supported by the dictionary definitions and by many judicial decisions, some of them having been rendered in construction of this act. (Winkler *v.* Philadelphia and Reading Railway Company, 53 Atl. Rep. 70, 4 Penn. (Del.) 387; Fleming *v.* Southern Railway Company, 131 N. C. 476; East St. Louis Connecting Railway Company *v.* O'Hara,

150 Ill. 580; Kansas City, &c., Railroad Company *v.* Crocker, 95 Ala. 412; Thomas *v.* Georgia Railroad and Banking Company, 38 Ga. 222; New York *v.* Third Ave. Ry. Co., 117 N. Y. 404; Benson *v.* Railroad Company, 75 Minn. 163.)

The result is that if the locomotive in question was not equipped with automatic couplers, the company failed to comply with the provisions of the act. It appears, however, that this locomotive was in fact equipped with automatic couplers, as well as the dining car, but that the couplers on each, which were of different types, would not couple with each other automatically by impact so as to render it unnecessary for men to go between the cars to couple and uncouple.

Nevertheless, the circuit court of appeals was of opinion that it would be an unwarrantable extension of the terms of the law to hold that where the couplers would couple automatically with couplers of their own kind, the couplers must so couple with couplers of different kinds. But we think that what the act plainly forbade was the use of cars which could not be coupled together automatically by impact, by means of the couplers actually used on the cars to be coupled. The object was to protect the lives and limbs of railroad employees by rendering it unnecessary for a man operating the couplers to go between the ends of the cars, and that object would be defeated, not necessarily by the use of automatic couplers of different kinds, but if those different kinds would not automatically couple with each other. The point was that the railroad companies should be compelled, respectively, to adopt devices, whatever they were, which would act so far uniformly as to eliminate the danger consequent on men going between the cars.

If the language used were open to construction, we are constrained to say that the construction put upon the act by the circuit court of appeals was altogether too narrow.

This strictness was thought to be required because the common-law rule as to the assumption of risk was changed by the act, and because the act was penal.

The dogma as to the strict construction of statutes in derogation of the common law only amounts to the recognition of a presumption against an intention to change existing law, and as there is no doubt of that intention here, the extent of the application of the change demands at least no more rigorous construction than would be applied to penal laws. And, as Chief Justice Parker remarked, conceding that statutes in derogation of the common law are to be construed strictly, "they are also to be construed sensibly, and with a view to the object aimed at by the legislature." (Gibson *v.* Jenney, 15 Mass. 205.)

The primary object of the act was to promote the public welfare by securing the safety of employees and travellers, and it was in that aspect remedial, while for violations a penalty of one hundred dollars, recoverable in a civil action, was provided for, and in that aspect it was penal. But the design to give relief was more dominant than to inflict punishment, and the act might well be held to fall within the rule applicable to statutes to prevent fraud upon the revenue, and for the collection of customs, that rule not requiring absolute strictness of construction. (Taylor *v.* United States, 3 How. 197; United States *v.* Stowell, 133 U. S. 1, 12, and cases cited. And see Farmers' National Bank *v.* Deering, 91 U. S. 29, 35; Gray *v.* Bennett, 3 Met. (Mass.) 539.)

Moreover it is settled that "though penal laws are to be construed strictly, yet the intention of the legislature must govern in the con-

struction of penal as well as other statutes; and they are not to be construed so strictly as to defeat the obvious intention of the legislature." (United States *v.* Lacher, 134 U. S. 624.) In that case we cited and quoted from United States *v.* Winn, 3 Sumn. 209, in which Mr. Justice Story, referring to the rule that penal statutes are to be construed strictly, said:

"I agree to that rule in its true and sober sense; and that is, that penal statutes are not to be enlarged by implication, or extended to cases not obviously within their words and purport. But where the words are general, and include various classes of persons, I know of no authority, which would justify the court in restricting them to one class, or in giving them the narrowest interpretation, where the mischief to be redressed by the statute is equally applicable to all of them. And where a word is used in a statute, which has various known significations, I know of no rule, that requires the court to adopt one in preference to another, simply because it is more restrained, if the objects of the statute equally apply to the largest and broadest sense of the word. In short, it appears to me, that the proper course in all these cases, is to search out and follow the true intent of the legislature, and to adopt that sense of the words, which harmonizes best with the context, and promotes in the fullest manner, the apparent policy and objects of the legislature."

Tested by these principles, we think the view of the circuit court of appeals, which limits the second section to merely providing automatic couplers, does not give due effect to the words "coupling automatically by impact, and which can be uncoupled without the necessity of men going between the cars," and cannot be sustained.

We dismiss as without merit the suggestion, which has been made, that the words "without the necessity of men going between the ends of the cars," which are the test of compliance with section two, apply only to the act of uncoupling. The phrase literally covers both coupling and uncoupling, and if read, as it should be, with a comma after the word "uncoupled," this becomes entirely clear. (Chicago, Milwaukee & St. Paul Railway Company *v.* Voelker, 129 Fed. Rep. 522; United States *v.* Lacher, supra.)

The risk in coupling and uncoupling was the evil sought to be remedied, and that risk was to be obviated by the use of couplers actually coupling automatically. True, no particular design was required, but whatever the devices used they were to be effectively interchangeable. Congress was not paltering in a double sense. And its intention is found "in the language actually used, interpreted according to its fair and obvious meaning." (United States *v.* Harris, 177 U. S. 309.)

That this was the scope of the statute is confirmed by the circumstances surrounding its enactment, as exhibited in public documents to which we are at liberty to refer.

Chief Justice Fuller at this point reviewed briefly some of the circumstances connected with the enactment of the law in question, after which he continued as follows:

The diligence of counsel has called our attention to changes made in the bill in the course of its passage, and to the debates in the Senate on the report of its committee. (24 Cong. Rec., pt. 2, pp. 1246, 1273,

et seq.) These demonstrate that the difficulty as to interchangeability was fully in the mind of Congress and was assumed to be met by the language which was used. The essential degree of uniformity was secured by providing that the couplings must couple automatically by impact without the necessity of men going between the ends of the cars.

In the present case the couplings would not work together, Johnson was obliged to go between the cars, and the law was not complied with.

March 2, 1903 (32 Stat., 943, c. 976), an act in amendment of the act of 1893 was approved, which provided, among other things, that the provisions and requirements of the former act "shall be held to apply to common carriers by railroads in the Territories and the District of Columbia and shall apply in all cases, whether or not the couplers brought together are of the same kind, make, or type;" and "shall be held to apply to all trains, locomotives, tenders, cars, and similar vehicles used on any railroad engaged in interstate commerce."

This act was to take effect September first, nineteen hundred and three, and nothing in it was to be held or construed to relieve any common carrier "from any of the provisions, powers, duties, liabilities, or requirements" of the act of 1893, all of which should apply except as specifically amended.

As we have no doubt of the meaning of the prior law, the subsequent legislation can not be regarded as intended to operate to destroy it. Indeed, the latter act is affirmative and declaratory, and, in effect, only construed and applied the former act. (Bailey *v.* Clark, 21 Wall. 284; United States *v.* Freeman, 3 How. 556; Cope *v.* Cope, 137 U. S. 682; Wetmore *v.* Markoe, 25 Sup. Ct. 172.) This legislative recognition of the scope of the prior law fortifies and does not weaken the conclusion at which we have arrived.

Another ground on which the decision of the circuit court of appeals was rested remains to be noticed. That court held by a majority that as the dining car was empty and had not actually entered upon its trip, it was not used in moving interstate traffic, and hence was not within the act. The dining car had been constantly used for several years to furnish meals to passengers between San Francisco and Ogden, and for no other purpose. On the day of the accident the east-bound train was so late that it was found that the car could not reach Ogden in time to return on the next west-bound train according to intention, and it was therefore dropped off at Promontory to be picked up by that train as it came along that evening.

The presumption is that it was stocked for the return, and as it was not a new car, or a car just from the repair shop, on its way to its field of labor, it was not "an empty," as that term is sometimes used. Besides, whether cars are empty or loaded, the danger to employees is practically the same, and we agree with the observation of District Judge Shiras in Voelker *v.* Railway Company, 116 Fed. Rep. 867, that "it can not be true that on the eastern trip the provisions of the act of Congress would be binding upon the company because the cars were loaded, but would not be binding upon the return trip because the cars are empty."

Counsel urges that the character of the dining car at the time and place of the injury was local only and could not be changed until the car was actually engaged in interstate movement or being put into a

train for such use, and Coe *v.* Errol, 116 U. S. 517, is cited as supporting that contention. In Coe *v.* Errol it was held that certain logs cut in New Hampshire, and hauled to a river in order that they might be transported to Maine, were subject to taxation in the former State before transportation had begun.

The distinction between merchandise which may become an article of interstate commerce, or may not, and an instrument regularly used in moving interstate commerce, which has stopped temporarily in making its trip between two points in different States, renders this and like cases inapplicable.

Confessedly this dining car was under the control of Congress while in the act of making its interstate journey, and in our judgment it was equally so when waiting for the train to be made up for the next trip. It was being regularly used in the movement of interstate traffic and so within the law.

Finally it is argued that Johnson was guilty of such contributory negligence as to defeat recovery, and that, therefore, the judgment should be affirmed. But the circuit court of appeals did not consider this question, nor apparently did the circuit court, and we do not feel constrained to inquire whether it could have been open under section 8, or, if so, whether it should have been left to the jury under proper instructions.

The judgment of the circuit court of appeals is reversed; the judgment of the circuit court is also reversed, and the cause remanded to that court with instructions to set aside the verdict and award a new trial.

PAYMENT OF WAGES—REDEMPTION OF SCRIP—CONSTITUTIONALITY OF STATUTE—*State v. Missouri Tie and Timber Co., Supreme Court of Missouri, 80 Southwestern Reporter, page 933.*—This case was before the supreme court on an agreed statement of facts which were in brief as follows:

The Missouri Tie and Timber Company had given to one Sweeney, an employee, an order book containing mercantile coupons of a value of $5, redeemable in merchandise at the company's store. This book was not redeemable in money, but was in fact intended as a payment of wages due. If not used in the purchase of goods, the sum or any remaining part thereof would be paid in money if presented for redemption on the company's pay day, which recurred monthly, but not on regular days. If it had been assigned, however, cash would not be paid therefor. The order books were issued only to employees to whom the company was indebted, and without coercion or compulsion on any employee to accept the same.

Under the provisions of sections 8142–8145, Revised Statutes of 1899, which forbid the issue of any order, note, check, etc., in payment of wages, not redeemable in money on demand, conviction was had in the circuit court of Ripley County, from which the defendant company appealed, and secured a reversal on the ground of the unconstitutionality of this law.

Judge Burgess reviewed the case at length, citing numerous similar statutes and presenting conclusions in which all the judges concurred, which appear in the following extracts from his remarks:

It is said for defendant that the statute quoted is violative of section 4 of article 2, of the State constitution, which says that all persons have a natural right to life, liberty and the enjoyment of the gains of their own industry; that to give security for these things is the principal office of government, and that when government does not confer this security it fails of its chief design; that it violates section 30, article 2, of said constitution, which says that "no person shall be deprived of life, liberty or property without due process of law," and that it violates the fourteenth amendment of the Constitution of the United States, which provides that: "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 law." It was ruled in State *v.* Loomis, 115 Mo. 307, 22 S. W. 350, 21 L. R. A. 789, that sections 7058, 7060, Revised Statutes 1889, making it a misdemeanor for any corporation, person, or firm engaged in manufacturing or mining to issue in payment of the wages of his or its employees any order, check, memorandum, token, or evidence of indebtedness, payable otherwise than in lawful money of the United States, unless the same was negotiable and redeemable at its face value in cash, or in goods or supplies, at the option of the holder, at the store or other place of business of the corporation, person, or firm, is class legislation, and as such is violative of the constitutional guaranty of "due process of law," and void. The decision is placed upon the broad ground that the sections of the statute then under consideration were not "due process of law" within the meaning of the Constitution, and upon the further grounds that they are an interference with the right to make reasonable and proper contracts in conducting a legitimate business which the Constitution guaranties to everyone when it declares that he has a natural inalienable right of acquiring, possessing, and protecting property.

We are of the opinion that under the great weight of authority the act in question can not be upheld, in so far as defendant company and its adult employees are concerned, upon the ground of its being a police regulation, for it can not be said that the defendant, in operating its tie and timber business, is any way pursuing a public business, or devoting their property to a public use; and the law must be held unconstitutional upon the ground that it interferes with or abridges the right of persons competent to contract with each other with respect to the manner in which defendant's employees were to be paid for their services. The right to labor, or employ labor, and make contracts with respect thereto, upon such terms as may be agreed upon, is both a liberty and property right, and is included in the guaranty of the Constitution which provides "that no person shall be deprived of life, liberty or property without due process of law." "Law of the land" is said to mean a law binding upon every member of the community under similar circumstances. The word "liberty," as used in these constitutional declarations, means more than freedom of locomotion. It includes and comprehends, among other things, freedom of speech, the right to self-defense against unlawful violence, and the right to freely buy and sell as others may.

From the foregoing descriptions and definitions of "due process of law," or its equivalent, "law of the land," it must be evident that this constitutional safeguard condemns arbitrary, unequal, and partial legislation; and it is equally clear that the right to make contracts and have them enforced, as others may, is one of the rights so secured to every citizen.

PROTECTION OF EMPLOYEES AS MEMBERS OF LABOR ORGANIZATIONS—CONSTITUTIONALITY OF STATUTE—*Coffeyville Vitrified Brick and Tile Co. v. Perry, Supreme Court of Kansas, 76 Pacific Reporter, page 848.*—T. P. Perry had procured a judgment in the district court of Montgomery County against the above-named company awarding damages for his discharge because of membership in a labor organization. The action was based on chapter 120, Laws of 1897, which forbids discharge for such cause, fixes a penalty and allows damages not to exceed $2,000.

From the judgment of the lower court the company appealed and procured a reversal of the same on the ground of the unconstitutionality of the statute in question. The grounds for this conclusion were set forth by Judge Greene, who delivered the opinion of the court. The judge quoted with approval from the similar cases of State *v.* Julow, 129 Mo. 163; 31 S. W. 781 (see Bulletin of the Department of Labor, No. 2, p. 206); Gillespie *v.* People, 188 Ill. 176; 58 N. E. 1007 (see Bulletin of the Department of Labor, No. 35, p. 797); and Zillmer *v.* Kreutzberg, 114 Wis. 530; 90 N. W. 1098 (see Bulletin of the Department of Labor, No. 47, p. 938).

The following syllabus prepared by the court presents the conclusions of law:

1. A statute which makes it unlawful to discharge an employee because he belongs to a lawful labor organization, and which provides for the recovery of damages for such discharge, is void. The right to terminate a contract is within the protection of the State and Federal constitutions, which guaranty to every citizen the protection of life, liberty, and property.

DECISIONS UNDER COMMON LAW.

ASSIGNMENT OF FUTURE EARNINGS—CONSIDERATION—VALIDITY OF UNCERTAIN ASSIGNMENTS—*Colorado Fuel and Iron Co. v. Kidwell, Court of Appeals of Colorado, 76 Pacific Reporter, page 922.*—The company named was summoned as garnishee in proceedings by W. R. Kidwell to recover a judgment debt against John McCarney, an employee of said company. A justice of the peace and, on appeal, the Pueblo County court had granted judgment against the company, from which an appeal was again taken with the result of a reversal.

The company had answered in the first instance that at the time of the service of the writ it was not in any way indebted to McCarney,

which answer was disputed by Kidwell, he claiming that there was an indebtedness of an unknown sum. It appeared from the evidence that in October, prior to the service of the writ of garnishment in the following April, McCarney had, for value received, assigned to the Colorado Supply Company so much of his earnings from the Colorado Fuel and Iron Company as would cover any present debt or any debt which might become due to the Supply Company from month to month on account of current supplies of goods sold and delivered to him. The Fuel and Iron Company had notice of the assignment and had made payments accordingly.

McCarney's earnings for each of the months of March and April were less than his indebtedness to the Supply Company for the same months. Kidwell maintained, however, that the assignment was invalid as against creditors for the reasons that no indebtedness existed at the time it was made and that it was supported by no consideration then paid; that neither the time nor amount covered or to be covered by it was fixed; that the employing company had made no binding acceptance, and that the assignment was made with the purpose of delaying the collection of the claim sued for. There was no evidence to support the last ground nor of anything other than good faith in the transaction as a whole and it was disregarded.

The first three grounds were discussed by Judge Thompson, who spoke for the court, in the following language:

1. Whether McCarney owed the Supply Company anything at the time of the assignment does not directly appear. The instrument recites as its consideration "value received," and expressly transfers sufficient of the earnings "to cover all moneys now due by me to said Supply Company." According to those recitals, there was an indebtedness existing at the time of the assignment, and a consideration then passed, and the burden was upon Kidwell to prove the contrary. But, aside from the foregoing, there was an independent legal and valid consideration, namely, the extension of credit by the Supply Company to McCarney. By such extension McCarney was enabled to obtain necessary supplies without being compelled to pay for them as he purchased them. This extension of credit was a valuable consideration, within every definition of the term.

2. It is well settled that a person in the employ of another may make a valid assignment of wages to be earned during the existence of the employment, and the assignee will take precedence of subsequent attaching creditors. Where the term of the employment is indefinite and uncertain, and the consideration of the assignment is the furnishing of such necessaries as the assignor may require during the employment, it is manifest that, in the nature of the case, the assignment can not be, either as to time or amount, other than indefinite; but the intention of the parties may nevertheless be clearly and explicitly expressed, leaving their rights under the instrument entirely free from doubt. Why an assignment of wages to be earned during an employment of uncertain duration, in consideration of a credit for such arti-

cles as the assignor may require from month to month, is not as valid and binding as an assignment of wages for a fixed period in consideration of a specified amount, we are unable to perceive. But there is direct authority that neither as to time or amount is certainty necessary.

3. The Fuel and Iron Company was notified of the assignment, and, after receiving notice, regularly paid McCarney's wages to the Supply Company. No formality is necessary to the acceptance of an instrument like this. The Fuel and Iron Company by its conduct placed itself in the position of debtor to the Supply Company, to the extent of McCarney's wages. By paying the money to the Supply Company it acknowledged its liability to that company.

The judgment will be reversed, and the court below instructed to enter judgment for the garnishee.

DISCHARGE OF EMPLOYEE—PROCUREMENT BY THIRD PERSON—MALICE—*Holder v. Cannon Manufacturing Co., Supreme Court of North Carolina, 47 Southeastern Reporter, page 481.*—D. M. Holder, a weaver in the employment of the Gibson Manufacturing Company, had sued for and procured a judgment against the Cannon Manufacturing Company on account of certain alleged false and malicious charges made by the latter company, which led to Holder's discharge.

Holder charged willful and malicious conspiracy, and testified that his boss had said on discharging him that he hated to do it, but that he had a letter from the Cannon Manufacturing Company and that that company wanted it done. This testimony was contradicted by the defendant company, the claim being made by the assistant manager (who was the same for both companies) that he had taken the action himself without conference with or suggestion from any officer of the defendant company.

From the judgment in Holder's favor the company appealed to the State supreme court, where the judgment was affirmed, Judge Montgomery, for the court, using in part the following language:

The plaintiff's evidence tended to show that he was discharged without cause by the defendant company, and that he was discharged from the employment of the Gibson Company, while giving satisfaction in his work to that company, by a letter from the defendant demanding his discharge from the service of the Gibson Company, and upon that evidence, believed by the jury, the law applicable to the case seems to be clear. In order to constitute malice in a case like the present, it is not necessary that the defendant should show actual ill will or hatred to the plaintiff, but it is sufficient if the act done, to the apparent damage of the plaintiff, is without legal excuse. Any person who by any act causes the discharge of another from the service of a third party maliciously and willfully—that is, without lawful justification—is liable to the injured party for damages. (Haskins *v.* Royster, 70 N. C. 601, 16 Am. Rep. 780; Morgan *v.* Smith, 77 N. C. 37.)

It is true that in the plaintiff's complaint there is an allegation that the defendant procured his discharge by conspiracy and by false and fraudulent representations to the Gibson Company, but such an allegation was not necessary or essential to the prosecution of the action by the plaintiff. It is sufficient that the act is alleged to have been done maliciously, willfully, and unlawfully. (Jones *v.* Stanly, 76 N. C. 355; Haskins *v.* Royster, supra; Morgan *v.* Smith, supra.) The question was not whether the plaintiff was discharged by reason of the false or fraudulent representations of the defendant, but was the discharge procured through malice; that is, without a lawful justification?

It is not to be understood by anything said in this opinion that one employer can not inquire of another of the character and habits of a former employee of that other, and that an answer made in good faith and upon a knowledge of facts, and acted upon by the recipient, would subject the giver of the information to a suit in damages.

EMPLOYMENT OF LABOR—RULES—AGREEMENTS AMONG EMPLOYERS—BLACKLISTING— *Willis v. Muscogee Manufacturing Co., Supreme Court of Georgia, 48 Southeastern Reporter, page 177.*—This was an action brought by R. H. Willis against the Muscogee Manufacturing Company to recover damages for unlawfully preventing his employment. Willis was a loom fixer and had been employed by the company to repair Crompton looms at $1.50 a day. According to his testimony it was expressly understood that he was not to work at that price on Crompton and Knowles looms combined. Willis worked for some time on the Crompton looms and was then directed by a superior to repair some combined looms. This he refused to do unless his wages were increased, when he was told that that was all he would get and if he would not work for that price he could quit. Considering himself discharged, he left service and applied for positions with other companies, but was refused because his name had been sent to them on what was called the blacklist, in which it was stated that he had left the service of the company without cause and without working the required six days' notice. Several of the companies in the county, among them the Muscogee Company, had mutually agreed to report to each other all employees who left their service without working out a six days' notice which was provided for in a rule adopted by all the employers uniting in the above agreement. After Willis found himself unable to secure employment at Columbus he removed to another point at the cost of some time and money and afterwards sued the above company for damages. After the submission of the testimony above stated to the superior court of Muscogee County, the judge granted a nonsuit on the ground of insufficient evidence to warrant the case going to a jury. From this ruling this appeal was taken and

the judgment was reversed. From the opinion of the court, which was delivered by Judge Simmons, the following is quoted:

1. All manufacturing companies, and as well all other persons who employ labor, have the right and power to make reasonable rules and regulations for the government of their employees. It is reasonable to require that employees shall give their employers a certain number of days' notice before leaving their service. It has been held to be reasonable to require such notice, and to provide that, if the notice is not given, the employee shall forfeit all wages then due him. The rule in the present case was reasonable, and one who, with knowledge of the rule, entered the service of the defendant, was bound by the rule. It entered into his contract of service, and became a part of it, as binding upon him as any other part of his contract. Manufacturing corporations frequently make large contracts for goods to be delivered at a specified time. In order to comply with these contracts, it is necessary for them to keep the requisite number of employees in their service. If employees were allowed to leave their employment without giving any notice, it would in many cases be impossible for the employers to fill their places in time to complete the goods according to the contracts made for their delivery. With six days' notice of the intention of an employee to leave, the employer would have a reasonable time to fill his place. For these and other reasons we think, as above stated, that the rule was a reasonable one.

2. It was contended by counsel for the plaintiff in error that while the rule may have been a reasonable one when adopted by a single corporation, it was an unlawful conspiracy for a number of corporations to join in an agreement to enforce such a rule by reporting violations of it to each other, and refusing to employ any person who had been so reported. We can not see the force of the reasoning of counsel on this point. We see no reason why the officers of a dozen cotton mills in or near the same city can not make such an agreement with each other. An employer has a right to select his employees according to what standard he may choose, though such standard be arbitrary or unreasonable. An employer certainly has a right to refuse to employ any one whom he knows to have left another employer in violation of a reasonable rule which both employers are seeking to enforce. An agreement among a number of employers to report such violations, and thus assist each other in the selection of their employees, is not unlawful, though coupled with an agreement to employ no one so reported, such an agreement not being binding upon the employers, and there being no allegation that it was entered into through malice. [Cases cited.]

3. There are, however, limitations upon the rights of the employers in this matter. While the employee is bound by the reasonable rules of the employer, as a part of the contract of employment, and may be reported to other employees for a breach of those rules, there is a correlative duty upon the employer not to report an employee wrongfully. The rule which enters into the contract of employment is as much a part of the contract of the employer as of the employee, and both are bound by it. The employer is strictly within his rights as long as he reports no employee for a violation of the rule except such as have actually violated it. When, however, he wrongfully makes

such a report, and an employee is thereby damaged, such employee has a right of action. While the corporation which entered into the agreement above described had a right to do so, they owed a duty to their employees not to abuse that right. When one of them falsely reported an employee, to his injury, such employee may recover for the tort. The combination of the employers was a powerful machine for the accomplishment of lawful results, but it was capable of misuse to the injury of innocent employees. When a company so misused it such company must take the consequences.

4. Our difficulty has arisen, not in coming to the above conclusions, but in applying them to the facts of the present case so as to determine whether the trial judge erred in granting a nonsuit. It was contended by counsel for the plaintiff in error that the rule as to six days' notice did not apply to the facts of this case, and that, instead of "leaving" his employer, plaintiff was discharged by defendant; that he had made a contract to do certain work on a certain kind of loom at a stipulated price, expressly excepting from the agreement work on the combined looms, which he stated he would not do for the price paid for the work contracted for. Without his consent, an officer of the defendant ordered him to work on the combined looms without any addition to his wages. This, he claims, was a change in his contract, to which he refused to accede, and he was then told he could quit. In consequence of this declaration by the defendant's officers, he gathered up his tools, etc., and left. The other companies were then notified by defendant that plaintiff had left its employment without cause, and in violation of the rule as to giving notice. On the other hand, the defendant claims that the evidence shows that the plaintiff left its services voluntarily, and refused to work out the required notice, and that the defendant was, therefore, justified in reporting him to the other companies as having violated the rule. This, we think, was a question of fact which should have been submitted to the jury. There was enough evidence to require that the case be submitted to a jury. If the jury had found in favor of the plaintiff on this issue he would have been entitled to recover some damages. When one promulgates an ambiguous or doubtful rule, it must be construed strictly against him. This rule of construction must be borne in mind in ascertaining whether the regulation as to notice applied to such a case as was made by the termination of the plaintiff's employment. If the employer who promulgated the regulation made a mistake in its construction, and applied it to a state of facts which did not come within it, the employee injured by such mistake has a right to recover. The employer can not arbitrarily place an employee upon the blacklist as having violated the regulation, when in point of fact the employee's conduct did not come within the terms of such regulation, and he, therefore, had not violated it. On the other hand, if the plaintiff left the service of the defendant voluntarily, without cause, and without giving the required notice, or if he had contracted to do all such work in his line as the company might reasonably require of him, without excepting work upon the combined looms, and then refused to work upon these looms for the agreed price per day, and left because defendant would not give him more, then the defendant had a right to report him as having left without cause and without working out the required notice. It was also contended by the plaintiff that this report to the

other companies prevented his obtaining other employment, and compelled him, in order to obtain work, to remove to another city; that he thus lost time and was put to actual expense by reason of his having been reported by the defendant. The defendant claimed that the agreement between it and the other companies was voluntary, and not legally binding on any of them, and that any one of the other companies could have employed plaintiff had it seen proper to do so, and that in truth the notice sent out to the other companies was not the real cause of the plaintiff's failure to get work. Under the evidence this was also a question for the jury, and not for determination by the court. We therefore think that the court erred in granting a nonsuit.

12425—No. 56—05——21

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

[The Second Special Report of this Bureau 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.]

NEBRASKA.

ACTS OF 1903.

CHAPTER 17.—*Employment of labor on public works—Cities of the first class.*

SECTION 123. In all cities governed by this act [cities having less than forty thousand and more than twenty-five thousand inhabitants], where work is performed upon the streets, sewers, boulevards or in parks, etc., or by virtue of any contract with any person, company, or companies, or corporations, for such city, shall be done by union labor and be paid for at the rate of two dollars ($2) per day: *Provided*, That when skilled labor is employed by the city, said labor shall be paid the current scale of union wages: *Provided*, That eight hours shall constitute a day's labor.

Approved April 6, 1903.

NEVADA.

ACTS OF 1903.

CHAPTER 10.—*Hours of labor in mines and smelters.*

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

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

SEC. 3. Any person who violates either of the preceding sections of this act or any person, corporation, employer or his or its agent, who hires, contracts with, or causes any person to work in an underground mine or other underground workings, or in a smelter or any other institution or place for the reduction or refining of ores or metals for a period of time longer than eight (8) hours during one day unless life and property shall be in imminent danger shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred ($100) dollars, nor more than five hundred ($500) dollars, or imprisonment in the county jail not more than six months, or by both such fine and imprisonment.

Approved February 23, 1903.

CHAPTER 13.—*Inspection of factories—Safety appliances.*

SECTION 1. It shall be unlawful for any person, company or corporation, after the first day of July, nineteen hundred and three, to construct or place any shaft or shafting with collars, sleeves or pulleys over two feet in diameter attached or secured to such shaft by set screws projecting above the hub of such collars, sleeves or pulleys. In all such cases where set screws are used, the heads thereof shall be countersunk below the surface of the hub of the collar, sleeve or pulley in which they are placed.

SEC. 2. Any person or corporation who shall, after the first day of July, 1903, fail or refuse to comply with the requirements of this act, when constructing or changing

any machinery, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars.

SEC. 3. Nothing contained in this act, shall be so construed as to prevent recovery in a suit for damages, for injuries sustained by the party so injured or his heirs or administrators.

Approved February 26, 1903.

CHAPTER 37.—*Hours of labor on public works.*

SECTION 1. On public works, all works or undertakings carried on or aided by the State, county or municipal governments, eight hours shall constitute a day's labor.

SEC. 2. Any violation of the provisions of this act shall cause a forfeiture to the contractor or contractors of any contract on such public, State, county or municipal government work and a further penalty of a fine of fifty ($50) dollars for each and every man so employed: *Provided*, Nothing in this act shall be so construed as to prevent the preservation or protection of public property in case of emergency.

Approved March 9, 1903.

CHAPTER 84.—*Forced contributions from employees—Hospital fees.*

SECTION 1. It is hereby made unlawful for any person or persons, contractor or contractors, firm, company, corporation, or association, or the managing agent of any person or persons, contractor or contractors, firm, company, corporation, or association to collect, demand, force, compel, or require, either monthly, annually, or for any other period of time, any sum of money for hospital fees from any person or laborer at any place in this State, where no convenient, comfortable, and well-equipped hospital is maintained at some town or place for the accommodation, relief and treatment of persons in his or their employ, and from whom hospital fees are collected: *Provided*, That any person or persons, contractor or contractors, firm, company, corporation, or association, or the managing agent of same, may care for or cause to be cared for, any person in his or their employ, from whom hospital fees are collected, at any private or public hospital, sanitarium, or other convenient and comfortable place, without expense to the person or patient from whom hospital fees are collected: *And provided further*, The distance and facilities for the comfort and conveyance of any patient come within the intent and meaning of section two of this act.

SEC. 2. For the purposes of this act, the words "town or place," mentioned in section one of this act, shall be construed to mean any town, headquarters, or place, at which town, headquarters, or place, and tributary places, sufficient hospital fees are collected to maintain a hospital in keeping with the hospital fees collected, and the words "distance and facilities for the comfort and conveyance of any patient," mentioned in section one of this act, shall be construed to mean the nearest hospital, and most comfortable means of conveyance at hand, or that can be procured in a reasonable time: *Provided*, That if at the nearest hospital the proper medical treatment cannot be secured, then it shall not be a misdemeanor to take any person or patient a greater distance or to another hospital.

SEC. 3. Any person or persons violating the provisions of this act shall, upon conviction thereof, be fined in any sum not less than two hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than one hundred days nor more than two hundred and fifty days, or by both such fine and imprisonment.

Approved March 14, 1903.

CHAPTER 88.—*Wages a preferred claim—In insolvency, etc., of corporations.*

SECTION 86. Whenever any corporation formed under the provisions of this [general corporation] act and prior acts shall become insolvent or be dissolved in any way, or for any cause, the employees doing labor or service of whatever character in the regular employ of such corporation, shall have a lien upon the assets thereof for the amount of wages due to them, not exceeding two months' wages respectively, which shall be paid prior to any other debt or debts of said corporation; but the word "employees" shall not be construed to include any of the officers of such corporation.

Approved March 16, 1903.

CHAPTER 106.—*Protection of employees as voters.*

SECTION 2. Any remuneration or reward or promise of remuneration or reward, whether it be in the form of a money gift or payment, release of debt, payment of board, lodging or transportation, the furnishing of food or clothing, the promise or giving of employment, the increasing or maintaining of wages, * * * either for the voter or any other person, * * * either before or after the election, for the purpose and with the object of inducing a voter or voters, * * * to vote for or against any candidate or measure, or to refrain from voting for or against the same, shall be deemed and considered bribery.

SEC. 7. Any person who attempts to influence the vote of his employee by directly or indirectly threatening such employee with loss of employment or by intimating that such employee will lose his employment if he votes or fails to vote for a certain candidate or candidates, measure or measures, or that the success of a certain party or candidate will jeopardize his employment, shall be deemed guilty of intimidation, and upon conviction he shall be punished as herein prescribed for the crime of bribery.

Approved March 16, 1903.

CHAPTER 111.—*Protection of employees as members of labor organizations.*

SECTION 1. It shall be unlawful for any person, firm or corporation to make or enter into any agreement, either oral or in writing, by the terms of which any employee of such person, firm or corporation, or any person about to enter the employ of such person, firm or corporation, as a condition for continuing or obtaining such employment, shall promise or agree not to become or continue a member of a labor organization, or shall promise or agree to become or continue a member of a labor organization.

SEC. 2. Any person or persons, firm or firms, corporation or corporations, violating the provisions of section 1 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than fifty or more than three hundred dollars, or be imprisoned in the county jail for a period of not less than twenty-five days or more than five months, or by both such fine and imprisonment.

Approved March 17, 1903.

CHAPTER 124.—*Coercion of employees in trading, etc.*

SECTION 1. Any person or persons, employer, company, corporation or association, or the managing agent of any person or persons, employer, company, corporation or association, doing or conducting business in this State, who by coercion, intimidation, threats or undue influence, compels or induces his or her employees to trade at any particular store, or board at any particular boarding house, in this State, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not less than fifty (50) dollars nor more than two hundred (200) dollars, or by imprisonment in the county jail for a period of not less than thirty (30) days, nor more than one hundred (100) days, or by both such fine and imprisonment.

Approved March 20, 1903.

NEW HAMPSHIRE.

ACTS OF 1903.

CHAPTER 95.—*Employment of females in barrooms, etc.*

SECTION 17. It shall not be lawful

* * * * * * *

2. To permit any girl or woman, * * * to sell or serve any liquor on the premises.

Approved March 27, 1903.

NEW MEXICO.

ACTS OF 1903.

CHAPTER 2.—*Miners' hospital.*

SECTION 4. There is also hereby created and established an institution to be known and called the "Miners' Hospital of New Mexico," * * *

SEC. 9. The miners' hospital hereby established and created is intended and meant to be for the free treatment and care of resident miners of the Territory of New Mexico, who may become sick or injured in the line of their occupation; and all lodging and medical care shall be free of charge, as shall all other expenses incurred by the patient, except in cases where such patient is possessed of property and means sufficient to enable him to pay the actual costs and charges incurred by his attendance at such hospital, in which case the board of trustees may make provision for his being charged and paying such expenses incurred.

Approved February 13, 1903.

NEW YORK.

ACTS OF 1903.

CHAPTER 151.—*Employment of children—Street trades.*

SECTION 1. Chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," is hereby amended by renumbering articles twelve and thirteen to be known as articles thirteen and fourteen respectively and by inserting therein a new article, to be known as article twelve, and to read as follows:

ARTICLE XII.

EMPLOYMENT OF CHILDREN, IN STREET TRADES.

Section 174. No male child under ten, and no girl under sixteen years of age shall in any city of the first class sell or expose or offer for sale newspapers in any street or public place.

Sec. 175. No male child actually or apparently under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof that such male child is of the age of ten years or upwards. No permit or badge provided for herein shall be valid for any purpose except during the period in which such proof shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined, approved and placed on file such proof the officer shall issue to the child a permit and badge.

Sec. 176. Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend as the case may be and describe the color of hair and eyes, the height and weight and any distinguishing facial mark of such child, and shall further state that the proof required by the preceding section has been duly examined, approved and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Sec. 177. The badge provided for herein shall be worn conspicuously at all times by such child while so working; and such permit and badge shall expire at the end of one year from the date of their issue. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first class as a newsboy, or shall sell or expose or offer for sale newspapers in

any street or public place without having upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

Sec. 178. The parent, guardian, custodian or next friend, as the case may be, of every child to whom such permit and badge shall be issued shall surrender the same to the authority by which said permit and badge are issued at the expiration of the period provided therefor.

Sec. 179. No child to whom a permit and badge are issued as provided for in the preceding sections shall sell or expose or offer for sale any newspapers after ten o'clock in the evening.

Sec. 179a. Any child who shall work in any city of the first class in any street or public place as a newsboy or shall sell or expose or offer for sale newspapers under circumstances forbidden by the provisions of this article, must be arrested and brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law; and if any such child is committed to an institution, it shall when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child.

SEC. 2. Nothing in this act contained shall be deemed or construed to repeal, amend, modify, impair or in any manner, affect any provision of the penal code or the code of criminal procedure.

SEC. 3. This act shall take effect September first, nineteen hundred and three.

Became a law April 8, 1903.

CHAPTER 184.—*Employment of women and children.*

SECTION 1. Sections seventy, seventy-one, seventy-two, seventy-three, seventy-six, of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," are hereby amended so as to read as follows:

Section 70. No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this State. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate issued as provided in this artice [article] shall have been theretofore filed in the office of the employer at the place of employment of such child.

Sec. 71. Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town or village where such child resides, or is to be employed, or by such other officer thereof as may be designated, by such board, department or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed: (1) The school record of such child properly filled out and signed as provided in this article. (2) A passport or duly attested transcript of the certificate of birth or baptism or other religious record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births shall be conclusive evidence of the age of such child. (3) The affidavit of the parent or guardian or custodian of the child, which shall be required, however, only in case such last mentioned transcript of the certificate of birth be not produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath, and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child farther [further] has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

Sec. 72. Such certificates shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that, the papers required by the preceding section

have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

Sec. 73. The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the school year previous to his arriving at the age of fourteen years or during the year previous to applying for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

Sec. 76. Each person owning or operating a factory and employing children therein shall keep, or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall be produced for inspection, upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian.

Sec. 2. Sections seventy-seven and seventy-eight of said chapter as amended by chapter one hundred and ninety-two of the laws of eighteen hundred and ninety-nine are hereby amended to read as follows:

Section 77. No minor under the age of sixteen years shall be employed, permitted or suffered to work in any factory in this State before six o'clock in the morning, or after nine o'clock in the evening of any day, or for more than nine hours in any one day. No minor under the age of eighteen years, and no female shall be employed, permitted or suffered to work in any factory in this State before six o'clock in the morning, or after nine o'clock in the evening of any day; or for more than ten hours in any one day except to make a shorter workday on the last day of the week; or for more than sixty hours in any one week, or more hours in any one week than will make an average of ten hours per day for the whole number of days so worked. A printed notice, in a form which shall be prescribed and furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered to work in such factory except as stated herein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons at work in the factory at any other hours than those stated in the printed notice shall constitute prima facie evidence of a violation of this section of the law.

Sec. 78. When in order to make a shorter workday on the last day of the week, a minor over sixteen and under eighteen years of age, or a female sixteen years of age or upwards, is to be required or permitted to work in a factory more than ten hours in a day, the employer of such persons shall notify the commissioner of labor in writing, of such intention, stating the number of hours of labor per day, which it is proposed to require or permit, and the time when it is proposed to cease such requirement or permission; a similar notification shall be made when such requirement or permission has actually ceased. A record of the names of the employees thus required or permitted to work overtime, with the amount of such overtime, and the days upon which such work was performed, shall be kept in the office of such factory, and produced upon the demand of the commissioner of labor.

Sec. 3. Section seventy-four of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven is hereby repealed.

Sec. 4. The word custodian as used in this act shall include any person, organization or society having the custody of said child.

Sec. 5. This act shall take effect the first day of October, nineteen hundred and three.

Became a law April 15, 1903.

CHAPTER 255.—*Employment of women and children.*

SECTION 1. Sections one hundred and sixty-one, [to] one hundred and sixty-seven, [and sections] one hundred and seventy-two and one hundred and seventy-three of chapter four hundred and fifteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to labor, constituting chapter thirty-two of the general laws," are hereby amended so as to read as follows:

Section 161. No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, more than fifty-four hours in any one week, or more than nine hours in any one day, or before seven o'clock in the morning or after ten o'clock in the evening of any day. No female employee between sixteen and twenty-one years of age shall be required, permitted or suffered to work in or in connection with any mercantile establishment more than sixty hours in any one week; or more than ten hours in any one day, unless for the purpose of making a shorter workday of some one day of the week; or before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upwards on Saturday, provided the total number of hours of labor in a week of any such person does not exceed sixty hours, nor to the employment of such persons between the fifteenth day of December and the following first day of January. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment.

Sec. 162. No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any mercantile or other establishment specified in the preceding section, except that a child upwards of twelve years of age may be employed therein in villages and cities of the third class, during the summer vacation of the public schools of the city or district where such establishment is situated. No child under the age of sixteen years shall be employed in any such establishment, unless an employment certificate issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child.

[Sections 163–165 inclusive are identical with sections 71–73, pages 322, 323 supra.]

Sec. 166. Children of the age of twelve years or more who can read and write simple sentences in the English language, may be employed, in mercantile and other establishments specified in section one hundred and sixty-one, in villages and cities of the third class during the summer vacation of the public schools in the city or school district where such children reside upon obtaining the vacation certificate herein provided. Such certificate shall be issued in the same manner, upon the same conditions, and on like proof that such child is twelve years of age or upwards, and is in sound health, as is required for the issuance of an employm entcertificate under this article, except that a school record of such child shall not be required. The certificates provided for in this section shall be designated summer vacation certificates, and shall correspond in form and substance as nearly as practicable to such employment certificate, and shall in addition thereto specify the time in which the same shall remain in force and effect which in no case shall be other than the time in which the public schools where such children reside are closed for a summer vacation.

Sec. 167. The owner, manager or agent of a mercantile or other establishment specified in section one hundred and sixty-one, employing children, shall keep or cause to be kept, in the office of such establishment, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificates filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated. On termination of the employment of the child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian.

Sec. 172. The board or department of health or health commissioners of a town, village, or city affected by this article shall enforce the same and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within thirty days after the alleged offense was committed. All officers and members of such boards, or department, all health commissioners, inspectors, and other persons appointed or designated by such boards, departments or commissioners may visit and inspect at reasonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from

making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article.

Sec. 173. A copy of this article shall be posted in three conspicuous places in each establishment affected by its provisions.

SEC. 2. This act shall take effect the first day of October, nineteen hundred and three.

Became a law April 24, 1903.

CHAPTER 325.—*Protection of employees on street railways—Inclosed platforms.*

SECTION 1. Article four of chapter five hundred and sixty-five of the laws of eighteen hundred and ninety, entitled "An act in relation to railroads, constituting chapter thirty-nine of the general laws," is hereby amended by adding thereto a new section to be section one hundred and eleven, and to read as follows:

Section 111. Every corporation operating a street surface railroad in this State, except such as operate a railroad or railroads either in the borough of Manhattan or Brooklyn, in the city of New York, shall cause the front and rear platforms of every passenger car propelled by electricity, cable or compressed air, operated on any division of such railroad which extends in or between towns or outside of city limits, during the months of December, January, February and March, except cars attached to the rear of other cars, to be enclosed from the fronts of the platforms to the fronts of the hoods, so as to afford protection to any person stationed by such corporation on such platforms to perform duties in connection with the operation of such cars. Every corporation or person using and operating a car in violation of this section shall be liable to a penalty of twenty-five dollars per day for each car so used and operated, to be collected in an action brought by the attorney-general and to be paid to the treasurer of the State of New York, or in a suit by the attorney of the municipality in which the violation of the provision of this act occurs, to be paid in the treasury of such municipality.

SEC. 2. All street surface railroad passenger cars hereafter purchased, built or rebuilt and operated in the State of New York on and after the passage of this act, except those owned by any company operating either in the borough of Manhattan or Brooklyn, in the city of New York shall be constructed in accordance with the provisions of section one of this act.

SEC. 3. This act shall take effect December first, nineteen hundred and four. Except that where the cars of any corporation affected by section one of this act are operated wholly in cities other than the boroughs of Manhattan or Brooklyn in the city of New York, the cars belonging to the corporation so operated shall be equipped with the enclosures provided for in section one of this act as follows, viz.: One-third thereof before December first, nineteen hundred and four, one-third thereof after December first, nineteen hundred and four and before December first, nineteen hundred and five, and the remaining one-third thereof after December first, nineteen hundred and five, and before December first, nineteen hundred and six.

Became a law May 6, 1903.

CHAPTER 349.—*Protection of employees as members of the national guard.*

SECTION 1. Title eight of the penal code is hereby amended by inserting two new sections to be known as section one hundred and seventy-one-b, and section one hundred and seventy-one-c, to read as follows:

Section 171b. A person who, either by himself or with another, willfully deprives a member of the National Guard of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of said National Guard, or his employer, in respect of his trade, business, or employment, because said member of said National Guard is such member, or dissuades any person from enlistment in the said National Guard by threat of injury to him in case he shall so enlist, in respect of his employment, trade, or business, is guilty of a misdemeanor.

Sec. 171c. No association or corporation, constituted or organized for the purpose of promoting the success of the trade, employment, or business of the members thereof, shall by any constitution, rule, by-law, resolution, vote, or regulation, discriminate against any member of the National Guard of the State of New York, because of such membership in respect of the eligibility of such member of the said National Guard to membership in such association or corporation, or in respect of his

right to retain said last-mentioned membership; it being the purpose of this section and the section immediately preceding to protect a member of the said National Guard from disadvantage in his means of livelihood and liberty therein but not to give him any preference or advantage on account of his membership of said National Guard. A person who aids in enforcing any such provisions against a member of the said National Guard with the intent to discriminate against him because of such membership, is guilty of a misdemeanor.

SEC. 2. This act shall take effect September first, nineteen hundred and three.

Became a law May 6, 1903.

CHAPTER 459.—*Employment of children.*

SECTION 4. Section five of title sixteen of chapter five hundred and fifty-six of the laws of eighteen hundred and ninety-four is hereby amended to read as follows:

Section 5. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session; or to employ any child between fourteen and sixteen years of age who does not, at the time of such employment, present a certificate signed by the superintendent of schools or by the principal or the principal teacher of the city or district in which the child resides or by the principal or the principal teacher of the school where the child has attended or is attending, or by such other officer as the school authorities may designate, certifying that such child during the school year next preceding his application for such certificate, has attended for not less than one hundred and thirty days the public schools, or schools having an elementary course equivalent thereto, in such city or district and that such child can read and write easy English prose and is familiar with the fundamental operations of arithmetic; or to employ, in a city of the first class or a city of the second class, any child between fourteen and sixteen years of age who has not completed such course of study as the public elementary schools of such city require for graduation from such schools and who does not hold either a certificate of graduation from the public elementary school or the pre-academic certificate issued by the regents of the university of the State of New York or the certificate of the completion of an elementary school issued by the department of public instruction, unless the employer of such child, if a boy, shall keep and shall display in the place where such child is employed and shall show whenever so requested by any attendance officer, factory inspector, or representative of the police department, a certificate signed by the school authorities or such school officers in said city as said school authorities shall designate, which school authorities, or officers designated by them, are hereby required to issue such certificates to those entitled to them not less frequently than once in each month during which said evening school is in session and at the close of the session of said evening school, stating that said child has been in attendance upon said evening school for not less than six hours each week for such number of weeks as will, when taken in connection with the number of weeks such evening school will be in session during the remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school of not less than six hours per week for a period of not less than sixteen weeks, and any person who shall employ any child contrary to the provisions of this section or who shall fail to keep and display certificates as to the attendance of employees in evening schools when such attendance is required by law shall, for each offense, forfeit and pay to the treasurer of the city or village, or to the supervisor of the town in which such child resides, a penalty of fifty dollars, the same, when paid, to be added to the public school moneys of the city, village or district in which such child resides.

Became a law May 7, 1903.

CHAPTER 632.—*Examination and licensing of barbers.*

SECTION 1. Within thirty days after the passage of this act the governor shall appoint a board of barber examiners for the State of New York. The board shall consist of four members, two of whom shall be master barbers and two of whom shall be journeyman barbers, and each of whom shall serve for a term of five years from the date when his appointment shall take effect, except that those first appointed shall serve as follows: One for one year, one for two years, one for three years, and one for four years, from the date when his appointment shall take effect respectively, and except in the case of an appointment to fill a vacancy. No person shall be eligible to appointment as a member of said board unless he shall have been continu-

ously for five years last past engaged in the occupation of a barber within this State.

SEC. 2. Said board so appointed, and its successors, shall be known by the name "Board of Barber Examiners of the State of New York." Every person so appointed to serve on said board shall receive a certificate of his appointment from the governor of the State of New York, and within ten days after receiving such certificate, shall take, subscribe and file, in the office of the secretary of state, the constitutional oath of office.

SEC. 3. Each member of such board shall receive as compensation the sum of five dollars for each day necessarily and actually engaged in the performance of his duty as a member of said board and three cents for each mile necessarily and actually travelled by him in attending the meetings of said board, which sum or sums shall be paid out of any moneys in the hands of the treasurer of said board.

SEC. 4. The first meeting of said board shall be held within thirty days after their appointment as aforesaid, at a time and place to be fixed by a majority thereof, who shall give suitable notice thereof to all the members of said board. At such meeting the board may adopt a common seal, and shall elect from among its members a president, a secretary and a treasurer. The treasurer shall receive all fees paid for licenses or certificates, and shall keep a record thereof and of all disbursements of said board, in a book to be kept for that purpose. The treasurer shall not pay out or disburse any of the moneys so received by him except upon the order of the board. Before entering upon the performance of his duties the treasurer shall file with the State comptroller a bond with sufficient sureties to the people of the State of New York, in the penal sum of ten thousand dollars, to be approved by the State comptroller, conditioned that he will well and truly pay over all moneys received by him according to law and in compliance with the provisions of this act, and that he will otherwise faithfully discharge the duties of his office.

SEC. 5. The board of examiners shall have the power to appoint subboards of examiners, in such cities and villages of this State, as they in their judgment shall deem necessary. Said subboards shall each consist of one master barber and one journeyman barber, and shall possess the same qualifications, receive the same compensation, and have the same power as the said board of examiners of the State of New York, while conducting the examinations hereinafter provided for. Said subboards shall be subject at all times to the jurisdiction and control of the "Board of Barber Examiners of the State of New York," and shall serve during the pleasure of said State board. The subboards shall report the result of their examinations, without delay, to the State board of examiners, and the latter shall issue certificates of qualification to the persons who have qualified in said examinations.

SEC. 6. No person shall hereafter practice the occupation of a barber in this State, unless such person shall have first received a certificate of qualification from the board of examiners provided for in section one of this act. For the purpose of examining applicants for certificates of qualification as barbers the said board of examiners shall appoint the times and places for holding examinations. Such appointment shall be made with due regard to the convenience of the applicants and the public service. Said State board of examiners shall prescribe the mode and manner of conducting such examinations and shall appoint two of its members, one of whom shall be a master barber and the other a journeyman barber to conduct such examinations, or said board may designate a subboard to conduct such examinations. Said board of examiners is authorized to incur all expenses necessary to carry out, in a prompt and efficient manner, the provisions of this act, and to pay the same out of any moneys in the hands of the treasurer of said board, except, however, said board of examiners shall not incur any expense or obligation for which the State of New York shall be liable.

SEC. 7. Each person on filing his application for examination shall pay to the treasurer of the said board of examiners the sum of five dollars, which sum shall be returned in case said applicant shall fail to pass said examination. Such payment shall constitute a part of the fund to pay the compensation and expenses of said board. The board shall keep a list of the names and places of business of all persons to whom certificates of qualification are granted under the provisions of this act, in a book provided for that purpose, with the names arranged in alphabetical order, and said book shall be at all times open to public inspection.

SEC. 8. Every person now engaged in the business of a barber in this State, shall, within three months after the passage of this act, file an affidavit with the secretary of said board, setting forth his or her name, place of business, post office address, the length of time he has been engaged in the business of a barber, and pay to the treasurer the sum of one dollar, for the certificate provided for in this act.

SEC. 9. Said board shall furnish to each person to whom a certificate of registration

is issued, a card or insignia bearing the seal of the board and the signatures of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of a barber in this State, and it shall be the duty of the holder of such card or insigna [insignia] to post the same in a conspicuous place in the shop or place where he is working, where it may be readily seen by all persons whom he or she may serve.

SEC. 10. Said board of examiners shall have power to revoke any certificate of registration granted by it under this act, for (a) conviction of felony: (b) habitual drunkenness for six months immediately preceding a charge duly made: (c) gross incompetence or (d) the use of unclean towels, cups or any other unclean utensils used by barbers which are liable to spread contagious or infectious diseases: *Provided*, That before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him or her, and shall at a day and place specified in said notice, at least ten days after the service thereof, be given a public hearing and full opportunity to produce testimony in his or her behalf or to confront the witnesses against him or her. Any person whose certificate has been so revoked, may, after the expiration of three months, apply to have the same regranted, and the same shall be regranted to him or her upon a satisfactory showing that the disqualification has ceased.

SEC. 11. The board shall cause to be made and filed with the State comptroller, on or before the first day of December of each year, a report showing the receipts and disbursements of said board and the balance in the hands of the treasurer of said board, together with a statement of the amount of such balance necessary to be held in the hands of the said treasurer to meet the expenses of the ensuing year. The comptroller shall thereupon make and file in his office an estimate of the amount of such balance necessary to be held by said board for the purposes hereinbefore stated, which sum may be retained by said board for said purposes and the balance of said surplus paid by the treasurer of said board into the State treasury.

SEC. 12. Upon the report of a member of the State board of examiners duly appointed as herein provided, or of a member of a subboard of examiners in any city or village of the State, that a barber shop is in an unsanitary condition, said State board of examiners shall be empowered to call upon the State or local board of health, to declare such shop a public nuisance, and should the proprietor of said shop fail to abolish said nuisance within a period of thirty days after notice to do so by either the State or local board of health, the board of examiners provided for in this act shall be empowered to call upon the aforesaid board of health to abolish the aforenamed public nuisance.

SEC. 13. To shave, trim the beard, or cut the hair of any person for hire or reward, received by the person performing such service, or any other person, shall be construed as practicing the occupation of a barber within the meaning of this act. This act shall not in any way apply to or affect any person who is now occupied or working as a barber in this State, nor any person employed in a barber shop or an apprentice, except that a person so employed less than three years prior to the passage of this act, shall be considered an apprentice, and at the expiration of such three years of such employment shall be subject to the provisions of this act.

SEC. 14. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars or imprisonment in the county jail for a period of not less than thirty days, or by both such fine and imprisonment.

SEC. 15. This act shall take effect ninety days after the passage thereof.

Became a law May 15, 1903.

NORTH DAKOTA.

ACTS OF 1903.

CHAPTER 38.—*Examination and licensing of barbers—Sunday labor.*

SECTION 1. Section 9 of chapter 30, session laws of 1901, [shall] be amended to read as follows:

Section 9. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice same under this act, nor from serving as a student in any school for the teaching of such trade under the instruction of a qualified barber: *Provided*, That in shops where there are two or more barbers there shall not be more than one apprentice to two barbers authorized under this act to practice said occupation: *Provided, further*, That all persons serving as apprentices shall within ninety days after the taking effect of this act file with the secretary of said board an affidavit setting forth his name, residence, and the length

of time and place he has practiced as such apprentice, and shall pay the treasurer of said board two dollars, and a certificate of registration entitling him to practice as a barber's apprentice shall thereupon be issued to him, which certificate shall be kept posted in a conspicuous place in front of his working chair.

SEC. 2. It shall be unlawful for any registered barber or barber's apprentice to practice the occupation of a barber as defined under the act regulating the practice of barbering, upon Sunday: *Provided*, That nothing in this act shall prevent or prohibit a barber from shaving or otherwise preparing the dead for burial on Sunday.

SEC. 3. Any violations of the provisions herein proposed shall be subject to the penalties prescribed in section 14, chapter 30, Session Laws of 1901, relating to the practice of barbering.

Approved March 10, 1903.

CHAPTER 131.—*Liability of railroad companies for injuries to employees.*

SECTION 1. Every railroad company organized or doing business in this State shall be liable for all damages done to any employee of such company, in consequence of any negligence of its agents, or by any mismanagement of its engineers, or other employees, to any person sustaining such damage; and no contract which restricts such liability shall be legal or binding.

Approved March 10, 1903.

OREGON.

ACTS OF 1903.

PAGE 20.—*Liability of employers for injuries to employees—Railroad companies.*

SECTION 1. Every corporation operating a railroad in this State, whether such corporation be created under the laws of this State, or otherwise, shall be liable in damages for any and all injury sustained by any employee of such corporation as follows: When such injury results from the wrongful act, neglect, or default of an agent or officer of such corporation, superior to the employee injured, or of a person employed by such corporation having the right to control or direct the services of such employee injured, or the services of the employee by whom he is injured; and also when such injury results from the wrongful act, neglect, or default of a coemployee engaged in another department of labor from that of the employee injured, or of a coemployee on another train of cars, or of a coemployee who has charge of any switch, signal point, or locomotive engine, or who is charged with dispatching trains or transmitting telegraphic or telephonic orders. Knowledge by an employee injured of the defective or unsafe character or condition of any machinery, ways, appliances, or structures of such corporation shall not of itself be a bar to recovery for any injury or death caused thereby. When death, whether instantaneous, or otherwise, results from an injury to any employee of such corporation received as aforesaid, the personal representative of such employee shall have a right of action therefor against such corporation, and may recover damages in respect thereof. Any contract or agreement, express or implied, made by any such employee to waive the benefit of this section, or any part thereof, shall be null and void, and this section shall not be construed to deprive any such employee, or his personal representative, of any right or remedy to which he is now entitled under the laws of this State.

SEC. 2. The rules and principles of law as to contributory negligence which apply to other cases shall apply to cases arising under this act, except in so far as the same are herein modified or changed.

Approved February 10, 1903.

PAGE 27.—*Examination and licensing of barbers.*

SECTION 1. Section 1 of said act entitled "An act to regulate the pursuit, business, art, and avocation of a barber, the licensing of persons to carry on such business, and to insure the better qualifications of persons following such business in the State of Oregon," is hereby amended so as to read as follows:

Section 1. It shall be unlawful for any person, not a registered barber within the meaning of this act, to pursue the business of a barber, or to conduct any barber shop, tonsorial parlor, shaving saloon, etc., for the purpose of shaving, cutting hair, or do anything in any way pertaining to the occupation of a barber, except as an apprentice, registered as hereinafter provided, under the supervision of a registered barber, without the sanction of the State board of barber examiners of this State.

SEC. 2. Section 2 of said act is hereby amended to read as follows:

Sec. 2. The board of examiners heretofore appointed by the governor of this State shall constitute the State board of barber examiners under this act. Each member of said board shall continue in office for the remainder of the term for which he shall have been appointed, and such board shall have power, and is hereby authorized, to use a common seal, appoint deputies, and such further powers as are herein granted at the expiration of the term of office for which the present members of said board are appointed, or, if any vacancy shall occur in the membership of said board, the governor shall fill such vacancy by appointing a person as a member thereof, selected from the competent barbers of this State, whose tenure of office shall be four years. It shall be the duty of each member of said board, hereafter to be appointed as aforesaid, before entering upon the duties of his office, to appear before an officer duly selected to administer oaths in this State, and make an oath to discharge the duties of a member of this board in a faithful and impartial manner. Each member of this board shall be a barber of not less than four years' experience and a resident of this State five years. Members of the board shall meet at such time and place as agreed upon, and shall, at a regular meeting, elect by ballot a president, a treasurer, and a secretary, who shall hold office one year, or until their successors are elected and qualified. The president and secretary of said board shall each execute, in the name of the State of Oregon, an undertaking in the sum of five hundred ($500) dollars, conditioned that they will faithfully perform the duties of their office. The treasurer of said board shall execute a good and sufficient bond in the sum of $2,000, in the name of the State of Oregon, for the faithful performance of his duties under this act; said bonds shall be executed by some good and reliable surety company, and the expense of securing said bonds shall be paid out of the funds in the treasury of said board. Said board shall meet and hold examinations, as hereinafter provided for, at least quarterly during each year, in at least four different cities in the State; the board shall have the power to make such by-laws as it may deem necessary not inconsistent with the constitution of this State, or with the provisions of this act, and shall prescribe the qualifications of a barber of this State. The board may also at its discretion appoint a deputy who shall exercise the powers herein granted to said board, and who shall furnish a satisfactory bond to the board for the faithful performance of his duties, and his compensation shall be fixed by said board and paid out of its funds. The secretary of said board shall keep the seal of said board and affix it in all cases where he is required by law; to keep a faithful record of all transactions of said board; to administer oaths, and perform such other duties as may be required of him by said board. Said board shall have the power to adopt reasonable rules and regulations describing the sanitary requirements of a barber shop. It shall be the duty of every proprietor or person operating a barber shop in the State to keep posted in a conspicuous place in his shop, so as to be easily read by all customers, a copy of such rules and regulations. A failure of any such proprietor or person operating any shop to keep such rules so posted, or a failure or neglect on such person's part to obey the requirements of said rules, shall be sufficient ground for the revocation of his certificate; but no certificate shall be revoked without a reasonable opportunity being offered to such proprietor to be heard in his defense. Any member of said board shall have the power to enter and make examination of any barber shop in this State, during the business hours, for the purpose of ascertaining the sanitary condition thereof; and any barber shop in which the tools, appliances, and furnishings in use therein are kept in an unclean or unsanitary condition is hereby declared to be a public nuisance, and a person so keeping said shop, or in charge thereof in such unclean or unsanitary condition, shall be deemed guilty of a misdemeanor, and the proprietor shall be subject to prosecution and punishment therefor, and the nuisance may be abated under the general laws of the State of Oregon provided for the abatement of nuisances.

[SEC. 3.] Section 3 of said act is hereby amended so as to read as follows:

Sec. 3. Each member of said board shall receive $4 per day for each day actually engaged in the performance of his duties under this act, and shall also receive his actual traveling expenses while performing the duties of his office, and all other necessary expenses incurred by him while in the exercise of his said duties. Said expenses of said board shall be paid from the fees received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall be paid out of the State treasury. All moneys received in excess of said expenses shall be held by the board as a special fund for meeting further expenses of said board: *Provided*, That when the amount collected by said board and in its possession shall exceed the sum of $1,000, the surplus over and above such amount shall be paid by said board to the treasurer of the State of Oregon. The board shall render

a semiannual itemized account of the work it has done to the governor, and render a report of all moneys received and disbursed by them pursuant to this act, and the records of said board shall at all times be open to the inspection by the public.

SEC. 4. Section 4 of said act is hereby amended so as to read as follows:

Sec. 4. Any person desiring to obtain a certificate under this act shall make his sworn application to said board therefor, and shall pay to the treasurer of said board an examination fee of five dollars ($5), and shall present himself at the next regular meeting of the board for the examination of applicants, whereupon said board shall proceed to examine such person, and being satisfied as to his qualifications, his name shall be entered by the board upon the register kept by them, and a certificate issued to him: *Provided*, That whenever it appears that the applicant has acquired his knowledge in a barber school, the board shall be the judges as to whether or not said barber school is properly appointed and conducted, and under proper instructions, to give sufficient training in such trade. All persons making application under the provision of this act shall be allowed to practice until the next regular meeting of said board.

SEC. 5. Section 5 of said act is hereby amended so as to read as follows:

Sec. 5. Nothing in this act shall prohibit any person serving as an apprentice in said trade under a barber authorized to practice the same under this act: *Provided*, Any person serving as an apprentice shall have his name registered with the secretary of the State board, and shall pay a fee of $1 therefor, and cause to be entered on said register the date of his apprenticeship, and after serving three years as such apprentice he will be eligible to become a registered barber after complying with the conditions of this act.

SEC. 6. Section 6 of said act is hereby amended so as to read as follows:

Sec. 6. The said board shall furnish to each person entitled to a certificate under this act a card bearing the seal of the board, and the signature of its president and secretary, stating that the holder thereof is entitled to practice the occupation of barber or apprentice, as the case may be; and it shall be the duty of the holder of such certificate to post the said certificate or card, or both, in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve. Said card shall be renewed on or before the first day of May of each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of one ($1) dollar for said renewal card. Upon the failure of any holder of a certificate of registration to apply for renewal of his card on or before the first day of May in each year, his said certificate may be revoked by said board subject to the provisions of section 8 of this act.

SEC. 7. Section 7 of said act is hereby amended so as to read as follows:

Sec. 7. Said board shall keep a register in which shall be entered the names of all persons to whom certificates and permits are issued under this act, and said register shall be open at all times to public inspection.

SEC. 8. Section 8 of said act is hereby amended so as to read as follows:

Sec. 8. The said board shall have power to revoke any certificate or permit granted by it under this act that may have been obtained by fraudulent representations, or otherwise, not strictly in accordance with this act, or upon any of the following grounds:

(a) Conviction of felony;
(b) Habitual drunkenness for thirty days immediately before a charge duly made;
(c) Gross incompetency;
(d) Habitual use of morphine, cocaine, or other narcotic drugs;
(e) Contagious or infectious disease:

Provided, That before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him, and shall at a day specified in said notice, at least five (5) days after the service thereof, be given a public hearing and full opportunity to produce testimony in his behalf and to confront the witnesses against him. Any person whose certificate has been so revoked may, after the expiration of ninety (90) days, apply to have the same regranted to him upon a satisfactory showing that the disqualification has ceased. Said board is hereby empowered to subpœna witnesses for any and all trials before said board.

SEC. 9. Section 9 of said act is hereby amended so as to read as follows:

Sec. 9. To shave, or trim the beard, or cut the hair, of any person for hire or reward, received or to be paid at any time in the future, shall be construed as practicing the occupation of barber, or apprentice, within the meaning of this act; and no barber shop shall have more than one apprentice in their employ at any one time.

SEC. 10. Section 10 of said act is hereby amended so as to read as follows:

Sec. 10. Any person who shall engage in the occupation of barber, or apprentice, without having obtained a certificate of registration as provided by this act, or willfully employ a barber, or apprentice, who has not such certificate, or falsely pretends to be qualified to practice such occupation under this act, or shall neglect or refuse to place and keep his card or certificate in a conspicuous place at his place of business or employment, or shall loan his license or card to another, or permit another to use it for the purpose of violating any of the provisions of this act, or shall do any other thing in violation of any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten ($10) dollars nor more than one hundred ($100) dollars, or by imprisonment in the county jail not less than five (5) or more than fifty (50) days, or both fine and imprisonment. Justices courts shall have concurrent jurisdiction of all cases arising under this act.

SEC. 11. Section 11 of said act is hereby amended so as to read as follows:

Sec. 11. Any person who shaves another person afflicted with syphilis, eczema, blood poison, or any skin disease, who does not, before he again uses his tools, towels, or water, subject them to disinfection as may remove any virus, scale, or filth that may be on such tools, towels, or instrument, shall be guilty of a misdemeanor and shall be punished as provided in section 10 of this act.

SEC. 12. Section 12 of said act is hereby amended so as to read as follows:

Sec. 12. It shall be unlawful for any person who is not a duly registered barber under this act to conduct a barber's school or give instructions in the art or business of a barber without the sanction of said board, and if any one shall violate this section he shall be deemed guilty of a misdemeanor and punished as provided in section 10 of this act.

Approved February 12, 1903.

PAGE 79.—*Employment of children.*

SECTION 1. No child, under fourteen years of age, shall be employed in any factory, store, workshop, in or about any mine, or in the telegraph, telephone, or public messenger service.

SEC. 2. No child, under the age of fourteen years, shall be employed in any work, or form, for wages or other compensation to whomsoever payable, during the hours when the public schools of the town, district, or city in which he or she resides are in session.

SEC. 4. No child, under sixteen years of age, shall be employed at any work before the hour of 6 in the morning, or after the hour of 7 at night, nor employed for longer than ten hours for any one day, nor more than six days in any one week; and every such child, under sixteen years of age, shall be entitled to not less than thirty minutes for mealtime at noon, but such mealtime shall not be included as part of the work hours of the day; and every employer shall post, in a conspicuous place where such minors are employed, a printed notice stating the maximum work hours required in one week, and in every day of the week, from such minors.

SEC. 5. No person shall employ any minor under sixteen years of age, and no parent, guardian, or custodian shall permit to be employed any such minor under his control, who can not read at sight and write legibly simple sentences in the English language, while a school is maintained in the town or city in which such minor resides.

SEC. 6. It shall be the duty of every person, or corporation, employing a child under the age of sixteen years, to keep a register, in which shall be recorded the name, age, date of birth, and place of residence of every child under the age of sixteen years employed; and it shall be unlawful for any person, or corporation, to employ any child under the age of sixteen years, unless there is first provided and placed on file in the factory, store, workshop, or mine, or in the telegraph, telephone, or messenger office, in which such child is employed, an affidavit made by the parents, or guardian, stating the name, date, and place of birth, and place of the school attended by such child. The register and affidavit herein provided for shall, on demand, be produced and shown for inspection to the persons hereinafter provided for in this act, who are created a board for the enforcement of the laws of this State. The persons hereinafter provided for in this act, who are created the board of inspection of child labor, shall have the power to demand a certificate of physical fitness from some regularly licensed physician, in the case of a child under sixteen years of age, who may seem physically unable to perform the labor at which such child may be employed, and no child, under sixteen, shall be employed who can not obtain such a certificate.

SEC. 7. Any person, or corporation, who shall employ a minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall, upon conviction, be fined in a sum not less than $10 nor more than $25 for the first offense, nor less than $25 nor more than $50 for the second offense, and be imprisoned for not less than ten and no more than thirty days for the third and each succeeding offense.

SEC. 8. Any parent or guardian who shall permit a child to be employed in violation of the provisions of this act shall, upon conviction, be fined not less than $5 nor more than $25.

SEC. 9. It is hereby made the duty of the governor, immediately upon the passage of this law, to appoint five persons, three at least of whom shall be women, who shall constitute the board of inspectors of child labor of the State of Oregon, and shall serve without compensation. The term for which such inspectors shall serve is hereby made one, two, three, four, and five years, respectively; and immediately after the appointment of such board of inspectors by the governor, they shall draw lots among themselves to determine how long each inspector shall serve; the one receiving the long term shall serve the period of five years; the one receiving the second term shall serve four years; the one receiving the third term shall serve three years; the one receiving the fourth term shall serve two years, and the one receiving the short term shall serve one year.

Approved February 16, 1903.

PAGE 137.—*Blacklisting.*

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

SEC. 2. If any officer or agent of any corporation, company, or individual, or other person, shall blacklist or publish, or cause to be blacklisted or published, any employee, mechanic, or laborer, with intent and for the purpose of preventing such employee, mechanic, or laborer from engaging in or securing similar or other employment from any corporation, company, or individual, or shall, in any manner, conspire or contrive, by correspondence or otherwise, to prevent such discharged employee from securing employment, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than $50 nor more than $250, or imprisoned in the county jail not less than thirty nor more than ninety days, or both, at the discretion of the court.

Approved February 19, 1903.

PAGE 137.—*Protection of employees as members of labor organizations.*

SECTION 1. It shall be unlawful for any person, by threats, intimidation, or coercion, to prevent, or attempt to prevent, or to compel, or attempt to compel, another to join, belong to, or refrain from belonging to any labor or other lawful organization. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than $100 or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

Approved February 19, 1903.

PAGE 148.—*Employment of women—Hours of labor—Seats.*

SECTION 1. No female [shall] be employed in any mechanical establishment, or factory, or laundry in this State more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any one day.

SEC. 2. Every employer in any mechanical or mercantile establishment, factory, laundry, hotel, or restaurant, or any other establishment employing any female, shall provide suitable seats for them, and shall permit them to use them when they are not engaged in the active duties of their employment.

SEC. 3. Any employer who shall require any female to work in any of the places mentioned in this act more than ten hours during any day of twenty-four hours, or who shall neglect or refuse to so arrange the work of said females in his employ so

that they shall not work more than ten hours during said day, or who shall neglect or refuse to provide suitable seats, as provided in section 2 of this act, or who shall permit or suffer any overseer, superintendent, or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less than $10 nor more than $25.

SEC. 4. Justices of the peace shall have concurrent jurisdiction over any of the offenses mentioned in this act.

Approved February 19, 1903.

PAGE 173.—*Examination and licensing of plumbers.*

SECTION 1. Any person working at the business of plumbing, in any incorporated city or town in this State containing more than four thousand inhabitants, either as a master plumber or as a journeyman plumber, shall first secure a license as hereinafter provided.

SEC. 2. Any such person desiring to work at the business of plumbing in any such city or town shall file his application for a license with the auditor or clerk, or similar official, of such city or town, and shall, at such time and place as may be designated by the board of examiners of plumbers of such city or town, be examined as to his qualifications for working at such business.

SEC. 3. Within thirty days after this act becomes a law, the mayor of each such city or town shall appoint two master plumbers and one journeyman plumber, who shall be and constitute the board of examiners of plumbers for such city or town, and shall serve as members of such board until removed by the mayor of such city or town. In those cities which have a board of health and a plumbing inspector, or either, the president of such board of health and such plumbing inspector, or either, shall, ex officio, be members or a member of such board of examiners. No member of any such board of examiners shall receive any compensation for their services as such. Any applicant for a license to work at the business of plumbing in any such city or town shall be examined as to his qualifications by the board of examiners of plumbers for such city or town.

SEC. 4. Each such board of examiners of plumbers shall, within ten days after the appointment of the members thereof, meet and organize by the selection of a chairman and a secretary from among their number, and shall thereafter, at such times and places as it may fix and determine, examine all applicants for licenses to work at the business of plumbing in its city or town. Each such applicant shall be examined as to his practical knowledge of plumbing, house drainage, and plumbing ventilation, and if the examining board of plumbers is satisfied that he is competent and qualified to work at the business of plumbing, it shall make and deliver to him a certificate to that effect. Upon receipt of such certificate and a certificate from the treasurer of such city or town to the effect that the applicant has paid a license fee of $1, the auditor or clerk of such city or town shall issue to such applicant a license authorizing him to work at the business of plumbing in such city or town for one year from the date thereof. Such applicant may, without any other or further examination, have said license renewed from year to year thereafter upon payment to the treasurer of such city or town of $1 for each yearly renewal. The proprietor or proprietors of every plumbing shop, now existing or hereafter established in any such city or town, shall register his or their or its name or names and place of business with the auditor or clerk, or similar official, of such city or town, and pay to the treasurer of such city or town a license fee of $5; and thereupon such auditor or clerk, or similar official, shall issue a license authorizing such proprietor or proprietors to maintain and conduct such plumbing shop. The proprietor or proprietors of any such plumbing shop established before this act becomes a law must procure such license within thirty days after this act becomes a law, and of any such plumbing shop established after this act becomes a law, before the establishment thereof.

SEC. 7. All moneys paid for license fees, as provided in this act, shall be placed in and constitute a separate fund, and any moneys in any such fund may, at any time, be used and applied in defraying any expenses incurred by the board of examiners of plumbers of such city or town in carrying out the provisions of this act.

SEC. 8. Any person who works at the business of plumbing, or maintains or conducts a plumbing shop in any incorporated city or town in this State, containing more than four thousand inhabitants, or otherwise violates any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in a justice court of competent jurisdiction, shall be punished by a fine of not less than $10 nor more than $100.

Approved February 24, 1903.

PAGE 193.—*Employment of labor—False representations, etc.*

SECTION 1. Any person, firm, company, corporation, or association of any kind employing labor, who shall, either in person, or by or through any agent, manager, or other legal representatives, by any false or deceptive representation or false advertising, concerning the amount or character of the compensation to be paid for any work, or as to the existence or nonexistence of a strike, lockout, or other labor troubles pending between employer or employees: or who shall neglect to state in such advertisement, proposal, or inducement for the employment of workmen that there is a strike, lockout, or unsettled condition of labor, when such strike, lockout, or unsettled condition of labor actually exists, shall induce, influence, persuade, or engage workmen to change from one place to another in this State: or who shall bring workmen of any class or calling into this State to work in any of the departments of labor, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding $1,000, or confined in the county jail not exceeding one year, or both.

SEC. 2. Any workmen of this State, or any workmen of another State, who has [have] or shall be influenced, induced, or persuaded to engage with any persons mentioned in section 1 (one) 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 such workman 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 February 24, 1903.

PAGE 205.—*Bureau of labor statistics, etc.*

SECTION 1. There is hereby established a separate and distinct department in this State, to be known as the "Bureau of Labor Statistics and Inspector of Factories and Workshops," to be in charge and under control of a commissioner of the bureau of labor statistics, which office is hereby created.

SEC. 2. The governor, secretary of state, and state treasurer shall, on or before the first day of June, 1903, appoint a citizen of the State of Oregon, who has been a resident of the State continuously for five years, as such commissioner to fill said office, and such commissioner shall hold office until the first Monday in July, 1906, and until his successor shall be elected and has qualified.

SEC. 3. At the general election in the year 1906, there shall be elected, as other State officers are elected, a citizen of the State of Oregon, who has been a resident of the State over five years, to fill the office of commissioner of labor statistics and inspector of factories and workshops, whose term of office shall be four years, and until his successor shall be elected and qualified. At the general election every fourth year thereafter, there shall be elected a commissioner of labor statistics and inspector of workshops and factories, whose term of office shall be four years, and until his successor is elected and has qualified.

SEC. 4. It shall be the duty of such officer to cause to be enforced all the laws regulating the employment of children, minors, and women; all laws established for the protection of the health, lives, and limbs of operatives in workshops, factories, mills, and other places, and all laws enacted for the protection of the working classes; laws which declare it to be a misdemeanor on the part of the employees [employers] to require as a condition of employment the surrender of any rights of citizenship; laws regulating and prescribing the qualifications of persons in trade and handcrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of the officers to collect, assort, arrange, and present, in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all the departments of labor in the State; to the subject of corporations, strikes, or other labor difficulties; to trade unions and other labor organizations, and their effect upon labor or capital; the number and condition of the Japanese and Chinese in the State, their social and sanitary habits; number of married, and of single; the number employed, and the nature of their employment; the average wages per day at each employment, and the gross amount yearly; the amount expended by them in rent, food, and clothing, and in what proportion such amounts are expended for foreign and home productions, respectively; to what extent their employment comes in competition with

the white industrial classes of the State; and to such other matters relating to the commercial, industrial, social, educational, moral, and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the State as the bureau may be able to gather. In its biennial report the bureau shall also give account of all the proceedings of its officers which have been taken in accordance with the provisions of this act, herein referred to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such amounts and such remarks, suggestions and recommendations as the commissioner may deem necessary.

SEC. 5. It shall be the duty of every owner, operator, or manager of every factory, workshop, mill, or other establishment, excepting mines, where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by said commissioner, and shall certify to the correctness of the same. In the report of said bureau no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section; such information shall be deemed confidential, and not for the purpose of disclosing personal affairs. Any officer, agent, or employee of said bureau violating this provision shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding $500, or be imprisoned for not more than one year in the county jail.

SEC. 6. Said commissioner shall have the power to issue subpœnas, administer oaths, and take testimony in all matters relating to the duties herein required by such bureau, and such testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpœnaed and testifying before any officer of the said bureau shall be paid the same fees as witnesses before a circuit court, such payment to be made from the fund appropriated for the use of the bureau, and in the manner provided in section 10 of this act for the payment of other expenses of the bureau. Any person duly subpœnaed under the provisions of this section, who shall willfully neglect or refuse to attend, or testify, at the time and place named in the subpœna, shall be guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than $25 or more than $100, or by imprisonment in the county jail not exceeding thirty days.

SEC. 7. Said commissioner of the bureau of labor shall have power to enter any factory, mill, office, workshop, or public or private works, at any reasonable time, for the purpose of gathering facts and statistics, such as are contemplated by this act; and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof; and any owner or occupant of said factory, mill, office, or workshop, or public or private works, or his agent, or agents, who shall refuse to allow an inspector or employee of said bureau to enter shall be guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than $25 nor more than $100, or be imprisoned in the county jail not to exceed ninety days for each and every offense.

SEC. 8. At the expiration of two years all records, schedules, and papers accumulating in said bureau that may be considered of no value by the commissioner may be destroyed: *Provided*, The authority of the governor be first obtained for such destruction.

SEC. 9. The biennial reports of said commissioner, provided for in section 4 of this act, shall be printed in the same manner, and under the same regulations, as the reports of the executive officers of the State: *Provided*, That no less than four hundred and eighty copies of the report shall be distributed as the judgment of the commissioner may deem best. The blanks and stationery required by the bureau of labor statistics, in accordance with the provisions of this act, shall be furnished by the secretary of state and shall be paid for from the printing fund of the State.

SEC. 10. * * * Said commissioner shall, before entering upon the duties of his office, execute a bond to the State of Oregon, in the sum of $3,000, conditioned upon the faithful, honest, and impartial performance of his duties under this act, which bond shall be approved by the secretary of state and filed in his office. Such commissioner shall include in his annual report to the governor an itemized statement of the expense of the bureau incurred by him.

Approved February 24, 1903.

PAGE 238.—*Sailors' boarding houses, etc.*

SECTION 1. No person, firm, or corporation shall be permitted to keep, conduct, or carry on, at points situated on the Willamette and Columbia rivers, within the State of Oregon, either as owner or agents, a sailors' boarding house or hotel, or a house where sailors or seamen, or apprentices to the sea service, or persons seeking employment as sailors, seamen, or apprentices to the sea service are boarded, lodged, or harbored, without having first obtained a license from the board of commissioners for licensing sailors' boarding houses, hereinafter created and provided by this act.

SEC. 2. There shall be and is hereby created a board, denominated a board of commissioners for licensing sailors' boarding houses; said board to consist of three commissioners, to wit, S. M. Mears, Herbert Holman, Edward Wright, all of the city of Portland, are hereby named and appointed as such board. Said board, or any member thereof, may be removed at any time for cause, or otherwise, by the governor, secretary of state, and State treasurer, and the cause of the removal of said board, or of any member thereof, shall be stated in the order of removal; vacancies in such board shall be filled by appointment by a State board, consisting of the governor, secretary of state, and State treasurer.

SEC. 3. Such board shall organize for the transaction of business as soon as practicable after the passage of this act. They shall take the application of any person, firm, or corporation for a license to keep a sailors' boarding house or sailors' hotel in this State, and upon satisfactory evidence to them presented of the respectability and competency of such applicant, and of the suitableness of his or their accommodations, and of his or their compliance with all the provisions of this act, shall issue to said person, firm, or corporation a license, which shall be good for one year and for no longer or shorter period, unless sooner revoked by said board, to keep a sailors' boarding house, or sailors' hotel in this State, at a place specified in the application, and to invite and solicit boarders and lodgers for the same; said board of commissioners for licensing sailors' boarding houses shall have the right to reject any application for a license provided by this act as they may deem advisable. Said commissioners shall, from their number, select their president, who shall, on behalf of said board, sign all licenses issued under the provisions of this act.

SEC. 4. Every person, firm, or corporation receiving the license hereinbefore provided for shall pay the board of commissioners aforesaid the sum of $250, which sum, less deduction necessary for the carrying out of the provisions of this act, shall be conveyed to the general fund in the treasury of the State of Oregon.

SEC. 5. Any person, firm, or corporation making application for the license hereinbefore provided, shall, upon the application being accepted and approved by the board of commissioners for licensing sailors' boarding houses, and before said license is issued, execute to the State of Oregon a bond in the penal sum of ($5,000) five thousand dollars with sufficient sureties, to be approved by said board of commissioners, conditioned that he, it, or they will not and does not violate any of the provisions of this act, or any of the provisions of sections 2070, 2071, 2072, 2073, 2074, and 2075, chapter VIII of title XIX of the laws of Oregon, as annotated and compiled in Bellinger and Cotton's Codes and Statutes of Oregon, or as said sections of said codes and statutes may hereinafter be amended; and in case of the violation of any of the provisions of this act, or of sections 2070, 2071, 2072, 2073, 2074, and 2075, chapter VIII of title XIX of the before mentioned codes and statutes of Oregon, or of any amendments thereof, said bond so given, as aforesaid, shall be liable to be prosecuted as hereinafter provided.

SEC. 6. The board of commissioners for licensing sailors' boarding houses may, upon satisfactory evidence to them presented of the disorderly conduct of any sailors' boarding house or sailors' hotel, licensed as hereinafter provided, or of the keeper or proprietor of any such house, or of any force, fraud, deceit, or misrepresentation in inviting or selecting boarders or lodgers for such houses, on the part of such keeper or proprietor, or any of his agents, runners, or employees, or of any attempt to persuade any of the crew to desert from any vessel by such keeper or proprietor, or any of his agents, runners, or employees, or of any violations of sections 2070, 2071, 2072, 2073, 2074, and 2075, chapter VIII of title XIX of the laws and statutes of Oregon, as annotated and compiled in Bellinger and Cotton's Annotated Codes and Statutes of Oregon, or any amendments thereof, revoke the license for keeping such sailors' boarding house or sailors' hotel.

SEC. 7. Any person, firm, or corporation who or which shall keep, conduct, or carry on, or shall attempt to keep, conduct, or carry on a sailors' boarding house or sailors' hotel, or a house or place where sailors, seamen, or apprentices to the sea service, or those seeking employment as sailors, seamen, or apprentices to the sea

service are boarded, lodged, or harbored, without having first obtained a license therefor, as provided by this act, such person, firm, or corporation shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not less than $400 nor more than $4,000, or by imprisonment in the county jail for not less than three months nor more than two years, or by both such fine and imprisonment.

SEC. 8. The said board of commissioners for the licensing of sailors' boarding houses shall furnish to each person, firm, or corporation receiving such license, as aforesaid, one or more badges or shields, on which shall be printed or engraved the name of such hotel or boarding house keeper, whether person, firm, or corporation, and the street and number of his hotel or boarding house; and which badges or shields shall be surrendered to said board of commissioners upon the expiration or revocation of the license granted, as hereinbefore provided; said badges to be paid for out of the license fees collected.

SEC. 9. Any owner, keeper, agent, runner, or employee of a licensed sailors' boarding house who shall fail or neglect to exhibit conspicuously and prominently the hereinbefore mentioned badge or shield, while inviting or soliciting the boarding or lodging of any sailor, seaman, or apprentice to the sea service, or any person seeking employment as a sailor, seaman, or apprentice to the sea service, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than $200 nor more than $500, or by imprisonment in the county jail for not less than sixty days nor more than six months, or by both such fine and imprisonment.

SEC. 10. Any person who, not being the owner, keeper, agent, runner, or employee of a licensed sailors' boarding house or sailors' hotel, shall wear or exhibit the hereinbefore mentioned badge or shield, or counterfeit thereof, while soliciting or inviting the boarding or lodging of a sailor, seaman, or apprentice to the sea service, or one seeking employment as a sailor, seaman, or apprentice to the sea service, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than $200 nor more than $500, or by imprisonment in the county jail for a term of not less than sixty days nor more than six months, or by both such fine and imprisonment.

SEC. 11. It is hereby made the duty of the prosecuting attorneys, sheriffs, constables, harbor masters, police officers, and justices of the peace, knowing of any violation of this act, to make complaint forthwith to the prosecuting attorney, or to the grand jury of the district or county in which the offense may have been committed, and also to notify the secretary of state of such violations. It shall be the duty of the secretary of state to prosecute the bond given by such applicant under the provisions of this act for any violations of its conditions.

SEC. 12. It shall be the duty of the prosecuting attorney, and of the grand jury at each and every term of circuit court of any county of this State, to make a strict inquiry, and return bills of information or of indictment against every person violating any of the provisions of this act.

SEC. 13. Section 2073 of Bellinger and Cotton's Annotated Codes and Statutes of Oregon is hereby amended so as to read as follows:

Sec. 2073. If any person or persons shall demand or receive, either directly or indirectly, from any owner or master, or agent of owner or master of a seagoing vessel, any remuneration whatever in excess of a fee of $30 per man for supplying any seaman or apprentice to be entered on board any such seagoing vessel, he shall, for every such offense on conviction thereof, before any justice of peace or circuit court, be punished by imprisonment in the county jail for a period of not less than ten or more than one hundred days, or by a fine of not less than $500 nor more than $1,000.

Approved February 24, 1903.

PAGE 256.—*Protection of wages of employees on public works—Contractors' bonds.*

SECTION 1. Any person or persons, firm or corporation, entering into a formal contract with the State of Oregon, or any municipality, county, or school district within said State, for the construction of any buildings, or the prosecution and completion of any work, or for repairs upon any building or work, shall be required before commencing such work, to execute the usual penal bond with good and sufficient sureties, with the additional obligations that such contractor or contractors shall promptly make payments to all persons supplying him or them labor or materials for any prosecution of the work provided for in such contracts; and any person or persons making application therefor, and furnishing affidavit to the proper officer of such State, county, municipality, or school district, under the direction of whom said work is being or has been prosecuted, that labor or materials for the prosecution of

such work has been supplied by him or them, and payment for the same has not been made, shall be furnished with a certified copy of said contract and bond, upon which said person or persons supplying such labor or materials shall have a right of action, and shall be authorized to bring such in the name of the State of Oregon, or any county, municipality, or school district within such State for his or their use and benefit against said contractor and sureties, and to prosecute the same to final judgment and execution.

Approved February 24, 1903.

PENNSYLVANIA.

ACTS OF 1903.

ACT No. 25.—*Examination and licensing of steam engineers.*

SECTION 1. The second section of an act, entitled "An act to provide for the better protection of life and property by the examination and licensing of engineers having charge of steam boilers, steam engines, and appliances connected therewith, in cities of the first class in this Commonwealth, and providing penalties for violations," approved the eighteenth day of April, Anno Domini one thousand eight hundred and ninety-nine, * * * [shall] be amended so as to read as follows:

Section 2. All persons desiring authority to perform the duties of an engineer shall apply to the boiler inspector of such cities, who shall examine the applicant as to his knowledge of steam machinery and his experience in operating the same, also the proofs he produces in support of his claim, and if, upon full consideration, the inspector is satisfied that the applicant's character, habits of life, knowledge, and experience in the duties of an engineer, are all such as to authorize the belief that he is a suitable and safe person to be entrusted with the powers and duties of such a station, he shall grant him a license, upon the payment of three (3) dollars, authorizing him to be employed in such duties for the term of one year, and such license shall be annually renewed, without examination, upon the payment of one (1) dollar, provided it is presented for renewal within ten days after its expiration. Licenses so granted shall be graded into two classes: One of which shall entitle the licensee to have charge of or to operate stationary steam boilers and steam engines only; the other of which shall entitle the licensee to have charge of or to operate portable steam boilers and steam engines only; such licenses shall not be transferred from one grade to the other without a reexamination, said reexamination to be conducted without cost to the licensee.

No person shall be eligible for examination for a license unless he furnishes proof that he has been employed about a steam boiler or steam engine for a period of not less than two years prior to the date of application, which must be certified to by at least one employer and two licensed engineers.

Approved—The 10th day of March, A. D. 1903.

ACT No. 50.—*Inspection of factories, etc.*

SECTION 1. Section fifteen of an act, entitled "An act to regulate the employment and provide for the health and safety of men, women and children in manufacturing establishments, * * *" approved the twenty-ninth day of May, Anno Domini one thousand nine hundred and one, * * * is mereby [hereby] amended so as to be and read as follows:

Section 15. The factory inspector, in order to more effectually carry out the provisions of the factory, bake shop, sweat shop, and fire escape laws, is hereby authorized to appoint thirty-seven (37) deputy factory inspectors, five of whom shall be women, at a salary of twelve hundred dollars per year; a chief clerk for the department, at a salary of sixteen hundred dollars per year; two assistant clerks, one of whom shall be a skilled stenographer, at a salary of fourteen hundred dollars per year, each; and a messenger, at a salary of nine hundred dollars per year.

Approved—The 20th day of March, A. D. 1903.

ACT No. 85.—*Labor organizations—Unauthorized wearing of badges, etc.*

SECTION 1. Any person who shall willfully wear any insignia or button of any association, society, or trade's union, or use the same to obtain aid or assistance, within this State, unless he shall be entitled to use or wear the same under the constitution and by-laws, rules and regulations, of such organizations, shall be guilty of

a misdemeanor, and upon conviction shall be fined not to exceed one hundred dollars, and in default of payment committed to jail for a period of not to exceed sixty days.

Approved—The 27th day of March, A. D. 1903.

ACT No. 96.—*Trade-marks of trade unions.*

SECTION 1. Section[s] two and three of an act, entitled "An act to provide for the adoption of trade-marks, labels, symbols or private stamps by any incorporated or unincorporated association or union of workingmen, and to regulate the same," approved March twenty-one, anno Domini one thousand eight hundred and ninety-five, amended by an act approved May second, anno Domini one thousand nine hundred and one, * * * are hereby amended to read as follows:

Section 2. Any such association or union, having adopted any such label, symbol, trade-mark or private stamp, may register the same in the office of the secretary of the commonwealth, by filing a description or facsimile thereof: *Provided*, That notice of the intention of such filing shall be published for three weeks in two newspapers of general circulation, once a week. Such secretary shall issue so many certificates of such registration as the party filing the same may require, upon the payment of a fee of one dollar for each such certificate. In all prosecutions under this act, and in all proceedings at law or equity, any such certificate shall be prima facie evidence that all the requirements of law to entitle such label, trade-mark, symbol or private stamp to registration, have been complied with, and that the same had been duly adopted by the association or union on whose behalf the same was filed. No label, symbol, trade-mark or private stamp shall be admitted to registration which may be readily mistaken for one already registered.

Section 3. Any person or persons counterfeiting or imitating, or using or displaying, or selling or offering for sale, a counterfeit or imitation of any such trade-mark, label, symbol or private stamp of any such association or union; or using any original or bona fide trade-mark, label, symbol or private stamp, without authority from the association or union owning, controlling or having jurisdiction over the same, or after the license or authority to use the same has been rescinded or revoked by the association or union owning, controlling or having jurisdiction over the same; and any person or persons who shall use any such trade-mark, label or symbol, or private stamp of such association or union, by placing the same on goods and wares which are not the product of members of such association or union; and any person or persons who shall knowingly sell or offer for sale any goods or wares on which such label, symbol or trade-mark, or private stamp, shall be so wrongfully placed; shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than five hundred ($500) dollars and not more than one thousand ($1,000) dollars, or by imprisonment for a term not less than one year and not more than five years, or either, or both, in the discretion of the court.

Approved—The 3rd day of April, A. D. 1903.

ACT No. 137.—*Department of mines.*

SECTION 1. There is hereby established in Pennsylvania a department known as the department of mines, which shall be charged with the supervision of the execution of the mining laws of this Commonwealth, and the care and publication of the annual reports of the inspectors of coal mines and any and all other mines that may come under the provisions of the mining laws of this Commonwealth.

SEC. 2. The chief officer of this department shall be denominated chief of the department of mines, and shall be appointed by the governor, by and with the advice and consent of the senate, within thirty days after the final passage of this act, and every four years thereafter, who shall be commissioned by the governor to serve a term of four years from the date of his appointment, and until his successor is duly qualified, and shall receive an annual salary of four thousand dollars and traveling expenses; and in case of a vacancy in the office of chief of said department, by reason of death, resignation or otherwise, the governor shall appoint a qualified person to fill such vacancy for the unexpired balance of the term.

SEC. 3. The chief of the department of mines shall be a competent person, having at least ten years' practical experience as a miner and the qualifications of the present mine inspectors. The said chief of the department of mines, so appointed, shall, before entering upon the duties of his office, take and subscribe to the oath of office prescribed by the constitution, the same to be filed in the office of the secretary of the Commonwealth, and give to the Commonwealth a bond in the penal sum of ten thousand dollars, with surety, to be approved by the governor, conditioned for the faithful discharge of the duties of his office.

SEC. 4. It shall be the duty of the chief of the department to devote the whole of his time to duties of his office, and to see that the mining laws of the State are faithfully executed; and for this purpose he is hereby invested with the same power and authority as the mine inspectors, to enter, inspect and examine any mine or colliery within the State, and the works and machinery connected therewith, and to give such aid and instruction to the mine inspectors, from time to time, as he may deem best calculated to protect the health and promote the safety of all persons employed in and about the mines; and the said chief of the department of mines shall have the power to suspend any mine inspector for any neglect of duty, but such suspended mine inspector shall have the right of appeal to the governor, who shall be empowered to approve of such suspension or restore such suspended mine inspector to duty, after investigating the causes which led to such suspension. Should the chief of department of mines receive information by petition, signed by ten or more miners or three or more operators, setting forth that any of the mine inspectors are neglectful of the duties of their office, or are physically unable to perform the duties of their office, or are guilty of malfeasance in office, he shall at once investigate the matter; and if he shall be satisfied that the charge or charges are well founded, he shall then petition the court of common pleas or the judge in chambers, in any county within or partly within the inspection district of the said mine inspector; which court upon receipt of said petition and a report of the character of the charges and testimony produced, shall at once issue a citation, in the name of the Commonwealth, to the said inspector to appear, on not less than fifteen days' notice, on a fixed day, before said court, at which time the court shall proceed to inquire into the allegations of the petitioners, and may require the attendance of such witnesses, on the subpoena issued and served by the proper officer or officers, as the judge of the court and the chief of said department may deem necessary in the case; the inspector under investigation shall also have similar power and authority to compel the attendance of witnesses in his behalf. If the court shall find by said investigation that the said mine inspector is guilty of neglecting his official duties, or is physically incompetent to perform the duties of his office, or is guilty of malfeasance in office, the said court shall certify the same to the governor, who shall declare the office vacant, and shall proceed to supply the vacancy as provided by the mining laws of the State. The cost of such investigation shall, if the charges are sustained, be imposed upon the deposed mine inspector; but if the charges are not sustained, the costs shall be paid out of the State treasury, upon voucher or vouchers duly certified by said chief of department.

To enable said chief of the department of mines to conduct more effectually his examinations and investigations of the charge[s] and complaints which may be made by petitioners against any of the mine inspectors as herein provided, he shall have power to administer oaths and take affidavits and depositions, in form and manner provided by law: *Provided, however*, That nothing in this section shall be construed as to repeal section thirteen of article two of the act of assembly, approved the second day of June, anno Domini one thousand eight hundred and ninety-one, entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," and also articles thirteen and fourteen of an act of assembly, approved the fifteenth day of May, anno Domini one thousand eight hundred and ninety-three, entitled "An act relating to bituminous coal mines, and providing for the lives, health, safety and welfare of persons employed therein."

SEC. 5. It shall be the duty of the chief of the department of mines to take charge of, and preserve in his office, the annual reports of the mine inspectors, and transmit a synopsis of them, together with such other statistical data compiled therefrom, and other work of the department as may be of public interest, properly addressed, to the governor, to be transmitted to the general assembly of this Commonwealth, on or before the fifteenth day of March in each year. It shall also be the duty of the chief of department of mines to see that said reports are placed in the hands of the public printer for publication, on or before the first day of April in each year; the same to be published under the direction of the chief of the department of mines. In order that the chief of the said department may be able to prepare, compile and transmit a synopsis of his annual report to the governor within the time herein specified, the mine inspectors are hereby required to deliver their annual reports to the chief of said department on or before the twentieth day of February, in each year. In addition to the annual reports herein required of the mine inspectors, they shall furnish the chief of the department of mines monthly reports, and also such special information on any subject regarding mine accidents, or other matters pertaining to mining interests, or the safety of persons employed in and about the mines, as he at any time may require or may deem necessary, in the proper and lawful discharge of his official duties. The chief of the department of mines shall

also establish, as far as may be practicable, a uniform style and size of blanks for the annual, monthly and special reports of the mine inspectors, and prescribe the form and subject matter to be embraced in the text and the tabulated statements of their reports.

The chief of the department of mines is hereby authorized to make such examinations and investigations as may enable him to report on the various systems of coal mining and all other mining practiced in the State, method of mining ventilation and machinery employed, the circumstances and responsibilities of mine accidents; and such other matters as may pertain to the general welfare of coal miners and others connected with mining, and the interests of mine owners and operators in the Commonwealth.

SEC. 6. The board of examiners for the examination of applicants for mine inspectors in the anthracite and bituminous coal mines of the Commonwealth, the board for the examination of applicants for mine foremen and assistant mine foremen in the anthracite mines, the board for the examination of applicants for first and second grade certificates in the bituminous mines, and the board styled Miners' Examining Board for applicants for certificates of competency as miners, shall send to the chief of the department of mines duplicates of the manuscripts and all other papers of applicants, together with the tally sheets and the solution of each question as given by the examining board, which shall be filed in the department as public documents.

SEC. 7. Certificates of qualification to mine foremen and assistant mine foremen in the anthracite mines, first and second grade certificates for mine foremen in the bituminous mines, shall be granted by the chief of the department of mines to each applicant who has passed a successful examination. The certificates shall be in manner and form as shall be prescribed by the chief of the department of mines, and a record of all certificates granted shall be kept in the department. Each certificate shall contain the full name, age and place of birth of the applicant, and also the length and nature of his previous service in the mines. Before the certificates aforesaid shall be granted to mine foremen, assistant mine foremen, foremen of first grade and foremen of second grade certificates, each applicant for the same shall pay the sum of three dollars to the chief of the department of mines. The money so received, less the cost of issuing and recording certificates, shall be turned over in due form to the State treasurer.

SEC. 8. The chief of the department of mines shall keep in the department a journal or record of all inspections, examinations and work done under his administration, and copies of all official communications; and is hereby authorized to procure such books, instruments, and chemicals, or other tests, as may be found necessary to the proper discharge of his duties under this act, at the expense of the State. All instruments, plans, books and records pertaining to the office shall be the property of the State, and shall be delivered to his successor in office.

SEC. 9. The chief of the department of mines is hereby empowered to name an assistant, at a salary of sixteen hundred dollars per annum; two clerks, each at a salary of fourteen hundred dollars per year; one stenographer, at an annual salary of ten hundred dollars, and one messenger at a salary of nine hundred dollars per year: *And provided further*, That the salaries of the chief of the department of mines, his assistants and messenger, shall be paid out of the State treasury, on the warrant of the auditor-general.

SEC. 10. The chief of the department of mines shall, at all times, be accountable to the governor for the faithful discharge of his duties imposed on him by law, and the administration of his office and the rules and regulations pertaining to said department shall be subject to the approval of the governor.

SEC. 11. No person who is acting as a land agent, or as a manager, viewer or agent of any mine or colliery, shall, at the same time, serve as chief of the department of mines under the provisions of this act.

Approved—The 14th day of April, A. D. 1903.

ACT No. 147.—*Inspection of steam vessels—Examination and licensing of engineers, etc.*

SECTION 1. This act shall be applicable to all vessels propelled by machinery, and carrying passengers for hire, navigating the lakes within the jurisdiction of this Commonwealth, excepting vessels which are subject to inspection under the laws of the United States.

SEC. 2. As used in this act, the term master includes every person having, for the time, charge, control or direction of a vessel; the term vessel includes every vessel propelled, in whole or in part, by machinery, and carrying passengers for hire.

SEC. 3. The factory inspector's department shall superintend the administration of the provisions of this act, and within thirty days after its passage and thereafter, from

time to time, the inspector shall proceed to discharge the duties imposed upon him by the provisions of this act, and make the necessary reports from time to time.

SEC. 4. The inspector shall annually, or oftener if he have good cause to believe it reasonable, inspect every steam vessel engaged in carrying passengers for hire, or towing for hire, examine carefully her hull, boats and other equipments, examine her engine and boiler, ascertain how long it will be safe to use the same, determine the pressure of steam to be allowed, and so regulate the fusible plugs, safety valves and steam cocks as to insure safety, and he may require such changes, repairs and improvements to be adopted and used as he may deem expedient for the contemplated business. He shall also fix the number of passengers that may be transported. The inspector shall also, whenever he deems it expedient to visit any vessel licensed under this act, and examine into her condition, for the purpose of ascertaining whether or not any party thereon, having a certificate from said inspector, has conformed to and obeyed the conditions of such certificate and the provisions of this act; and the owner, master, pilot, captain, or engineer, of such vessel, shall answer all reasonable questions, and give all information in his or their power, in regard to said vessel, her machinery, and the manner of managing the same. In case of damage by fire or by explosion or by means of an electrical apparatus, the inspector may investigate the cause thereof, and if found by him to have been occasioned by a violation of any of the provisions of this act, or of the order, regulations and requirements of said inspector, he shall so certify to the district attorney of the county, for such violation as occurred, together with the names of the persons guilty thereof, and of the witnesses.

SEC. 5. The inspector shall also test the boilers of all steam vessels, before the same shall be used, and at least once in every year thereafter. * * * In addition to the hydrostatic test, as herein provided, the inspector may cause a hammer test to be made, and an internal examination of such boiler or boilers, so tested, whenever deemed necessary. Any boiler, having been in use ten years or more, may be drilled at the bottom of shell, or boiler, and also at such other points as the inspector may direct, to determine the thickness of such material at those points; and the general condition of such boiler or boilers at the time of inspection, and the steam pressure allowed, shall be determined by such ascertained thickness and general condition of the boiler. He shall also see that all connections to said boiler or engines are of suitable material, size and construction, and that the boiler, machinery and appurtenances are such as may be employed with safety in the service to be performed. He shall also satisfy himself that the safety valves are of suitable dimensions, and that the weights of the same are properly adjusted, so as to allow no greater pressure than the maximum amount prescribed by him; and that there is a sufficient number of gauge cocks, properly attached to the boiler, so as to indicate the quantity of water therein; and suitable steam gauges, to correctly show the amount of steam carried; and so as [to] any other matter connected with such steam vessel, or the machinery thereof, that [to]said inspector shall appear necessary to the safety of her passengers and crew. And he shall make such inspection, examination and test of naptha [naphtha] (or gas) launches and electric launches, carrying passengers for hire, and their apparatus and machinery, as will enable him to determine whether they can be safely used in navigation.

SEC. 6. The inspector, if satisfied that such vessel is in all respects safe and conforms to the requirements of this act, shall make and subscribe duplicate certificates, setting forth the age of the vessel and date of inspection, the name of the vessel, the name of the owner, the master, the number of licensed officers and the crew deemed necessary to manage the vessel with safety, the number of life-preservers required, and the number of passengers that she can safely carry; and, if a steam vessel, the age of the boiler, and the pressure of steam she is authorized to carry. (In determining the number of passengers which may be carried, the inspector shall take into consideration the size of the body of water to be navigated, and the risks incident to such water, and all the conditions and circumstances governing the particular case.) One of said certificates shall be kept posted in some conspicuous place on the vessel, to be designated by the inspector in the certificate, and the other copy shall be kept by the inspector, and by him recorded in a book to be kept for that purpose. If the inspector refuse to grant a certificate of approval, he shall make a statement, in writing, giving his reason for such refusal, and deliver the same to the owner or master of the vessel.

SEC. 8. All vessels to which this act is applicable shall hereafter be so constructed that the woodwork about the boiler, chimney, fire boxes, stove and steam pipes, exposed to ignition, shall be shielded by some incombustible material (and, where the inspector deems necessary, so) that the air may circulate freely between such material and woodwork, or other ignitable substances; and, before granting a certificate of inspection, the inspector shall require that all other necessary provisions be

made, throughout such vessel, as he may judge expedient, to guard against loss or damage by fire.

SEC. 10. Every steam vessel or vessel propelled by machinery, used in the transportation of passengers for hire, shall have a life-preserver or life-float for each passenger she is allowed to carry, and for each member of her crew. * * *

SEC. 11. Whoever intentionally loads or obstructs, or causes to be loaded or obstructed, in any way, the safety valve of the boiler, or employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the inspector's certificate, or intentionally deranges or hinders the operation of any machinery or device employed to denote the stage of water or steam in any boiler, or to give warning of approaching danger, or intentionally permits the water to fall below the low-water limit of the boiler, shall forfeit to the Commonwealth the sum of one hundred dollars for each violation.

SEC. 12. Every person employed as a master, pilot or engineer on board of a vessel, propelled by machinery, carrying passengers for hire, shall be examined by the inspector as to his qualifications; and, if satisfied therewith, he shall grant him a license, for the term of one year, for such boat, boats or class of boats as said inspector may specify in such license. (Such examination shall be a practical and not a theoretical examination, and such as will show fitness for the duties or work required.) In a proper case, the license may permit, and specify, that the master may act as a pilot, and in case of small vessels, as engineer and pilot. The license shall be framed under glass, and posted in some conspicuous place on the vessel on which he may act. Whoever acts as master, pilot or engineer, without having first received such license, or upon a boat or class of boats not specified in his license, shall be liable to a penalty of fifty dollars each day he so acts, except as in this act otherwise specified; and such license may be revoked by the inspector for intemperance, incompetency, or willful violation of duty.

SEC. 14. No master, engineer or other person, having charge of the boiler or apparatus for the generation of steam of any vessel, shall create or allow to be created an undue or unsafe quantity of steam, in order to increase the speed of such steamboat or to excel another in speed. Any person violating the provisions of this section shall forfeit to the people of the Commonwealth the sum of two hundred dollars for every such violation.

SEC. 15. Every master of a steamboat or vessel who shall violate any of the preceding sections of this article shall, for every such violation, forfeit to the Commonwealth the sum of one hundred dollars, unless a different penalty is prescribed.

SEC. 17. The master of every licensed vessel shall keep a copy of the preceding sections of this act posted in a conspicuous place on such vessel, for the inspection of all persons on board thereof. Every master violating the provisions of this section shall forfeit to the Commonwealth twenty-five dollars, for each month while such violation continues.

SEC. 18. The inspector shall, on or before the first day of January in each year, make a verified report to the governor, containing a detailed statement of the names and number of vessels examined and licensed, the names and number of vessels to which licenses were refused, and stating the reasons for refusal, the names and number of persons examined and licensed, the names of and number to whom licenses were refused, and stating the reason therefor, and may include in such report any other information the inspector may deem desirable.

SEC. 19. All steam vessels, naptha [naphtha] (gas) and electric launches, carrying passengers for hire, must comply with all the terms and provisions of the preceding sections, and with all orders, regulations and requirements of the inspector; if any such vessel is navigated without complying therewith, except as herein stated, or without requisite certificates of the inspector, the owners and masters shall forfeit to the Commonwealth the penalties prescribed in this act; and the vessel, so navigated, shall also be liable therefor, and may be attached and proceeded against in any court having jurisdiction. But if any such vessel is deprived of the services of any licensed officer, without the consent, fault or collusion of the master, owner or any person interested in the vessel, the deficiency may be temporarily supplied, until a licensed officer can be obtained. If the owner or master of any vessel, at least twenty days before the expiration of his certificate, notify the inspector of such expiration, and request a new inspection and certificate, the certificate then expiring shall continue in force until an inspection is made; and such owners and masters are not liable for any penalties, provided in this act, on account of navigating said vessel without such new certificate.

SEC. 20. For the purpose of carrying out the provisions of this act, the factory inspector is hereby empowered and directed to appoint two deputy inspectors, at a salary of one thousand two hundred dollars per annum, who shall have a practical knowledge of marine engines, boilers and machinery, whose duty it shall be to make

the inspections required by this act, and make report thereof to the factory inspector. The word inspector, as used in this act, is to be construed as meaning the factory inspector or his deputy.

Approved—The 15th day of April, A. D. 1903.

ACT No. 184.—*Miners' home.*

SECTION 1. A board of five citizens of the State of Pennsylvania, two of whom shall be selected from the anthracite regions of Pennsylvania, one from the employer and one from the employee class; two from the bituminous regions of Pennsylvania, one from the employer and one from the employee class, and one well-known sociologist, shall be named by the governor to act as trustees for the following purposes:

SEC. 2. The said trustees are empowered, in the name of the Miners' Home of Pennsylvania, to purchase land, and erect building thereon for the indigent and aged people who have been employed in, around and about the mines, and for the wives of such people, and to do all necessary acts and things that may be essential in establishing a home, within the intent of this legislation.

SEC. 3. For the purposes of this home, it shall be lawful for the said trustees to enter into contracts with the employers operating coal mines in Pennsylvania, and the employees in, around and about the coal mines, for the purpose of raising revenue to establish and maintain such home or homes.

SEC. 4. All moneys raised by reason of these contracts are to be paid into the State treasury of Pennsylvania, and there held as a special fund, subject to the orders of the trustees.

SEC. 5. After a consensus of opinion is ascertained, by and through the representatives of the laboring people and the trustees, as to what amount of money it is advisable that each class of laborers in, around and about the coal mines shall contribute to maintain this miners' home or homes, then the trustees of such home or homes shall have blanks prepared for the said miners and others working around the coal mines to sign, whereby said employee shall assent to the amount to be collected from his earnings by the said employer and forwarded to the State treasurer of Pennsylvania.

SEC. 6. After it is determined between the representatives of the employers and the trustees what amount will be contributed for each ton of coal mined and marketed, then blanks for all contracts between the trustees and the employers are to be furnished to the employers, whereby the employers, for a period of at least one year, are to contract with the trustees that they will send to the State treasurer, quarterly, the amount that is agreed upon shall be charged on each ton of coal, for the miners' home or homes, and each succeeding year such amount shall be determined in the same way, and new contracts made.

SEC. 7. Only those are eligible to this home who are, first, citizens of the State of Pennsylvania, and, second, who have worked in, around and about the coal mines of Pennsylvania for a period of at least twenty-five years, and have reached the age of sixty years; unless (a) an employee has been so seriously injured in, around and about the mines as to be physically incapacitated for further labor, in which event application can be made in writing, setting forth his physical condition, and such application shall be sent to the secretary or one of the trustees of the said home; then the said trustees shall authorize the physician of the miners' home, and one other, to ascertain the condition of the said applicant; and if it is proven that the injury has incapacitated said applicant, and it is so certified by the said examining physicians, then the certificate shall admit him into the home; or, unless, (b) an employee has become a victim of what is commonly called "miner's asthma;" then such person can apply to the secretary or one of the trustees of the said home for admission into the said home because of such affliction; whereupon the trustee shall name a home physician, and one other, to examine such applicant; and if it is found that such applicant is suffering from said miner's asthma, in such a way as to physically incapacitate him from earning his livelihood in the mines, or otherwise, and the physicians so certify, then such certificate shall admit him into the home: *Provided*, That no insane, demented or degenerate person shall be admitted into the said home, and where they are already admitted and become insane, demented or degenerate, a board of inquiry, composed of two physicians connected with State sanitariums, together with the home physician, shall act upon such case or cases; and in all such case or cases, on petition of the trustees to the governor, he, the governor, shall then designate what other two physicians from the State sanitariums shall act with the home physician as the said examining board. And when such board shall determine that such member of the home is either insane, demented or degenerate, then such member, upon the report of the board, shall be sent to some State institution, as is best suited for his or her affliction.

SEC. 8. The wives of all the men who are eligible to this home, by reason of the provisions of section seven, and who have attained the age of fifty-five years, are eligible to live in this home.

SEC. 9. Each person, upon entering the said home, shall make an assignment to the said trustees of all his or her personal and real estate, with power in the said trustees to collect rents, issues and profits of all his or her estate; and the said trustees and their successors shall hold said property for the following uses and purposes: First, the rents, issues and profits to be turned into the State treasury for the common fund of the home or homes; second, if any inmate of the home desires to sever his or her connection with the said home, he or she can make application of the said trustees, and then at the end of six months, if the application is not withdrawn, the trustees shall reconvey to the said inmate the property conveyed to the trustees. If, though, the said inmate dies within the said six months, then the property is to remain the common property of the home. After the death of any inmate, the trustees shall convert all such person's real and personal property into money, and turn the same into the State treasury as part of the miners' home fund: *Provided,* That one hundred and twenty-five dollars of such money or property as came through any particular inmate's estate shall be used for his or her burial, in any such manner as such inmate may have directed, or as the nearest of kin suggest in the event the deceased has not given directions.

SEC. 10. That all inmates of this home may be as well occupied as circumstances will permit, the trustees are directed to buy sufficient lands, from time to time, to be farmed by such inmates, and if there is more than enough farm produce raised for use at the home, then the surplus is to be sold at market prices, and this profit is to be used to the best advantage to get such extras or necessaries, either in the way of apparel, edibles or home comforts, as is deemed best by the trustees.

Approved—The 22d day of April, A. D. 1903.

ACT No. 266.—*Employment of women and children in mines.*

SECTION 1. The first section of article nine of an act, entitled "An act to provide for the health and safety of persons employed in and about the anthracite coal mines of Pennsylvania, and for the protection and preservation of property connected therewith," approved June second, one thousand eight hundred and ninety-one, * * * [shall] be amended so that the same shall read as follows:

No boy under the age of sixteen years, and no woman or girl of any age, shall be employed or permitted to be in any mine for the purpose of employment therein. Nor shall a boy under the age of fourteen years, or a woman or girl of any age, be employed or permitted to be in or about the outside structures or workings of a colliery for the purpose of employment: *But it is provided, however,* That this prohibition shall not affect the employment of a boy or female, of suitable age, in an office or in the performance of clerical work at a colliery.

SEC. 2. The first section of article nine of an act, entitled "An act relating to bituminous coal mines, and providing for the lives, health, safety and welfare of persons employed therein," approved June thirtieth, one thousand eight hundred and eighty-five, * * * [shall] be amended so that the same shall read as follows:

No boy under the age of sixteen years, and no woman or girl of any age, shall be employed or permitted to be in any mine for the purpose of employment therein; nor shall a boy under the age of fourteen years, or a woman or girl of any age, be employed or permitted to be in or about the outside structures or workings of a colliery for the purpose of employment: *But it is provided, however,* That this prohibition shall not affect the employment of a boy or female, of suitable age, in an office or in the performance of clerical work at a colliery.

Approved—The 13th day of May, A. D. 1903.

PHILIPPINE ISLANDS.

LAWS OF U. S. PHILIPPINE COMMISSION—1903.

ACT No. 650.—*Bureau of printing—Apprentices—Rates of pay.*

SECTION 1. There may be employed in the bureau of public printing as many apprentices as in the judgment of the secretary of public instruction the interests of the public service will permit, such apprentices to be selected by the public printer subject to such requirements as to age, physique, health, character, and education as may be prescribed by the Philippine civil service board. Apprentices shall be designated as first, second, third, fourth, fifth, and sixth class apprentices, and shall

be paid and serve in each class as hereinafter prescribed. All original appointments shall be to the sixth class, and apprentices shall be required to serve at least three months in this class at twenty cents per day before promotion to the fifth class, at least six months in the fifth class at thirty cents per day before promotion to the fourth class, at least nine months in the fourth class at forty cents per day before promotion to the third class, at least six months in the third class at sixty cents per day before promotion to the second class, at least six months in the second class at eighty cents per day before promotion to the first class, and at least six months in the first class at one dollar and ten cents per day, when they may be rated in the bureau of public printing as craftsmen. The promotion or reduction of an apprentice from one class to another shall be made by the public printer, and shall be based on the civil service efficiency rating of the apprentice.

SEC. 2. Each native craftsman employed in the bureau of public printing at the end of three years of honest, faithful, satisfactory, and continuous service in such bureau from the date this act becomes effective shall be entitled to receive extra compensation as follows: Ten cents per diem for each full day of actual service rendered at a daily wage of sixty cents or more but less than one dollar and twenty cents; twenty cents per diem for each full day of actual service rendered at a daily wage of one dollar and twenty cents or more but less than one dollars [sic] and sixty cents; and thirty cents per diem for each full day of actual service rendered at a daily wage of one dollar and sixty cents or more: *Provided*, That on the recommendation of the public printer, approved by the secretary of public instruction, one year's accumulated extra compensation may be paid at the conclusion of two years' continuous service: *And provided further*, That in case of the separation of any native craftsman from the bureau of public printing before completing the three years' service herein prescribed on account of permanent disability or death, such native craftsman or his estate, as the case may be, may, on the recommendation of the public printer, approved by the secretary of public instruction, receive the extra compensation herein provided which may have accumulated up to the time of his separation from service in the bureau. The time served by native craftsmen as second-class and first-class apprentices shall be counted as a part of the three years' honest, faithful, satisfactory, and continuous service for which extra compensation is allowed by the provisions of this section. For the purposes of this act the services of native craftsmen shall be deemed continuous until such craftsmen are definitely separated from service in the bureau of public printing.

SEC. 4. The compensation mentioned in this act is stated in money of the United States, but may be paid either in money of the United States or its equivalent in local currency at the authorized rate, as may be provided by law or order.

Enacted March 3, 1903.

ACT NO. 701.—*Benefit societies.*

SECTION 1. Mutual benefit, relief, and benevolent societies or associations, whether incorporated or not, formed or organized for the purpose of paying sick benefits to members, or of furnishing support to members while out of employment, or of furnishing professional assistance to members, or of paying to relatives of deceased members a fixed or any sum of money, or providing for any method of accident or life insurance out of dues or assessments collected from the membership, and societies or associations making either or any of such purposes features of their organization on the basis of fixed dues or assessments, shall report to the insular treasurer within thirty days after the passage of this act or within thirty days after their organization the fact of their formation, the name of the association, its principal place of business, the name of the president, secretary, and treasurer, and board of directors, or the names of officers having the usual duties of such offices by whatever name designated, the general purposes of such societies and the provision of the constitution or by-laws fixing the amount of dues or assessments and their disposition. Such societies or associations shall annually, on the first day of July, make a full report to the insular treasurer of their financial condition and a complete itemized statement of all their receipts and disbursements, including the name and address of the person from whom received and the name and address of the person to whom disbursed.

SEC. 2. Whenever a petition is presented to the insular treasurer duly verified by at least three persons interested in such society either as members, beneficiaries, or creditors and showing the necessity or expediency of such action, or whenever he deems it proper or necessary, the said insular treasurer either by himself or his duly authorized representative must make a careful examination into the financial affairs of such society or association, verify the resources and moneys on hand, check up the expenditures and ascertain its ability to meet its liabilities and fulfill the obligations entailed upon it by its constitution, by-laws, rules, or regulations.

SEC. 4. Any person, whether a member or not of any such society or association, who shall misappropriate or divert from its lawful purpose, or appropriate to his own use or that of another, without proper authority, any of the funds or property of the society, shall be punished by a fine not to exceed five thousand dollars or by imprisonment not to exceed five years, or by both such fine and imprisonment.

SEC. 5. Whenever the result of the examination by the insular treasurer shall show that the finances of the association are in such condition that it can not meet its liabilities and that its funds have been diverted from the purposes for which it was organized, to such an extent as to require him to declare it to be [in]solvent, he shall report the same to the attorney-general, who shall, in the name of the insular government, file a petition in the court of first instance to dissolve the association, sell its property, collect its assets and distribute the proceeds to the persons by law entitled to receive the same. In the settlement of the affairs of the association it shall be within the discretion of the court either to appoint the insular treasurer as the agent of the association to close up the affairs of the association or to appoint a receiver who shall discharge the same duty.

SEC. 8. The order appointing a receiver or designating the insular treasurer as an agent for the settlement of such societies shall contain an injunction against all officers, agents, and collectors of the society, forbidding them to continue in the collection or disbursement of moneys belonging to the society, whether such officers or agents are resident or actually in the judicial district in which the petition is filed, or in other provinces, and it shall be the duty of the officers of the association at once, upon the making of the order appointing the receiver, to notify all agents and collectors of the making of the order and to direct same to cease collecting or disbursing money of the association.

SEC. 9. It shall be unlawful for the insular treasurer or the attorney-general, or the deputy of either, engaged in the investigations and examinations provided by this act, to make public either the condition of the society or any information obtained with respect to the condition of the receipts or the expenditures of such society, unless it shall be necessary to proceed against any of the officers of the association criminally for an offense under section four, or to apply to the court of first instance for a dissolution of the society under section five.

Enacted March 27, 1903.

ACT No. 702.—*Restriction of Chinese immigration—Registration.*

SECTION 1. The collector of customs for the Philippine Archipelago is hereby authorized and directed to make the registration of all Chinese laborers in the Philippine Islands as required and prescribed by section four of the act of Congress approved April twenty-ninth, nineteen hundred and two, [chapter 641, Acts of 1901–2] entitled "An act to prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent," and to employ for that purpose the personnel of the Philippine customs service, the provincial and military officers hereinafter provided, and such other persons as may be necessary.

SEC. 2. The insular collector of customs shall make such rules and regulations as may be necessary for the efficient execution of this act, prescribing the form of certificates of registration required hereby, and making such provisions that certificates may be procured in localities convenient to the applicants.

SEC. 3. Each certificate of registration shall contain the name, age, date, and place of birth, registry of birth, if any, local residence, occupation, and photograph of the person therein described, and such other data in respect to him as shall be prescribed by the insular collector of customs, and shall be issued by the proper officer upon payment to him of a fee of fifty cents United States currency, said fee to be accompanied by a true photograph of the applicant in triplicate to the satisfaction of such officer.

SEC. 4. Any Chinese laborer within the limits of the Philippine Islands who shall neglect, fail, or refuse to obtain within the time prescribed by section four of the act of Congress of the United States, referred to in section one of this act, the certificate of registration by this act provided to be issued, and who shall be found within the Philippine Islands without such certificate of registration after such time has elapsed, may be arrested upon warrant issued by the court of first instance of the province or by the justice's court of the municipality returnable before said court of first instance, by any customs official, police, constabulary, or other peace officer of the Philippine Islands and brought before any judge of a court of first instance in the islands, whose duty it shall be to order that such Chinese laborer be deported from the Philippine Islands, either to China or the country from whence he came unless he shall affirma-

tively establish clearly and to the satisfaction of such judge, by at least one credible witness other than Chinese, that although lawfully in the Philippine Islands at and ever since the passage of this act he has been unable by reason of accident, sickness, or other unavoidable cause to procure the certificate within the time prescribed by law, in which case the court shall order and adjudge that he procure the proper certificate within a reasonable time and such Chinese laborer shall bear and pay the costs of the proceedings: *Provided, however,* That any Chinese laborer failing for any reason to secure the certificate required under this law within two years from the date of its passage shall be deported from the islands. If it appears that such Chinese laborer had procured a certificate in due time but that the same had been lost or destroyed, he shall be allowed a reasonable time to procure a duplicate from the insular collector of customs or from the officer granting the original certificate, and upon the production of such duplicate such Chinese laborer shall be discharged from custody upon payment of costs.

Any Chinese person having procured a certificate of registration, and the same having been lost or destroyed, shall have a right to procure a duplicate thereof under such regulations as may be prescribed by the insular collector of customs upon the payment of double the fee exacted for the original certificate and the presentation of his true photograph in triplicate.

No Chinese person heretofore convicted in any court of the States or Territories of the United States or the Philippine Islands of a felony shall be permitted to register under the provisions of this act without special authority from the civil governor.

SEC. 5. Every Chinese person having a right to be and remain in the Philippine Islands shall obtain the certificate of registration specified in section three of this act as evidence of such right and shall pay the fee and furnish his photograph in triplicate as in said section prescribed; and every Chinese person found without such certificate within the Philippine Islands after the expiration of the time limited by law for registration shall be presumed, in the absence of satisfactory proof to the contrary, to be a Chinese laborer and shall be subject to deportation as provided in section four of this act. Every Chinese person shall on demand of any customs official, police, constabulary, or other peace officer exhibit his certificate, and on his refusal to do so may be arrested and tried as provided in section four of this act.

SEC. 6. Any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate of registration or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate the person to whom said certificate was originally issued, or who shall falsely present any such certificate, shall be punished by a fine not to exceed one thousand dollars and imprisoned for a term not to exceed five years.

SEC. 7. Every Chinese person who may be entitled to come into the Philippine Islands shall, upon landing, if he so requests, be given by the collector of customs of the port at which he lands a certificate containing his name, age, photograph, occupation, place of last residence, the date on which he landed, and such other data in respect to him as may be prescribed by the insular collector of customs, and such certificate shall be issued upon payment to the proper officer of fifty cents, United States currency, accompanied by a true photograph of the applicant in triplicate to the satisfaction of such officer.

SEC. 8. Each certificate issued under this act shall be made out in triplicate and to each of the triplicate copies shall be attached a true photograph of the person to whom issued. One of such triplicate certificates shall be delivered to the applicant, one filed in the office of the registrar of Chinese for the district within which the application is made, and the third transmitted to the insular collector of customs for permanent record and file.

SEC. 12. The word "laborer" or "laborers" wherever used in this act shall be construed to mean both skilled and unskilled manual laborers, including Chinese laundrymen and Chinese employed in mining, fishing, huckstering, peddling, or taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.

The term "merchant" as employed in this act signifies a person engaged in buying and selling merchandise at a fixed place of business, which business is conducted in his name, and who during the time he claims to be engaged as a merchant does not engage in the performance of any manual labor except such as is necessary in the conduct of his business as such merchant. The definition of "laborer" and "merchant" set out in this section shall receive the same construction as that given to it by the Federal courts of the United States and the rulings and regulations of the Treasury Department of the United States.

Enacted March 27, 1903.

12425—No. 56—05——23

ACT No. 703.—*Railroads—Safety appliances—Rules.*

SEC. 19. * * * Brakes and such other safety appliances for the security of life and property shall be installed by the grantee [Manila Railway] company on all trains and locomotives, at road crossings and at other places of danger, as may from time to time be designated and approved by the government.

SEC. 29. Before inaugurating the first district of the line conceded the grantee company shall submit for the approval of the proper governmental authority of the islands the working rules and regulations * * * for the guidance of its employees, and the government having given the company opportunity to be heard thereon, shall make in said working rules and regulations the additions and alterations which shall be considered necessary. These working rules and regulations, after being approved by the proper governmental authority, shall have the force of law, but they shall be subject to modification at any time at petition of the company, or by direction of the government, said modifications being subject, after giving the company opportunity to be heard, to alteration by the proper authority, and when approved in presented or modified form shall have the force of law.

Enacted March 27, 1903.

ACT No. 780.—*Examination and licensing of steam engineers—Coast trade.*

SECTION 1. A board is hereby created, to consist of the collector of customs for the Philippine Archipelago, the superintendent of the nautical school, the inspector of boilers, the inspector of hulls, and one master of a merchant vessel, who shall be appointed by the insular collector of customs, to examine and certify for licenses all applicants for the positions of master, mate, patron, and engineer of seagoing vessels in the Philippine coastwise trade. The insular collector of customs shall be president of the board ex officio, and any three members thereof shall constitute a quorum for the transaction of business. This board shall be known and referred to as the "Board on Philippine Marine Examinations."

SEC. 2. Whenever any person applies for license as master, mate, patron, or engineer of a Philippine coastwise vessel it shall be the duty of the board on Philippine marine examinations to make thorough inquiry as to his character and carefully to examine the applicant, the evidence he presents in support of his application, and such other evidence as it may deem proper or desirable, and if satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can safely be intrusted with the duties and responsibilities of the position for which he makes application, it shall so certify to the insular collector of customs, who shall issue a license authorizing such applicant to act as master, mate, patron, or engineer, as the case may be.

SEC. 3. The board shall meet at the office of the insular collector of customs at Manila during the last week of the months of April, August, and December of each year and examine all applicants for any such positions who have filed in writing their applications for examination at least one month before the meeting of the board. Every applicant shall be examined physically by a competent physician selected by the board, and, unless found to be physically sound, shall not be further examined and shall not be licensed. * * *

The board in examining applicants for the position of engineer shall diligently inquire into the knowledge of said applicants of the construction and operation of steam machinery and especially of engines and boilers, also as to the applicant's practical experience, character, and habits, and the board may, in its discretion, make such practical tests and examinations of applicants as it may deem necessary to demonstrate their fitness or unfitness for the positions which they seek. The board may also take the statements, written or oral, of any persons cognizant of the qualifications of such applicants.

SEC. 4 (as amended by act No. 1025). The holders of licenses as master, mate, or engineer under the laws of the United States shall be eligible to appointment to like positions under this act. * * * *Provided*, That should any applicant for license as master, mate, patron, or engineer produce a properly authenticated license issued to him by the duly constituted authorities in the Philippine Islands during the Spanish régime, or such other evidence of competency as may be satisfactory to the board, and shall have been engaged in the coastwise trade in the waters of the Philippine Islands in the position for which he seeks a license for at least two years, such written examination shall not be required, and license shall be issued thereon, provided he is shown to be physically sound and of good moral character and within the requirements of section seven of this act.

SEC. 5. To obtain a license, every applicant shall be required to show a proficiency in the subjects upon which he is examined and shall answer correctly at least seventy-five per cent of the questions propounded to him on such examinations. Examinations of all applicants, as well as the records of the board, shall be kept in the office of the insular collector of customs at Manila.

SEC. 6. Every license authorized to be issued as above set forth shall be operative and in force until July first, nineteen hundred and four, but the insular collector of customs may at any time suspend or revoke any license upon satisfactory proof of misconduct, intemperate habits, incapacity, or inattention to duty on the part of the licensee.

SEC. 7. On and after August first, nineteen hundred and three, every applicant for license as master, mate, patron, or engineer of a Philippine coastwise vessel shall be a citizen of the United States or of the Philippine Islands: *Provided, however*, That any citizen or subject of any other country who may be acting as master, mate, patron, or engineer of any Philippine coastwise vessel at the time of the passage of this act, may, upon application to the insular collector of customs, be granted a certificate of service, which shall authorize him to continue to act in the Philippine coastwise trade as such master, mate, patron, or engineer, as the case may be, upon his making proper showing to the board hereinbefore created, either by the presentation of a properly authenticated license from some other recognized maritime country satisfactory to the board, or by such other evidence of competency and good character as the board in its discretion may deem sufficient: *And provided further*, That he shall have seen at least two years' service in the coastwise trade of these islands under the American flag and that he shall take the following oath:

"I hereby solemnly swear that I acknowledge the sovereignty and authority of the United States in the Philippine Islands and of the government constituted by the United States herein, and that while in the islands I will support and maintain the same, and that I will not at any time hereafter while in these islands or while serving under this license at any place aid, abet, or incite resistance to the authority of the United States or of the government established by the United States in these islands, and that I take this oath voluntarily, without any mental reservation whatsoever. So help me God."

SEC. 10. Philippine coastwise vessels which have on board a chief engineer who is not a citizen of the United States or of the Philippine Islands, although authorized to perform the duties of such in accordance with section seven of this act, shall have on board as a first assistant engineer a citizen of the United States or a citizen of the Philippine Islands duly authorized by the board to act as such; and every Philippine coastwise vessel which has on board a first assistant engineer who is not a citizen of the United States or a citizen of the Philippine Islands shall have, as chief engineer, either a citizen of the United States or a citizen of the Philippine Islands duly authorized by the board to act as such: *Provided, however*, That, in the case of Philippine coastwise vessels on which neither the chief engineer nor the first assistant engineer is a citizen of the United States or a citizen of the Philippine Islands, there shall be employed and carried at least two other assistant engineers who shall be citizens of the United States or citizens of the Philippine Islands, duly authorized by the board to act in such capacity.

Any Philippine coastwise vessels which fails [sic] to comply with the terms of this section shall be required to pay an additional tonnage tax at the rate of ten cents, United States currency, per net ton per month during the continuance of said failure.

SEC. 12. All seagoing steam vessels engaged in Philippine coastwise trade shall employ and carry a licensed chief engineer, and all such steam vessels making night runs will employ and carry at least one licensed chief engineer and one licensed assistant engineer: *Provided, however*, That the insular collector of customs may direct that more than two licensed engineers shall be employed and carried on any steamer when, in his opinion, the same are required.

SEC. 13. All steam vessels engaged exclusively in bay, river, and harbor work shall only be required to carry a chief engineer possessing a second-class license.

SEC. 15. Before issuing a license to any applicant for the position of master or engineer, the insular collector of customs shall receive from such applicant the sum of ten dollars in compensation for his examination and license, and for the same service shall demand and receive from every mate, patron, or assistant engineer the sum of five dollars, money of the United States. The sums thus collected shall be paid by the insular collector of customs into the insular treasury.

Enacted May 29, 1903.

ACT No. 1025.—*Examination and licensing of steam engineers—Coast trade.*

SECTION 2. Upon the expiration of the license authorized to be issued by act numbered seven hundred and eighty, the said board [of marine examinations] is further authorized and empowered to renew such license from year to year upon due application being made as prescribed in said act, but each renewal shall be operative for only one year. In case of renewal of license the written examination required by section three of said act shall not be had, but the applicant for renewal shall only be required to submit to an examination, if deemed necessary by the board, to test his physical soundness, but the board is authorized to refuse any application for renewal upon satisfactory evidence of misconduct, intemperate habits, incapacity or inattention to duty on the part of the licensee, and also to revoke any such renewal license, when granted, for the same reasons, or any of them.

Enacted December 16, 1903.

RHODE ISLAND.

ACTS OF 1903.

CHAPTER 1100.—*Examination and licensing of barbers.*

SECTION 1. It shall be unlawful for any person to practice the occupation of barber in any city in this State unless he shall have first obtained a certificate of registration as provided in this act: *Provided, however,* That nothing contained in this act shall apply to or affect any person in securing his first license who is now and for the past two years has been actually engaged in such occupation, but all licenses issued may be revoked if said licensee does not comply with the provisions of this act. A person so engaged less than two years shall be considered an apprentice, and at the expiration of two years of such employment shall be subject to the provisions of this act as hereinafter provided.

SEC. 2. A board of examiners consisting of three practical barbers who shall have been citizens of this State for at least three years prior to their appointment, and been engaged in the occupation of barbers at least five years prior to their appointment, is hereby created to carry out the purposes and enforce the provisions of this act. At the present session of the general assembly the governor, with the advice and consent of the senate, shall appoint one member of said board to hold office until the first day of February, A. D. 1904; one member of said board to hold office until the first day of February, A. D. 1905; and one member of said board to hold office until the first day of February, A. D. 1906. At the January session of the general assembly, A. D. 1904, and at the January session of the general assembly in every year thereafter, the governor shall appoint one member of the said board to hold office until the first day of February in the third year after his appointment, to succeed the member of such board whose term will next expire: *Provided,* That any vacancy which may occur in said board when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, by the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term. The members of said board may be removed by the governor, with the advice and consent of the senate, for such cause as he shall deem sufficient and shall express in the order of the removal. Each member of said board shall give a bond in the sum of one thousand dollars, with sureties to be approved by the general treasurer, conditioned for the faithful performance of his duties, and shall take the oath provided by law for public officers.

SEC. 3. Said board of examiners shall organize as soon as may be after their appointment and qualification by electing one of the members of said board as chairman, and one of the members of said board as secretary, and one of the members of said board as treasurer, and such organization shall continue until the appointment of any new member of said board of examiners. The secretary of said board shall keep a record of all proceedings, issue all notices, registration certificates, cards, and attest all such papers and orders as said board shall direct; and the secretary shall perform such other duties as shall be designated by said board.

SEC. 4. Said board shall have power to adopt rules and regulations prescribing the sanitary requirements of a barber shop, subject to the approval of the State board of health, and to cause the rules and regulations so approved to be printed in suitable form, and to transmit a copy thereof to the proprietor of each barber shop in each city in this State. It shall be the duty of every proprietor, or person operating a barber shop in each city in this State, to keep posted in a conspicuous place in his shop, so as to be easily read by his customers, a copy of such rules and regulations.

A failure of any such proprietor or person operating a barber shop to keep such rules so posted, or to obey the requirements thereof, shall be sufficient cause for the revocation of his certificate of registration; but no such certificate of registration shall be revoked without a reasonable opportunity being offered to such proprietor or person operating a barber shop to be heard in his defense. Any member of said board shall have power to enter and make reasonable examination of any barber shop in any city in this State during business hours, for the purpose of ascertaining the sanitary condition thereof. Any barber shop in any city in this State in which tools, appliances, and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is hereby declared to be a common nuisance, and the proprietor thereof shall be subject to prosecution and punishment therefor.

SEC. 5. Each member of said board shall receive a compensation of five dollars per day for actual service, and two cents per mile for each mile actually traveled while in the discharge of the duties of said board, which compensation, mileage, and all other expenses of said board shall be paid out of any moneys in the hands of the treasurer of said board: *Provided,* That the said compensation, mileage, and all other expenses of said board shall in no event be paid out of the State treasury.

SEC. 6. Said board shall present annually to the general assembly, in the month of January, a detailed statement of the receipts and disbursements of the board during the preceding year, together with a statement of its acts and proceedings, and such recommendations as it may deem proper. Any moneys in the hands of the treasurer of said board at the time of making such report in excess of five hundred dollars shall be paid over to the State treasurer to be kept by him for the future maintenance of the board, and to be disbursed by him upon warrants signed by the chairman and treasurer of said board.

SEC. 7. Said board shall hold each year, at such times and places as it shall designate, at least four public examinations, notice whereof shall be given by a publication at least ten days before the holding of any such meeting in at least one newspaper printed and published in the county in which such meeting shall be held.

SEC. 8. Every person now engaged in the occupation of barber in any city in this State, and who shall have been actually engaged in said occupation for the period of two years prior to the passage of this act, and who shall, within ninety days after the passage of this act, file with the secretary of said board an affidavit setting forth his name, residence, and length of time during which and the place or places where he has practiced such occupation, and who shall pay to the treasurer of said board two dollars, shall receive a certificate of registration entitling him to practice said occupation.

SEC. 9. Any person not now engaged or who has not been actually engaged in the occupation of barber for two years prior to the passage of this act, or who has not complied with section eight of this act, shall not be authorized to practice said occupation in any city in this State until he shall have obtained a certificate of registration to be granted after complying with the following conditions: 1st. He shall make written application therefor to said board and shall pay to the treasurer of said board an examination fee of five dollars, which shall be in full payment for all examinations to be taken by said applicant. Said application shall be sworn to before the secretary of said board and shall state that said applicant is above the age of nineteen years, of good moral character, that he has studied the trade of barbering for at least two years as an apprentice under a registered and practicing barber, or that he has studied the trade in a barber's school or schools, as hereinafter defined, for at least two years. 2nd. He shall file with said board a certificate of a practicing physician of this State, sworn to before a notary public, that said applicant is free from contagious or infectious diseases. 3rd. Upon the filing of the foregoing application and certificate, said board, at the next meeting held for the examination of applicants, shall examine said applicant as to his skill in said trade, namely, in the care and preparation of the tools and utensils of said trade, shaving, hair cutting, and all the services incident thereto, and being satisfied that said applicant is possessed of the requisite skill to properly practice said trade, the secretary of said board shall enter his name in the register hereinafter provided for, and said board shall thereupon issue to him a certificate authorizing him to practice said trade in this State: *Provided,* That whenever it appears that said applicant has acquired his knowledge of said trade in a barber school the board may subject him to an examination and withhold from him a certificate if it shall thus appear that he is not qualified to practice said trade: *And also provided,* That any apprentice applying for a certificate of registration shall be allowed for so much time as he may have studied the trade, previous to the passage of this act, under any practical barber in this State.

A barber's school is hereby declared to be a school conducted by a suitable person who is authorized to practice the trade of a barber in this State, and in which all instruction is given by competent persons so authorized, and in which the course and

period of training shall comply with the rules and regulations of the said board adopted for the government of barber schools.

SEC. 10. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act, nor from serving as a student in any school for the teaching of said trade under the instruction of a qualified barber. An apprentice within the meaning of this act is one who has entered the employment of a registered barber for a fixed term in order to learn the trade of barbering. Every apprentice, in order to avail himself of the provisions of this act, shall, at the time of entering upon his apprenticeship, file with the secretary of said board a statement in writing, showing the name and place of business of his employer, the date of commencement of employment with him, and the full name and age of said apprentice.

SEC. 11. Said board shall furnish to each person to whom a certificate of registration is issued a card bearing the seal of the board and the signature of its chairman and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in any city in this State, and it shall be the duty of the holder of such card to post the same in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve. Said card shall be renewed on or before the first day of January in each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of one dollar for said renewal card. Upon the failure of any holder of a certificate of registration to apply for a renewal of his card on or before the first day of January in each year, his said certificate may be revoked by said board, subject to the provisions of section 13 of this act.

SEC. 12. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

SEC. 13. Said board shall have power to revoke any certificate of registration granted by it under this act, for (a) gross incompetency; (b) the keeping of a shop, or the tools, appliances, or furnishings thereof, in an unclean or unsanitary condition; (c) failure to comply with the requirements of section 11 of this act: *Provided*, That before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him, and shall have reasonable opportunity to be heard in his defense. Any person whose certificate has been so revoked may apply to have the same reissued, and the same shall be [re]issued to him upon a satisfactory showing that the disqualification has ceased. The said board shall have power by its chairman to summon any person to appear as a witness and testify at any hearing appointed by it touching any such charge preferred against any barber of any city in this State, and to examine such witness relating thereto; and may administer oaths to such witness.

Any person aggrieved by any decision or ruling of said board may, within thirty days, exclusive of Sundays and legal holidays, after receiving notice of said decision, take an appeal therefrom to the appellate division of the supreme court, sitting at Providence, and said appellate division of the supreme court shall, as soon as may be, hear and determine said appeal.

SEC. 14. To shave or trim the beard or cut the hair of any person for hire or reward received by the person performing such service, or any other person, shall be construed as practicing the occupation of barber within the meaning of this act: *Provided*, That the provisions of this section shall not apply to professional nurses, domestic servants, nor to undertakers or persons engaged in preparing a body for burial, nor to apprentices under the direction of a duly registered barber.

SEC. 15. Any person practicing the occupation of barber in any city in this State without having obtained a certificate of registration as provided by this act, or willfully employing a barber who has not such a certificate, or falsely pretending to be qualified to practice such occupation under this act, or violating any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than twenty dollars.

SEC. 16. The town council of any town in this State is hereby authorized and empowered to adopt the provisions of this act, and upon the adoption of this act by any town of this State, within ten days thereafter the town clerk of said town shall file with the secretary of the board of examiners provided for in this act an attested copy of the vote of the town council setting forth the fact that the provisions of said act have been adopted by the town council of said town, and upon the filing of said attested copy, then this act shall be in full force and effect in said town; and when so adopted the word "city," wherever used in this act, shall be construed to mean and include such town, and the words "passage of this act," wherever used in this act, shall be construed to mean and include the adoption of this act by said town.

Passed April 17, 1903.

SOUTH DAKOTA.

ACTS OF 1903.

CHAPTER 179.—*Mine regulations.*

SECTION 1. In all mining shafts fifty feet or more in depth containing two or more compartments ladder-ways shall be constructed in a compartment separate from the compartment in which the cage or bucket runs, and platforms shall be built for landings at every twelve feet with inclined ladders between said platforms.

SEC. 2. Any person violating the provisions of this law shall be deemed guilty of a misdemeanor, the same to be prosecuted as are other violations of the laws of this State; and upon conviction thereof the offender shall be fined not less than one hundred dollars nor more than three hundred dollars, and imprisoned not exceeding three months for each offense, in the judgment of the court or magistrate who tries the case.

Approved March 9, 1903.

CHAPTER 181.—*Mine regulations.*

SECTION 1. At all mines where hoisting apparatus is operated in the State of South Dakota, the following code of bell signals shall hereafter be adopted and used:

SEC. 2. One bell, hoist; one bell, stop, (if in motion.)

Two bells, lower men; three bells, hoist men.

Four bells, blasting signal. Engineer must answer by raising bucket or cage a few feet and letting it back slowly; then one bell, hoist men away from blast.

Five bells, steam on; six bells, steam off.

Seven bells, air on; eight bells, air off.

Three-two-two bells, send down tools.

Nine bells, danger signal (fire, accident or other danger.) Then ring number of station where danger exists. No person shall ring any signal bell except the station tender, except in case of danger or when the main shaft is being sunk.

Engineers must slow up when passing stations when men are on the cage or bucket.

STATION BELLS.

Bells.	Pause.	Bells.	No. Station.	Bells.	Pause.	Bells.	No. Station.
2	"	1	1	4	"	1	11
2	"	2	2	4	"	2	12
2	"	3	3	4	"	3	13
2	"	4	4	4	"	4	14
2	"	5	5	4	"	5	15
3	"	1	6	5	"	1	16
3	"	2	7	5	"	2	17
3	"	3	8	5	"	3	18
3	"	4	9	5	"	4	19
3	"	5	10	5	"	5	20

If cage is wanted ring station signal. Station tender will respond in person.

If station is full of ore and station tender is wanted ring station signal.

One copy of this code shall be posted on the gallows frame and one before the engineer.

SEC. 3. Any person violating the provisions of this law shall be deemed guilty of a misdemeanor, the same to be prosecuted as are other violations of the laws of this State, and upon conviction thereof the offender shall be fined not less than one hundred dollars nor more than three hundred dollars, and imprisoned not exceeding three months for each offense, in the judgment of the court or magistrate who tries the case.

Approved February 24, 1903.

TENNESSEE.

ACTS OF 1903.

CHAPTER 21.—*Assignment of wages.*

SECTION 1 (as amended by chapter 453, Acts of 1903). No action shall be brought whereby to charge any employer upon any assignment by any clerk, servant or

employee of such employer to any person, persons, firm or corporation of any wages or [salary] unearned at the time of such assignment, unless such assignment at the time of the execution thereof shall have been assented to in writing by such employer.

Approved February 11, 1903.

CHAPTER 237.—*Mine regulations.*

SECTION 1. For the purpose of greater security and protection to the life and health of persons employed in and around the mines, and to increase the security and protection connected with the mining operations, and to facilitate an efficient and thorough inspection of the mines in Tennessee, and to provide an adequate inspecting force therefor, the governor shall appoint one (1) chief mine inspector, who, with the approval of the governor, shall appoint two district mine inspectors. The chief mine inspector shall hold his office for the term of four (4) years, or until his successor is appointed and qualified; and the district mine inspectors shall hold their office for the term of two (2) years, or until their successors are appointed and qualified. The first appointment hereunder shall be made within thirty (30) days from the date when this act shall take effect; and in case of resignation, removal or death of the chief inspector, or any district inspector, such vacancy shall be filled in the manner above provided for original appointments for the unexpired term so made vacant. No person shall be appointed chief mine inspector unless he is possessed of a competent knowledge of chemistry, geology and mineralogy of Tennessee, so far as these sciences relate to mining, and has a practical knowledge of mining engineering and the different systems of working and ventilating mines, and the nature and properties of the noxious, poisonous and explosive gases found in mines, and the best means of preventing dangers and the removal of same, and shall have had six (6) years' experience in mining, and shall have been a citizen and a resident of Tennessee for two (2) years and shall be of good moral character and temperate habits; and he shall not, while in office, be interested as owner, agent, operator, stockholder, superintendent or engineer of any mine, and may be removed for cause by the governor at any time. No person shall be appointed district inspector of mines unless he is a practical miner of at least six (6) years' experience in mining, has been a citizen and resident of Tennessee for two (2) years or more, and is possessed of a practical knowledge of the best mode of working and ventilating mines, of the best means of detecting noxious, poisonous and explosive gases and the best means of preventing and removing same, and shall not while in office be interested as owner, agent, stockholder, superintendent, foreman or otherwise interested in any mine; and he shall be of good moral character and temperate habits and possessed of a Class "A" foreman's certificate of competency as required for foremen of mines in this State.

SEC. 2. Before entering upon the duties of their offices, the chief mine inspector and the district mine inspectors shall give a bond to the State, the former in the sum of fifteen thousand dollars ($15,000), and the latter in the sum of five thousand dollars ($5,000), each to be approved by the governor; said bonds to be conditioned that they will faithfully discharge the duties of their offices; and they shall take an oath of office before some court of record that they will support the constitution of the State of Tennessee, and that they will faithfully and impartially, to the best of their ability, discharge the duties of their respective offices, which oath shall be reduced to writing and filed with the secretary of state, together with their commissions, bonds and the governor's approval of their bonds.

SEC. 3. The chief mine inspector shall be allowed one clerk, said clerk to be appointed by the chief mine inspector, who shall be responsible for said clerk's acts. Said clerk shall give his or her full time to the chief mine inspector's office and be subject to the orders of the chief mine inspector at all times.

SEC. 4. The chief inspector of mines and the district inspectors of mines shall give their whole time and attention to the duties of their offices and see that all provisions of this act are strictly observed and carried out and the penalty for neglect and failure to observe the provisions of this act are strictly enforced. It shall be the duty of the district mine inspectors to thoroughly and carefully examine each mine in their respective districts, as set forth hereinafter, and to see that every provision of of this act is strictly observed by owner, agent and employees, and that all penalties are enforced. They shall carefully examine into the workings and conditions of the mines as to ventilation, drainage, general security to health and life, circulation and condition of the air in the mines, doors, brattices, overcasts, undercasts, roadways, traveling ways, top-on roadways and in workings, for the presence of dust in suspension or dust in deposit on bottom, timbers and sides of roadways and working places throughout the mine, and for the presence of poisonous and noxious gases; examine

every mine with a modern improved test lamp for the presence of explosive gases at each examination; examine all machinery and ventilating apparatus outside and inside of the mine; measure the quantity of air circulating in each and every part of the workings of the mine, the amount of intake and outlet currents, and designate to the superintendent or mine foremen where they shall measure the currents, as hereinafter required by this act; examine into the plan of ventilation of abandoned or worked-out portions of mines; and so far as possible, examine such places for the presence of noxious, poisonous and explosive gases. The inspectors shall make a record of all examinations of mines, showing the date when made, the parts the examination covered, the condition in which the mines are found, the extent to which laws relating to mines and mining are observed or violated, the progress made in the improvement of the mines and security of life and health sought to be secured by the provisions of this act, the number of accidents or injuries received in and about the mines (with full details of each), the number of mines in their districts and the State, the number of persons and animals employed in and about each, the number of kegs of powder and pounds of dynamite used in each mine per month—which together with all such other facts and information of public interest concerning the conditions of the mines and the development and progress of mining in this State as may be useful and proper, shall be forwarded to the chief mine inspector's office on or before the third day of each month, covering work of the previous month. The chief mine inspector shall make a complete record of all such inspections and reports in detail, and so much thereof, that may be if [of] public interest, to be included in an annual report to the governor of Tennessee, which report shall be in the hands of that official by the 10th day of February, or as soon thereafter as possible, following the year covered by the report. The district mine inspectors shall immediately and forthwith notify the owner, agent and superintendent of any mine found to be in a dangerous condition, or operated contrary to the provisions of this act, in writing, and immediately send the chief mine inspector a duplicate of such written notice, which shall in detail show in what manner the laws have been violated and the nature of the dangerous condition of the mine. On receipt of same the chief mine inspector shall make a personal examination of the mine at the earliest practicable time; and should his conclusions and findings agree with the district inspector, showing a dangerous condition of the mine to exist, he shall notify the employees of the mine by posting a notice near the entrance to the mine, setting forth the nature of the danger; and, if deemed necessary, he shall apply to any of the courts of law or equity of this State having local jurisdiction where the coal mine proceeded against is situated for an injunction restraining any persons from working in said mine, except those employed on improvements or repairs, until the conditions are made safe, or until the provisions of this act have been complied with, and this proceeding shall be governed by the rules and principles of chancery practice. It shall be brought on behalf of the State by said inspector and no bond for costs shall be required, and shall be prosecuted by the attorney-general in whose district the mine is located.

The district mine inspectors shall give all orders for improvements under this act in writing, and in all cases a duplicate must be forwarded immediately to the chief mine inspector's office. If the chief or district mine inspectors while making examination or inspection of a mine, should find any matter, thing or practice in or connected with such mine to be dangerous or defective, so as in his opinion to threaten or tend to the bodily injury of any person, the inspector shall notify such person or persons immediately and such person or persons are hereby required to obey such notices from the mine inspectors, and the inspector shall notify the owner, manager and superintendent in writing to rectify such danger, condition, thing or practice within a certain reasonable time, as hereinafter provided. It shall be the duty of the chief mine inspector to enter all suits for failure to carry out and observe the provisions of this act; and such suits shall, so far as practicable, be instituted in the county in which the mine is situated, and it shall be the duty of the attorney-general of the district in which county the said mine is situated to prosecute in the name of the State such suits for enforcement of the provisions and penalties under this act. That the duties of the mine inspectors may be faithfully and impartially discharged and that their orders to operators and employees as set forth above may be carried out to the extent and meaning of this act, any mine inspector, operator, agent, superintendent or employee of any mine neglecting or refusing to observe this act shall, upon conviction thereof, be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200), and may, in the discretion of the court, be imprisoned in the county jail not exceeding one year and be removed from office.

SEC. 5. For the purpose of making the inspections and examinations provided for in this act, the chief mine inspector and the district mine inspectors shall have the right to enter any mine at all reasonable times, by day or night, but in such manner as shall not unnecessarily obstruct the workings of the mine; and the owner or agent

of such mine is hereby required to furnish the means necessary for such entry and inspection, and the inspection and examination hereby provided for shall extend to all coal, iron ore, copper, lead, phosphate and other mines in this State; and in case of refusal of owner, agent, operator or superintendent to allow such entry for inspection and examination, upon conviction they shall be liable to a fine of twenty-five dollars ($25) for each and every refusal, and each refusal shall constitute a separate offense.

SEC. 6. The chief mine inspector shall designate the counties, or portions thereof, in this State, which shall constitute the three inspection districts, and may at any time change the same when, in his judgment, it is required by the best interest of the service, and shall issue such instructions, make such rules and regulations for the government of the district inspectors, not inconsistent with the powers and duties invested in them by law, as shall secure uniformity of action and proceedings throughout the different districts; and he may order one district inspector to the assistance of any other district inspector or two of the district inspectors to the assistance of the other district inspector, or make transfer of district inspectors when, in his judgment, the efficiency or necessity of the service demands or permits; and he may, with the consent of the governor, remove any district inspector for a sufficient cause. Any malfeasance in office, disregard for rules, drunkenness or immoral conduct shall constitute a sufficient cause.

SEC. 7. The chief mine inspector shall render such assistance to the district mine inspectors personally or otherwise as circumstances and conditions may require; and he shall make such personal inspections and examinations of mines as he may deem necessary and his other duties will permit, and investigate all dangerous conditions reported by the district inspectors at the earliest possible time after receipt of such information; and he shall keep in his office all maps, plans, reports, papers, books, records and other matter required to be filed with him by this act; and he shall supply the district inspectors with test lamps, instruments, stationery, blank vouchers for expense accounts, and all kinds of blanks used in the service; and he shall keep a record of all of his and the district inspectors' work in and about the mines in such a manner that will make a complete and ready record of reference. In his annual report to the governor he shall enumerate all accidents, fatal or nonfatal, with full particulars; prepare, assort and arrange statistics of the annual output of all mines in this State and the number of coke ovens in operation and the number not in operation, with such information and statistics as he may think useful and proper, and make such suggestions as he deems important to the mining interests of the State, and report such facts relative to the mineral resources of the State and the development of the same that will be of public interest, and make any suggestions that may be necessary for the better protection of the life and health of persons engaged in the mining industry, together with the total expense of his department; and at the appointment and qualification of his successor he shall turn over to said successor all records of his office of every character and all property of the State that may or should be in his hands and the hands of the district inspectors. In case of his neglect or refusal to do so, or perform the duties as prescribed in this act, he shall, upon conviction, be fined not less than twenty-five dollars ($25) nor more than the value of property of the State that may be in his hands, and be confined in the county jail of the county wherein the conviction is had for a period in the discretion of the court.

SEC. 9. The maximum period that shall occur between inspections and examinations of each mine in this State and the minimum quantity of fresh air that shall be supplied to each person and each animal employed in the mines of this State shall be governed by the following classifications of mines, based upon the existing conditions heretofore, at present, or may appear in the future, in accordance with the conditions jeopardizing human life and health in such mines. The classification shall be as follows: Class A shall include every coal mine or other mine known to liberate fire damp (CH_4) at present or in the future, and all mines of this class shall be inspected by the chief inspector or the district inspector at least once every sixty (60) days; and the minimum amount of fresh air supplied to each person and animal employed in the mine by the ventilating currents, shall be one hundred and fifty (150) cubic feet per minute for each person and six hundred (600) cubic feet per minute for each animal employed in the mine at one time. At any time fire damp is discovered in the mine or mines of other classes the inspector may place such mine or mines in this class, and then it shall be subject to the restrictions herein prescribed for the operation of mines of such class. However, if the amount of fire damp is slight or limited and the safety of employees is not endangered from such gas, the chief inspector may use his best judgment in changing the classification of such mine or mines; and any mine liberating sufficient fire damp to be detected on the flame of a modern test lamp may, by action of the chief mine inspector, be placed in this class; and if changes are necessary in order that they may comply with this act, the chief inspector shall allot them a reasonable time to make such

changes; and if he deems it necessary, he may remove a portion of or all the inside employees until such changes are made in accordance with the provisions of this act. The minimum amount of fresh air required and specified may be increased by the chief inspector should he deem it necessary for the better protection of human life and health, as the conditions may require.

Class B shall include every coal or other mine that is dry and dusty to such an extent as, in the best judgment of the chief inspector, renders the same dangerous from dust explosions; and where coal or other dust is deposited on timbers, sides and bottoms of the air ways, entries and other workings of the mine, and where dangers would be increased by too great a velocity of the ventilating currents in the mines of this class, the minimum amount of fresh air supplied by ventilating currents shall not be less than one hundred (100) cubic feet per minute for each person and five hundred (500) cubic feet per minute for each animal employed in the mine at one time; and the chief inspector or a district inspector shall inspect and examine each mine of this class at least once every sixty (60) days, or oftener, and determine if the mine is operated under the restrictions of this act and those governing mines of this class. The chief mine inspector shall have the right to classify the mines and determine to what class they shall belong.

Class C shall include every coal or other mine employing over twenty (20) persons and three (3) mules that is not at present or may in the future liberate sufficient fire damp to be detected on the flame of a modern test lamp and has not been classed as a dry and dusty mine by the chief inspector of mines. The minimum quantity of fresh air that shall be supplied to each person employed in the mine by the ventilating currents shall be eighty-five (85) cubic feet per minute, and for each animal employed in the mine it shall be five hundred (500) cubic feet per minute; and it shall be the duty of the chief mine inspector or a district inspector to inspect and examine each mine of this class at least once every ninety (90) days; and at any time conditions may require, the chief inspector may increase the quantity of fresh air to be supplied by ventilating currents, and when conditions require may change mines from one class to another by proper notice to all parties interested.

Class D shall include all coal or other mines working less than twenty (20) persons in which fire damp has not been discovered at any time and which are not considered to be dry and dusty mines. This class of mines shall supply the same amount of fresh air by ventilating currents to persons working in same as required for "Class C" mines. Mines of this class shall be inspected every ninety (90) days by the chief inspector or a district inspector. The chief inspector shall have the authority to change the classification of mines of this class as the conditions may require to maintain them in proper classes.

Class E shall include all copper, iron ore, phosphate, lead or other materials being mined by shaft, slope, drift or otherwise; and mines of this class shall be examined once every three (3) months by the chief mine inspector or a district inspector, and the amount of fresh air supplied by the ventilating currents for each person and animal employed shall be governed by the conditions therein, and in no case shall the quantity of the ventilating currents be increased over that of "Class A" mines: *Provided, however*, That whenever any explosive gases are met with, the chief inspector shall fix the required amount of the ventilating current per person.

SEC. 10. The owner, operator or superintendent shall make or cause to be made by a competent mining engineer or surveyor, an accurate map or plan of such mine, not less than a scale of one hundred (100) feet per inch—where this scale is impracticable, the chief mine inspector may allow such map to be made on a scale of two hundred (200) feet per inch—which map shall be as follows: First, all measurements shall be in feet and decimal parts thereof. Second, all of the openings, excavations, shafts, tunnels, slopes, planes, stopes, stumps, pillars, main entries, cross entries, air ways, rooms, pumps, sumps, etc., in each opening, stratum, seam or bed of coal or other material, mineral, etc., in such mine. Third, by darts or arrows made thereon by pencil or pen, showing the direction of ventilating currents of such mine. Fourth, all doors, brattices, overcasts, undercasts, regulators, ventilating apparatus, buildings on outside within two hundred (200) feet of intake air way. Fifth, an accurate delineation of the boundary lines between said mine and all adjoining mines, whether owned by same operator, and the relation and proximity of said mine to every other adjoining mine. Sixth, the elevation above some well established datum point (sea levels derived from adjacent railroad surveys to have the preference) of all tunnels, sumps, entries, headings and working places adjacent to boundary lines at points not to exceed three hundred (300) feet apart in each direction.

SEC. 11. A true copy of said map or plan shall be kept at the mine, in the office of the superintendent, for the use of the inspectors at least once every six (6) months, or oftener if deemed necessary by the chief mine inspector or the district mine inspectors. The owner, operator or superintendent of each mine shall cause to be

shown accurately on the map or plan of the mine all the changes of every character, all the advancements and excavations made therein during the time elapsing since work was last shown on such map or plan; and all parts of such mine that were worked out or abandoned during said time shall be clearly indicated by colorings on said map or plan; and whenever any of the workings or excavations of said mine have been driven to their destination, a correct measurement and surveys of all such workings and excavations shall be made and recorded in a survey book and placed on the map or plan prior to the removal of the pillars or any supporting material from such parts of the mine. The operator or superintendent of every mine in this State shall within four (4) months after the passage of this act furnish the chief mine inspector of this State (a tracing on muslin, or a sun print) a correct copy of said map or plan, as hereinbefore provided for; and the chief inspector of mines shall, at the end of each year, or twice a year if required, forward said map or plan to the owner, operator, or superintendent, whose duty it shall be to place, or cause to be placed on said map or plan, all the extensions, worked-out and abandoned parts of the mine that have been completed during the time since the map was last brought to date, and return the same to the mine inspector's office within sixty (60) days from the time of receiving said map or plan. The copies of the maps or plans of the mines filed with the chief inspector of the State shall remain in that office as the official records of the office, and shall be transferred by him to his successor in office; but in no case shall a copy of said map or plan be made without the written consent of the owner, operator or agent. If any operator, owner or agent of a mine fail or neglect to furnish the chief mine inspector with a map or plan of such mine as provided herein, or should the chief mine inspector believe that any map or plan so filed is inaccurate or materially imperfect, then, in either case, the chief mine inspector is duly authorized to cause a correct survey and map or plan to be made at the expense of the operator thereof, and the expense shall be recoverable from said operator as other debts are recoverable by law: *Provided, however*, That if the map or plan which may be claimed by the chief inspector to be inaccurate shall prove to be correct, then the chief mine inspector shall be liable for the expense incurred in making said test survey and map or plan.

SEC. 12. It shall be unlawful for any person or persons to act as mine foremen, assistant mine foremen, or fire bosses of any mine in this State, unless they are registered as holders of certificates of competency or qualification under this act.

SEC. 13. A certificate of competency or qualification to mine foremen, assistant mine foremen, and gas boss shall be granted by the secretary of state to every applicant who may be reported by the examiners, as hereinafter provided, as having passed a satisfactory examination and given satisfactory evidence of at least five (5) years' practical experience in mining, and of good conduct, capability and sobriety, and shall be sufficient evidence of his competency. The certificate shall be in manner and form as shall be prescribed by the secretary of state, and a record of all certificates issued shall be kept in his department.

SEC. 14. For the purpose of the examination of applicants for certificates of qualification, a board of examiners shall be appointed, to consist of one (1) experienced miner, one (1) operator or manager of mines and one (1) expert mining engineer. This board shall be appointed by the governor, and their term of office shall be two (2) years, or until their successors are elected and qualified. The meetings of said board may be held at such times and places as convenient to themselves and the applicants to be examined. The board shall take an oath to support the constitution of the State of Tennessee and to discharge the duties of their office in a fair and impartial manner, and at the first meeting of the board they shall organize by electing one (1) of their members as chairman and one (1) as secretary to the board. In no case shall an examination be conducted except in the presence of a majority of the board, and they may make such rules and conduct such an examination as in their judgment may seem proper for ascertaining the qualifications of the applicants. The said board shall report their action to the secretary of state and to the chief mine inspector, and at least two (2) of the board shall certify to the qualifications of each applicant who passes the examination in a satisfactory manner. The traveling expenses of said board, together with five dollars ($5) per day, while they are actually engaged at their duties, not to exceed forty (40) days during one term, shall be paid by the State upon the certificate of the chairman of said board.

SEC. 15. Said certificate shall contain the full name, the age and the place of birth of the applicant, also the length and nature of his previous experience in and about coal and other mines; and the secretary of state shall keep a record in his department of all certificates issued. Before certificates shall be issued, the applicant must give satisfactory evidence to the board of examiners of his good conduct, capability and sobriety and shall pay to said board of examiners the following fees: Three dollars ($3) for the examination, to be paid for examination; one dollar ($1)

for registering certificate; and one dollar ($1) for certificate. All fees so collected shall be paid to the treasurer of the State.

SEC. 16. No coal mine shall be operated for a period longer than thirty (30) days without such certificated mine foremen. For all Class "A" and Class "B" mines the foremen shall hold Class "A" certificates; the assistant foremen may be holders of Class "B" certificates. In all mines of Class "C" and Class "D" the foremen may be holders of Class "B" certificates, and all gas bosses shall be holders of Class "A" or Class "B" certificates, which certificates shall state on the face of same that they are qualified to act as gas bosses. Any owner, operator or superintendent operating a coal mine in this State for thirty days without such certificated foreman shall, upon conviction of same, be subject to a fine of twenty-five dollars ($25) per day for each and every day operated without such foremen or foreman.

SEC. 17. In case of the loss and destruction of a certificate the secretary of state may supply a copy thereof to the person losing same upon the payment of fifty (50) cents; *Provided*, It shall be shown to the satisfaction of the secretary of state that the loss has actually occurred and the loser was a holder of such certificate.

SEC. 18. If any person or persons shall forge or counterfeit a certificate, or knowingly make or cause to be made any false statement in any certificate under this act or in any official copy of the same, or shall urge and influence others to do so, or shall utter or use any such false certificate or unofficial copy thereof, or shall make, give, utter, produce or make use of any false declaration, representation or statement in any such certificate or copy thereof, or any document containing same, he or they shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than two hundred dollars ($200) or imprisoned for a term not exceeding six (6) months nor less than three (3) months, or both at the discretion of the court.

SEC. 19. Any person who shall act as mine foreman, assistant mine foreman or gas boss for a period of more than thirty (30) days after the passage of this act without being a holder of a certificate under this act and in accordance with this act shall be guilty of a misdemeanor, and upon conviction shall be fined one hundred dollars ($100) and costs and imprisoned not less than sixty (60) days at the discretion of the court: *Provided, however*, That certificates granted under the laws of this State prior to the passage of this act shall be considered good and in full force as if issued under this act.

SEC. 20. In order to better secure the proper ventilation of mines and promote the health and safety of the persons employed therein the operator or superintendent shall employ a competent and practical inside overseer of each and every mine, to be called "mine foreman." Said mine foreman shall be licensed as hereinbefore required by this act, and his license as such shall be sufficient evidence of his competency. He shall be a citizen of the United States and he shall devote the whole of his time to the duties at the mine when in operation (or in case of his absence, an assistant chosen by him), and shall keep a careful watch over the ventilating apparatus, air ways, entries, traveling ways, timbers, pumps and drainage that as the miners advance their excavations all dangerous coal, slate or rock overhead is taken down or secured against falling, and that sufficient props, caps and timbers are kept at some convenient point near the mine entrance, which shall be selected and loaded on the cars by the miners, and shall then be hauled to the mouth of the room or face of the entry where he is working; and he shall see that all break throughs are made in accordance with this act, as follows: In all Class "A" mines no entry or air way shall advance over sixty (60) feet from the last completed break through and air current without written special permission of the chief mine inspector, who shall designate the distance and the manner such entry or air way shall be advanced, and such permission shall be given only in cases where necessary to make some connection with other parts of the works or surface for improvement in ventilation or drainage; and break throughs between rooms, or "pillars" break throughs shall not be over seventy-five (75) feet apart, measuring the first room from entry or air way. In all Class "B" mines the entries or air ways shall not be advanced over sixty-seven and one-half (67½) feet from last completed break through and air current; and all break throughs between rooms or "pillars" break throughs shall not exceed eighty-two and one-half (82½) feet apart, measuring from the nearest entry or air way for the first break through. In all Class "C" and Class "D" mines the entries and air ways shall not be driven over seventy-five (75) feet in advance of the last completed break through or air current; and break throughs between rooms or "pillars" break throughs shall not exceed ninety (90) feet apart, measuring from the nearest air way or entry. In all Class "E" mines the method of ventilating and directing the ventilating current shall be determined by the chief mine inspector, as the case may require and the health and safety of the persons therein employed demand: *Provided*, That in all classes of mines the chief inspector, in conjunction with the mine foreman, may increase or decrease all the distances above provided for when by them deemed expedient: *Provided further*,

That said mine foreman shall not be subject to the control of the operator or owner in the discharge of the duties required of said mine foreman by this act. It shall be the duty of the mine foreman or foremen to see that the provisions of this section and the other duties herein defined are faithfully discharged and carried out; and in case of his or their failure to comply with such provisions, and upon conviction, he or they shall be subject to a fine of one hundred dollars ($100) each and imprisonment for a period of not less than ninety (90) days at the discretion of the court.

SEC. 21. In all mines termed and designated as Class "A" by the chief mine inspector, there shall be employed one (1) or more gas bosses, as conditions, extent of workings, and other circumstances may require, who shall examine every place before each shift of workmen enter the mine, for the presence of fire damp and other dangers to persons employed therein. Such gas bosses shall make all examinations with an improved test lamp that is satisfactory to the chief mine inspector; and when fire damp or other dangers are found to exist in a person's working place or any part of the mine, the fire boss shall place some obstruction at a safe distance from the dangers found to exist in a working place or other part of the mine, and place a board at such point, on which he shall designate the character of the danger found to exist, together with the date and time of examination. Such obstruction shall be sufficient notice to all persons not to pass, except it be in the presence of the mine boss or gas boss, and then only for the purpose of removing the dangers found to exist there. The person or persons acting as gas boss or gas bosses shall have received a certificate of competency, as required by this act, which shall be sufficient evidence of his competency; and in no case while making examinations shall he use any other light than that inclosed as a safety lamp, and in all cases such examinations shall be begun within three (3) hours of the time that each shift commences work; and it shall be the duty of the gas boss to leave some evidence of having examined each and every working place throughout the mine at the working place as may be agreed upon between the chief mine inspector and the gas boss. He shall also examine the entrances to worked-out or abandoned parts of the mine that are adjacent to working places and roadways, where fire damp is likely to accumulate; and where danger is found to exist he shall place danger signals at such places which shall be sufficient warning for all persons not to pass such signals. At each and every entrance of a Class "A" mine, allowed to be used as a traveling way, there shall be placed a blackboard, not less than twenty (20) by thirty (30) inches; and it shall be the duty of the superintendent, mine foreman or gas boss to display a danger signal at the end of each shift; and no person shall pass such board when such signal is displayed, except the superintendent, mine foreman or gas boss while in the discharge of their duties, or by their orders in case of necessity. Said danger signal shall remain there until the mine has been carefully examined by the gas boss, who shall remove said signal and state where he has found any danger in the mine and its nature; also immediately after each examination the fire boss shall enter in a book supplied by the chief mine inspector, and kept at the office of the operator nearest the mine, the exact condition he has found in the mine and the location of and the nature of any danger found to exist; and said book shall at all times be open to the examination of the chief mine inspector or district mine inspectors; and in all Class "A" mines where operations are temporarily suspended, or if the ordinary current of air throughout the mine be stopped, all entrances to the mine shall be fenced off by the mine foreman and a danger signal placed on such fence, and it shall be unlawful for any person or persons to pass such danger signal until the circulation of air is restored and the mine has been examined as hereinbefore required. Any disregard of this section by any person or persons shall be a misdemeanor; and it shall be the duty of the mine foreman or the gas boss to forthwith notify the chief mine inspector, who shall enter legal proceedings against such person or persons, and any conviction under this section shall subject such person or persons so convicted to a fine of fifty dollars ($50) and costs or imprisonment not to exceed ninety (90) days, at the discretion of the court: *Provided*, The said gas boss shall not be subject to the control of the owner or operator in the discharge of any of the duties required of said gas boss by this act.

SEC. 22. In order to better protect human life and property in Class "A" mines in this State, the chief mine inspector is hereby given authority to cause any such mine to be worked exclusively with safety lamps and to make rules and regulations for the safety of the mine and safety of the persons employed in such mine not inconsistent with this act. The safety lamps so used shall be the property of the operator of such mine and shall be in care of some competent person designated by the superintendent or mine boss, who shall clean, trim, fill, lock and examine each lamp carefully and deliver same to the persons employed in the mine as they enter, and shall receive the same from the men at the end of each shift, for which service a charge not

exceeding the cost of material and labor may be made by the operator against persons using such safety lamps; and a sufficient number of extra safety lamps shall be kept at each mine in case of an emergency—the number shall not be less than twenty (20) per centum of the number actually in use during each shift—and it shall be the duty of every person using a safety lamp who knows his lamp to be injured or defective in any manner to promptly report such fact to the party authorized to receive and care for same, and it shall be promptly reported to the mine foreman: *Provided further*, That all safety lamps used shall be of a character approved by the chief mine inspector, who shall place all mines using safety lamps under special rules, as conditions may require; and such rules shall not in any manner conflict with this act. Any operator of mines neglecting to carry out the provisions of this section when ordered by the chief mine inspector, or any person using a safety lamp known to be dangerous or defective or refusing to maintain the extra lamps as above required, shall, upon conviction, be subject to a fine of fifty dollars ($50) and all costs for each and every case.

SEC. 23. Every Class "A" mine whether using safety lamps or not, shall be required to keep and maintain at least twenty-five (25) safety lamps for use in case of an emergency, and such lamps shall be in condition for immediate use at all times. Any operator refusing to provide and maintain such lamps shall, upon conviction, be subject to a fine of fifty dollars ($50) and costs for each and every refusal.

SEC. 24. At all Class "A" mines a suitable and uniform record book shall be provided from the chief mine inspector's office in which the gas boss or gas bosses shall enter on completion of each examination the finding and examination, showing the exact nature of any danger discovered, its location, and its extent, which report shall be signed by the fire boss or gas boss making the examination; and the gas boss shall promptly report such danger or dangers to the mine foreman, whose duty it shall be to remove the danger as far as practicable forthwith; and it shall be the duty of the mine foreman to countersign the gas boss' report in said book each day, and he shall keep and maintain a record of every danger found to exist in such mine that has come under his immediate attention and not reported by the gas boss during that day or any other time; and these books shall at all times be open to the inspection of the chief mine inspector or the district inspector; also there shall be kept and maintained a record of all air measurements made each week. Any refusal or neglect to comply with this section of this act shall be deemed a misdemeanor; and upon conviction the party whose duty it is to comply with this section shall be subject to a fine of fifty dollars ($50) and costs for each and every case. It shall be the especial duty of the district mine inspector to carefully examine these books at each examination and report their contents to the chief mine inspector's office, should they contain a record of any danger not heretofore reported.

SEC. 25. It shall be the duty of the mine foreman to measure the ventilating currents at places throughout the mine designated by the chief mine inspector or the district mine inspector, and a record of all such measurements shall be kept and maintained at the office of the mine nearest to the mine. Such measurements shall be made each week and promptly recorded in said book; and at the end of each month they shall be reported to the office of the chief mine inspector upon blanks supplied by that office for such purposes, together with the output of the mine, number of persons and animals employed inside and outside of the mine, the number of days the mine was in operation, the amount of powder and dynamite consumed, and such information deemed necessary to formulate useful and proper statistics of the mining business of this State; and the owner or operator shall provide an accurate anemometer to the foreman to make such measurements with, and any such person making false returns of such measurements shall be deemed guilty of an offense against this section. Whenever loss of life occurs by accident or explosion, the superintendent or foreman in charge shall give immediate notice to the chief or district mine inspector and to the coroner of the county in which the mine is situated, and the coroner shall hold an inquest upon the body or bodies of the person or persons whose death has been caused and inquire carefully into the cause thereof, and shall return a copy of the findings and all the testimony to the chief mine inspector; and whenever loss of life or serious personal injury results from an explosion or accident, the place where it occurred shall be left as it was immediately after the accident occurred until the arrival of the inspector to investigate the case, unless a compliance with this enactment would tend to increase or continue the danger or would impede the working of the mine; and it shall be the further duty of every owner, superintendent or foreman to report the facts in the following cases promptly: First, where any change occurs in the name of any mine or in the name of any owner, agent, manager, superintendent, foreman, assistant foreman or gas boss of any mine or the officers of any incorporated company which owns and operates a mine in this

State. Second, where any working [is] commenced for the purpose of opening a new shaft, slope or mine to which this act will apply. Third, where any mine is abandoned or the working thereof is discontinued indefinitely. Fourth, where the working of any mine is recommended after any abandonment or discontinuance for a period of two (2) months. Fifth, where a squeeze or crush or any other cause or change may seem to affect the safety of persons employed in any mine or where fire occurs, or a dangerous body or feeder of gas is found in any mine. Sixth, for any violations of the provisions of this act by any person or persons, with names, dates and witnesses, of any neglect, intemperance, or bad conduct on the part of the district mine inspectors. Seventh, whenever the works of any mine are approaching old workings which may contain water or gas in sufficient quantity to jeopardize the life of persons employed therein. Any offense against this section, or the neglect or failure of persons so required to make reports, shall be deemed an offense against this section; and such offense shall be deemed a misdemeanor and upon conviction the party guilty of such offense shall be subject to a fine of fifty dollars ($50) and costs.

SEC. 26. For any neglect or dereliction of duty on the part of the chief inspector or district inspectors, he or they may be summarily dismissed by the governor and their successors by him appointed to fill the vacancies thus created.

SEC. 27. It shall not be lawful for the operator, superintendent or mine foreman of any mine to employ more than twenty (20) persons within said mine or permit more than twenty (20) persons to be employed therein, at any one time, unless such persons are in communication with at least two (2) available openings to the surface or outside from each seam, vein, stratum or bed of material being mined exclusive of any upcast or slope from a furnace; and in all shaft mines and slope mines where slope is greater than twenty (20) degrees, the two (2) openings shall be at least one hundred and fifty (150) feet apart, separated by natural strata and maintained for the purpose of ingress and egress of the persons employed therein, and must be available for that purpose at all times unless in the judgment of the chief mine inspector that distance is impracticable, then the mine inspector shall fix the distance: *Provided*, That this shall apply to air courses already located: *But provided*, That any mine operated by shaft or a slope of over twenty (20) degrees and the extent of the workings does not exceed ten thousand (10,000) square yards in area, and is ventilated by a fan, and the shaft or slope is divided into two or more compartments, one of them may be used for an air way, the other for the purpose of ingress and egress from and into said mine by the persons therein employed; and the same shall be considered in compliance with this statute so long as no marsh gas is liberated and the workings are not dry and dusty; but when such conditions are discovered the number of persons allowed to work in such mine shall be designated by the chief mine inspector, as the conditions may warrant, and the mine placed in its proper class; and the second opening shall be made, separated from the first opening by one hundred and fifty (150) feet or more of natural strata, if, in the judgment of the chief mine inspector, it is practicable to do so; if not the second opening shall not be less than fifty (50) feet from the first opening; separated by natural strata; but this shall not apply when such mode of ingress and egress is available through an adjacent mine connected for that purpose and maintained in a proper manner to be at all times available for such purpose. Any neglect or refusal to provide such opening in accordance with the provisions of this section shall be deemed an offense against this act; and the chief mine inspector may order the suspension of work in such mines, limiting the number of employes therein and the time for completion of the second opening; and in case of the refusal of the owner, superintendent or mine foreman to comply with the chief mine inspector's orders in such cases, he or they shall be deemed guilty of a misdemeanor and upon conviction, shall be subject to a fine of twenty-five dollars ($25) per day for each and every day that the mine is operated contrary to orders of said mine inspector.

SEC. 28. In every shaft mine or slope mine exceeding twenty (20) degrees, a compartment shall be provided in one of the two openings for the ingress and egress of persons employed therein; and such compartment shall not be clogged or obstructed by ice, machinery, pumps, pipes or currents of heated air and steam; and if the opening is a shaft, it shall be fitted with safe and convenient stairs not less than two (2) feet wide and not to exceed an angle of sixty (60) degrees descent, and landings of not less than twenty (20) inches wide and four (4) feet long at easy and convenient distances; and all water coming from the surface and out of the strata in the shaft shall be conducted by rings, casing or otherwise, and be prevented from falling down the shaft and wetting persons who are ascending or descending the shaft stairway. If the second opening is a slope for a traveling way it shall have a stairway, if the slope is over twenty (20) degrees in pitch, and may be any depth; but when the seam, vein, stratum, or bed of material being worked exceeds seventy-five (75) feet in

vertical depth at the main shaft, the persons employed in such mine shall be lowered into and out of the mine by machinery; and when employees are lowered into said mine at the main outlet, the escapement shaft shall be fitted with safe and available machinery or safe and convenient stairs, by which persons employed in the mine may readily escape in case of accident. The hoisting machinery and stairs used for lowering the employees into and out of the mine shall be kept in a safe condition and inspected once each twenty-four (24) hours by a competent person employed in whole or in part for that purpose; and such inspection [of] stairs and machinery shall be approved by the district mine inspector of the district wherein the mine is situated: *Provided*, That the requirements of this section shall not be applicable to stairways now in use when, in the judgment of the inspector, they are sufficient. The owner, superintendent or foreman shall provide and maintain a metal tube from top to bottom of the shaft, or a telephone system, through which conversation may be held between persons at top and bottom of the shaft; also the ordinary means of signaling to and from the bottom of the shaft, and an improved safety catch and a sufficient metal covering overhead on every carriage used for lowering and hoisting persons; and the said owner, superintendent or foreman shall see that sufficient flanges are attached to the sides of every drum and every machine used for lowering and hoisting persons into and out of a mine, and also that adequate brakes are attached to the drum. The main coupling or socket attached to the rope supporting the cage shall be made from the best quality of iron, and shall be tested by weights or otherwise to the satisfaction of the district mine inspector; and no greater number of persons shall be lowered or hoisted at any one time than may be permitted by the mine inspector of the district, and notice of the number so allowed to be lowered or hoisted at any one time shall be kept posted up by the owner, superintendent or foreman of each mine in a conspicuous place near the shaft. Any neglect or refusal to comply with the provisions of this section shall consitute an offense against this section; and, upon conviction, the owner, superintendent, or foreman shall be subject to a fine of fifty dollars ($50). Upon the conviction of any one of the above persons of neglecting or refusing to comply with the provisions of this section, the chief mine inspector shall have authority to close down the mine and suspend all operations until the provisions of this section are complied with.

SEC. 29 (as amended by chapter 346, Acts of 1903). In all slopes exceeding twenty (20) degrees and where the main haulage way is used for a traveling way, "shelter holes" shall be made in the sides of entries or slope, not exceeding twenty (20) yards apart; and these shall be maintained safe from loose material on sides and top, in order that persons traveling said roadways may avoid danger from passing trips of mine cars. In all shaft mines there shall be cut out around the sides or driven through the solid strata at the bottom of such shaft, a traveling way not less than five and one-half (5½) feet high and five (5) feet wide, to enable persons to pass the shaft in going to one side or the other without passing over or under the cage or other hoisting apparatus. The neglect or refusal of persons in charge of a mine to comply with the provisions of this section shall be deemed a misdemeanor, and upon conviction they shall be fined twenty-five dollars ($25) for each day the mine is operated contrary to the provisions of this section: *Provided*, That that part of this section applying to ingress and egress shall not apply to Class "E" mines under the classification of this act, when other means of ingress and egress may be had.

SEC. 30. In all Class "B" mines it shall be the duty of the owner, superintendent or operator to remove any and all dangerous accumulations of dust from the mine and see that all traveling ways, haulage ways and working places are maintained in a safe and moist condition by sprinkling, spraying, saturating the sides and bottom and other places with water or otherwise, so as to maintain the mine in a safe condition from dust explosions; and in any mine the mine inspector is hereby vested with authority to cause the owner, superintendent or foreman to take the necessary precautions to prevent such explosions. In case of neglect or refusal to obey the instruction and orders given them or the provisions of this section they shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) at the discretion of the court.

SEC. 31. The chief mine inspector or the district mine inspectors shall formulate rules and regulations in conjunction with the superintendent and mine foreman of each mine, controlling the number of shots within certain limits, time and manner of firing same, manner of preparing the shots, and the amount of powder to be used within certain limits; and such rules shall be posted at or near the entrance of each mine, and any person violating such rules shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five dollars ($25) nor more than two hundred dollars ($200) and imprisoned at the discretion of the court.

12425—No. 56—05——24

SEC. 32. Whoever violates any of the provisions of this act or does any act whereby the health or life of persons or the security of any mine and machinery is endangered, or any miner or other person employed in any mine covered by this act who neglects or refuses to securely prop the roof of any working place under his control or neglects or refuses to obey any order given by the superintendent or foreman of a mine in relation to the security of the mine in the part thereof where he is at work or along the roadway to his room or working place, or any miner, workman or other person who shall knowingly injure any water gauge, instrument, air course, ventilating apparatus, door, brattice, or shall obstruct or throw open any air way, or shall handle or disturb any part of the machinery of the hoisting engine or drainage plant, or open a door of the mine and not have same closed again, whereby danger is produced to either the mine or those at work therein, or who shall enter any part of the mine against the caution or danger signal, or who shall disobey any order given in pursuance of this act, or who shall do any willful act whereby the lives and health of the persons working in the mine or the security of the mine or property connected therewith or the machinery inside and outside of the mine is endangered or injured, shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty dollars ($50) nor more than five hundred dollars ($500) and all costs and imprisoned at the discretion of the court.

SEC. 33. The operator, superintendent or foreman of any Class "A" mine in this State shall arrange the approach to the fan or ventilating apparatus with explosion doors, which, in case of an explosion, will be thrown open and assist in preventing the destruction of the fan or ventilating apparatus; and the mine shall be divided into splits or districts, and the ventilating current entering such a district from the main inlet current and passing through such a district, shall be conducted to the main return air way without passing through the works of another district or in any manner supplying persons outside of that district; and all main doors between such districts shall be in duplicate, the second, or duplicate, to be used in case of damage or destruction of the first one. It shall be unlawful to work more than fifty (50) men and eight (8) mules on or in any split or district unless, in the judgment of the chief mine inspector, it is impracticable to comply with this section. It shall be the duty of the chief mine inspector to see that the provisions of this section are carried out, and in case of refusal or neglect of the owner, superintendent or operator to comply with these provisions, the mine inspector may remove all persons from the mine and close the works, or partially do so, until they are in compliance with these provisions.

SEC. 34. It shall be unlawful for any person to ride on a loaded trip or cage in any mine other than those whose duty compels them to do so, and a violation of this section shall be deemed a misdemeanor, and upon conviction the person or persons violating this section shall be subject to a fine of twenty-five dollars ($25) and costs.

SEC. 35. All owners or operators of coal, metal or other mines required to be inspected by this act, or which may hereafter he [be] required by law to be inspected by the chief mine inspector or a district mine inspector, shall pay to the comptroller of the State of Tennessee for the use of the State a fee for each inspection of mines as follows: Mines employing average of 200 inside employees or over, $15. Mines employing average of from 150 to 200 inside employees, $12.50. Mines employing average of from 100 to 150 inside employees, $10. Mines employing average of from 75 to 100 inside employees, $7.50. Mines employing average of from 50 to 75 inside employees, $5. Mines employing average of from 25 to 50 inside employees, $3.50. Mines employing average of from 10 to 25 inside employees, $2.50. Mines employing 10 or less inside employees, $1: *Provided*, That not more than four (4) inspection fees shall be charged and collected from the owner or operator of any one mine for any one year. The inspection fees herein prescribed shall be paid to the comptroller of the State at the end of each year; and for the purpose of collecting the same the owners or operators of coal, metal and other mines in this State inspected by the chief mine inspector or the district mine inspectors shall prepare a sworn report to the comptroller of the State of Tennessee on the first day of January of each year, showing the monthly average number of employees of every character working inside of mines operated during the preceding year or any part thereof, also the number of inspections made by the chief mine inspector or the district mine inspectors during that year, and shall forward such reports to the comptroller of the State, together with the fees due the State, as herein prescribed. The chief mine inspector shall make a report to the comptroller of the State on the first day of January of each year showing the number of inspections made during the preceding year and the fees due the State from each mine with the name of the owner or operator of each mine. In the event of the failure or refusal or [of] any owner or operator to pay the fees as prescribed herein it shall be the duty of the State comptroller to collect said fees by distress warrant or otherwise. The fees collected under

the provisions of this act shall be credited by the comptroller to the account of the mine inspection department of the State.

SEC. 36. All laws and parts of laws conflicting with this act are hereby repealed, and this act [shall] take effect from and after its passage, the public welfare requiring it.

Approved April 15, 1903.

CHAPTER 317.—*Actions for injuries—Survival.*

SECTION 1. No suit now pending or hereafter brought for personal injuries or death from wrongful act in any of the courts of this State, whether by appeal or otherwise, and whether in an inferior or superior court, shall abate or be abated, because or on account of the death of the beneficiary or beneficiaries for whose use and benefit said suit was brought, and such suit shall be proceeded with to final judgment, as though such beneficiary or beneficiaries had not died, for the use and benefit of the heirs at law of such deceased beneficiary.

Approved April 2, 1903.

CHAPTER 590.—*Exemption of wages from attachment, etc.*

SECTION 1. Wages earned out of this State and payable out of this State shall be exempt from attachment or garnishment in all cases, where the cause of action arose out of this State, and it shall be the duty of garnishees in such cases to plead such exemption unless the defendant is actually served with process.

Approved April 7, 1903.

TEXAS.

ACTS OF 1903.

CHAPTER 28.—*Employment of children—Age limit.*

SECTION 1. Any person or any agent or employee of any person, firm or corporation, who shall hereafter employ any child under the age of twelve years to labor in or about any mill, factory, manufacturing establishment, or other establishment using machinery, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, and not more than two hundred dollars, and each day the provisions of this act are violated shall constitute a separate offense.

SEC. 2. Any person, or any agent or employee of any person, firm or corporation, who shall hereafter employ any child between the ages of twelve and fourteen years (who can not read and write simple sentences in the English language) to labor in or about any mill, factory, manufacturing establishment, or other establishment using machinery, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, nor more than two hundred dollars; and each day the provisions of this act are violated shall constitute a separate offense: *Provided*, That such child who has a widowed mother, or parent incapacitated to support it, may be employed between the hours of 6 a. m. and 6 p. m.: *Provided, further*, That such parent is incapacitated from earning a living, and has no means of support other than the labor of such child; and in no event shall any child between the ages of twelve and fourteen years be permitted to work outside the hours between 6 a. m. and 6 p. m.

SEC. 3. Any person, or agent or employee of any person, firm or corporation, owning, operating, or assisting in operating, any mine, distillery or brewery, who shall employ any child under the age of sixteen years to labor in or about any mine, distillery or brewery, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty, nor more than two hundred dollars.

Approved March 6, 1903.

CHAPTER 31.—*Hours of labor of railroad employees.*

SECTION 1. It shall be unlawful for any corporation or receiver operating a line of railroad in whole or in part in the State of Texas, or any officer, agent or representative of such corporation or receiver to require or permit any conductor, engineer, fireman, brakeman, train dispatcher, telegraph operator, or any trainman who has worked in his respective capacity for sixteen consecutive hours, to again go on duty or perform any work for such railroad until he has had at least eight hours rest: *Provided*, This provision shall not apply in case of casualty upon such railroad: *Provided*, This section shall not apply to employees of sleeping car companies.

SEC. 2. Any corporation or receiver operating a line of railroad in whole or in part in the State of Texas who shall violate any of the provisions of this act, shall be liable to the State of Texas for a penalty of not less than $100 nor more than $1,000 for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the State of Texas, in a court of proper jurisdiction in Travis County, Texas, or in any county into or through which said railway may run, by the attorney-general, or under his direction, or by the county or district attorney in any county through or into or out of which trains may be operated by said railroad, and such suits shall be subject to the provisions of article 4577, Revised Statutes of the State of Texas.

Approved March 7, 1903.

CHAPTER 63.—*Coercion of employees in trading—Blacklisting.*

SECTION 1. It shall be unlawful for any person or persons, corporation or firm, or any agent, manager or board of managers or servant of any corporation or firm in this State to coerce or require any servant or employee to deal with or purchase any article of food, clothing or merchandise of any kind whatever, from any person, association, corporation or company, or at any place or store whatever. And it shall be unlawful for any such person or persons, or agent, manager, or board of managers or servant to exclude from work, or to punish or blacklist any of said employees for failure to deal with any such person or persons or any firm, company or corporation, or to purchase any article of food, clothing or merchandise whatever at any store or any place whatever.

SEC. 2. Any person or persons, company or corporation or association, or any agent, manager or managers, or servant of any company, corporation or association, described in the foregoing section who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than fifty, nor more than two hundred dollars for each offense.

Approved March 26, 1903.

CHAPTER 76.—*Mine regulations.*

SECTION 1. It shall be unlawful for the owner, agent, lessee, receiver or operator of any mine in this State to employ any person or persons in said mine for the purpose of working therein unless there are in connection with every seam or stratum of coal or ore worked in such mine not less than two openings or outlets, separated by a stratum of not less than one hundred and fifty feet at surface and not less than thirty feet at any place, at which openings or outlets safe and distinct means of ingress and egress shall at all times be available for the persons employed in such mine. The escapement shafts or slopes shall be fitted with safe and available appliances by which the employees of the mine may readily escape in case of accident. In slopes used as haulage roads where the dip or incline is ten degrees or more there must be provided a separate traveling way which shall be maintained in a safe condition for travel and kept free from dangerous gases.

SEC. 2. The time which shall be allowed for completing such escapement shaft or opening as is required by the terms of this act shall be: For mines already opened when this act shall become a law, one year for sinking any shaft or slope two hundred feet or less in depth, and one additional year or pro rata portion thereof for every additional two hundred feet or fraction thereof; but for mines which shall be opened after the taking effect of this act the time allowed shall be two years for all shafts or slopes more than two hundred feet in depth, and one year for all shafts two hundred feet in depth or less; and the time shall be reckoned in all cases from the date on which coal or ore is first hoisted from the original shaft or slope for sale or use.

SEC. 3. Any person, owner, agent, lessee, receiver or operator of any mine in this State who shall violate or suffer or permit the violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than two hundred nor more than five hundred dollars, and each day such violation continues shall constitute a separate offense.

[Became a law without the governor's signature.]

Takes effect 90 days after adjournment.

CHAPTER 94.—*Antitrust law—Boycotting, etc.*

SECTION. 1. A trust is a combination of capital, skill or acts by two or more persons, firms, corporations or associations of persons, or either two or more of them for either, any, or all of the following purposes:

1. To create or which may tend to create or carry out restrictions in trade or commerce or aids to commerce or in the preparation of any product for market or trans-

portation, or to create or carry out restrictions in the free pursuit of any business authorized or permitted by the laws of this State.

2. To fix, maintain, increase or reduce the price of merchandise, produce, or commodities, or the cost of insurance, or of the preparation of any product for market or transportation.

3. To prevent or lessen competition in the manufacture, making, transportation, sale or purchase of merchandise, produce or commodities or the business of insurance, or to prevent or lessen competition in aids to commerce, or in the preparation of any product for market or transportation.

4. To fix or maintain any standard or figure whereby the price of any article or commodity of merchandise, produce or commerce, or the cost of transportation, or insurance, or the preparation of any product for market or transportation, shall be in any manner affected, controlled or established.

5. To make, enter into, maintain, execute or carry out any contract, obligation or agreement by which the parties thereto bind, or have bound themselves not to sell, dispose of, transport or to prepare for market or transportation any article or commodity, or to make any contract of insurance at a price below a common standard or figure, or by which they shall agree in any manner to keep the price of such article or commodity or charge for transportation or insurance, or the cost of the preparation of any product for market or transportation at a fixed or graded figure, or by which they shall in any manner affect or maintain the price of any commodity or article or the cost of transportation or insurance or the cost of the preparation of any product for market or transportation between them or themselves and others, to preclude a free and unrestricted competition among themselves or others in the sale or transportation of any such article or commodity or business of transportation or insurance or the preparation of any product for market or transportation, or by which they shall agree to pool, combine or unite any interest they may have in connection with the sale or purchase of any article or commodity or charge for transportation or insurance or charge for the preparation of any product for market or transportation whereby its price or such charge might be in any manner affected.

6. To regulate, fix or limit the output of any article or commodity which may be manufactured, mined, produced or sold, or the amount of insurance which may be undertaken, or the amount of work that may be done in the preparation of any product for market or transportation.

7. To abstain from engaging in or continuing business or from the purchase or sale of merchandise, produce or commodities partially or entirely within the State of Texas, or any portion thereof.

SEC. 3. Either or any of the following acts shall constitute a conspiracy in restraint of trade:

1. Where any two or more persons, firms, corporations, or associations of persons who are engaged in buying or selling any article of merchandise, produce or any commodity, enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation, or association of persons any article of merchandise, produce or commodity.

2. Where any two or more persons, firms, corporations or associations of persons shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation or association of persons for buying from or selling to any other person, firm, corporation or association of persons.

SEC. 4. Any and all trusts * * * and conspiracies in restraint of trade as herein defined, are hereby prohibited and declared to be illegal.

SEC. 11. Each and every firm, person, corporation or association of persons who shall in any manner violate any of the provisions of this act shall for each and every day that such violation shall be committed or continued, forfeit and pay the sum of fifty dollars, which may be recovered in the name of the State of Texas in any county where the offense is committed or where either of the offenders reside, or in Travis County, and it shall be the duty of the attorney-general, or the district or county attorney under the direction of the attorney-general, to prosecute for the recovery of the same, and the fees of the prosecuting attorney for representing the State in proceedings under this act shall be over and above the fees allowed him under the general fee bill.

SEC. 12. Any contract or agreement in violation of the provisions of this act shall be absolutely void and not enforcible either in law or equity.

SEC. 13. And in addition to the penalties and forfeitures herein provided for, every person violating this act may further be punished by imprisonment in the penitentiary not less than one nor more than ten years.

Approved March 31, 1903.

CHAPTER 112.—*Protection of employees on street railways—Inclosed platforms.*

SECTION 1. It shall be unlawful for any corporation or receiver operating a line of electric street railway in the State of Texas to require or permit the operation upon its lines of any electric car, other than train cars attached to motor cars, during the periods beginning November 15 and ending March 15 of each year, unless the forward end of such car is provided with a screen or vestibule which shall fully protect the motorman or other person directing the motive power by which such car is propelled from wind and storm: *Provided*, That when excursionists are visiting any city, summer or open cars without such vestibule or screen may be operated as specials in addition to regular service.

SEC. 2. Any corporation or receiver operating a line of electric street railway in the State of Texas who shall violate any of the provisions of this act, shall be liable to the State of Texas for a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense, and such penalties shall be recovered and suit therefor shall be brought in the name of the State of Texas, in a court of proper jurisdiction in Travis County, Texas, or in any county in or through which such line of electric street railway may be run, by the attorney-general, or under his direction, or by the county or district attorney in any county in or through which such line of electric street railway may be operated, and such suits shall be subject to the provisions of article 4577, Revised Statutes of the State of Texas.

Approved April 3, 1903.

UTAH.

ACTS OF 1903.

CHAPTER 12.—*Mine regulations—Powder in mines.*

SECTION 1. It shall be unlawful for any mining company, corporation, or individual mine owner employing more than ten men at any one time, to have stored at any shaft house, or covering over any adit, incline or tunnel, connected with a metalliferous mine or within the underground workings of any such mine, stopes or drifts, at any one time, more than enough powder or other high explosives to do the work for each twenty-four hours.

SEC. 2. Any violation of this act shall be punished by a fine of not less than one hundred dollars, or more than one thousand dollars.

Approved this 17th day of February, 1903.

CHAPTER 88.—*Bureau of statistics.*

SECTION 1. Sections 7, * * * and 9, of chapter 55, of the Laws of Utah, 1901, are hereby amended to read as follows:

Section 7. Said bureau may collect the information called for by this act, or such information as the commissioners shall consider essential to perfect the work of the bureau, from the several State, county, city, town, precinct and school district officers, and from officers of prisons, penal and reformatory institutions; and it shall be the duty of all such officers to furnish, upon the written or printed request of the commissioner, such information as shall be considered necessary for the purposes of this act, upon blanks furnished by said bureau. Each owner, operator or manager of industrial, mining or agricultural business, or other person having information necessary to the work of the bureau of statistics, shall, upon the request of the commissioner, furnish the same, upon blanks to be provided by the said bureau. Each owner, operator or manager of any industrial, mining or agricultural business, or any person having information necessary to the work of the bureau, who fails or refuses to furnish the information so requested, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than ten dollars nor more than one hundred dollars, and costs of prosecution.

Sec. 9. The commissioner of the bureau shall require each person, company and corporation engaged in industrial or mining pursuits in the State to make statistical statements, as indicated on blanks furnished by the bureau, as follows:

INDUSTRIES: Number of establishments; name and post-office address of corporation, company or individual producing; name of business; kind of motive power; average number and sex of hands employed; capital invested; raw material used; product; number of flouring mills, woolen mills, sawmills and factories of different classes; number of pounds of cheese and butter produced in factories; number and kind of cows used; number of mercantile establishments and average number of employees in each; amount of capital invested; number of workshops and average number of

employees; minimum wages; maximum wages; average wages; number of hours per day employees are required to work.

MINING: Quantity of precious or other metals or minerals produced or handled; capital employed; approximate area of property; area of undeveloped property.

In addition, each person, company and corporation engaged in industrial or mining business shall furnish such other information as shall be requested on the blanks provided by the bureau therefor.

Approved this 12th day of March, 1903.

CHAPTER 98.—*Hours of labor on public works.*

SECTION 1. Section 1336 of the Revised Statutes of Utah, 1898, as amended by chapter 41 of the Session Laws of 1901 is hereby amended to read as follows:

1336. Eight hours shall constitute a day's work in all penal institutions in this State, whether State, county or municipal, and on all works and undertakings carried on or aided by the State, county or municipal governments. Any officer of the State or of any county or municipal government, or any person, corporation, firm, contractor, agent, manager or foreman, who shall require or contract with any person to work in any penal institution or upon such works or undertakings, longer than eight hours in one calendar day, except in cases of emergency, where life or property is in imminent danger, shall be guilty of a misdemeanor.

Approved this 12th day of March, 1903.

CHAPTER 137.—*Examination and licensing of barbers.*

SECTION 1. It shall be unlawful for any person to follow the occupation of barber in cities of the first and second class in this State unless he shall have first obtained a certificate of registration as provided in this act: *Provided, however*, That nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation. A person so engaged less than one year shall be considered an apprentice, and at the expiration of one year of such employment shall be subject to the provisions of this act as hereinafter provided.

SEC. 2. A board of examiners, to consist of three persons is hereby created to carry out the purposes and enforce the provisions of this act. The governor shall appoint, on or before the first day of May, 1903, one barber to serve one year, one qualified physician to serve two years, and one barber to serve three years, who, with their respective successors, to be appointed annually thereafter, and to serve for the term of three years, shall constitute a board of examiners of barbers, two of whom shall be practical barbers who have been actually engaged in the business of barbering for at least five years.

SEC. 3. Each member of said board shall give a bond in the sum of five hundred dollars, with sureties, to be approved by the secretary of state, conditioned for the faithful performance of his duties, and shall take the oath provided by law for public officers. Vacancies in said board shall be filled by the governor for the unexpired portion of the term.

SEC. 4. Said board shall elect a president, secretary and treasurer, shall have its headquarters at such place in the State as the board may determine, and shall have a common seal. A majority of said board may, in meeting duly assembled, perform the duties and exercise the powers devolving upon said board under the provisions of this act.

SEC. 5. Such board shall have power to adopt reasonable rules and regulations prescribing the sanitary requirements of a barber shop, subject to the approval of the State board of health, and to cause the rules and regulations so approved to be printed in a suitable form and to transmit a copy thereof to the proprietor of each barber shop in cities of the first and second class in this State. It shall be the duty of every proprietor, or person operating a barber shop in cities of the first and second class in this State, to keep posted in a conspicuous place in his shop, so as to be easily read by his customers, a copy of such rules and regulations. A failure of any such proprietor to keep such rules so posted, or to observe the requirements thereof, shall be sufficient ground for the revocation of his license, but no license shall be revoked without a reasonable opportunity being offered to such proprietor to be heard in his defense. Any member of said board shall have power to enter and make reasonable examination of any barber shop in this State, in cities of the first and second class, during business hours for the purpose of ascertaining the sanitary conditions thereof. Any barber shop in said cities in which tools, appliances and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is hereby declared to be a public nuisance, and the proprietor thereof shall be subject to prosecution and punishment therefor.

SEC. 6. Each member of said board shall receive a compensation of three dollars per day for actual service, and ten cents per mile for each mile actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board, after an allowance thereof by the board upon an itemized and verified claim thereof being filed with the secretary by the member claiming the same; but in no event shall any part of the expense of the board or any member thereof be paid out of the State treasury.

SEC. 7. Said board shall report annually to the governor a full statement of the receipts and disbursements of the board during the preceding year, a full statement of its doings and proceedings, and such recommendations as it may deem proper, looking to the better carrying out of the intents and purposes of this act.

SEC. 8. Said board shall hold each year, at such times and places as it shall designate, at least four public examinations, notice whereof shall be given by a publication at least ten days before the holding of any such meeting, in at least one newspaper printed and published in the city of Salt Lake, and in at least one newspaper printed and published in the county in which said meeting shall be held. Said board is authorized to incur all necessary expenses for the proper discharge of their duties and pay the same out of any moneys in the hands of the treasurer of the board.

SEC. 9. Every person now engaged in the occupation of barber in cities of the first and second class in this State shall, within ninety days after the approval of this act, file with the secretary of said board an affidavit setting forth his name, residence and the length of time during which, and the place where, he has practiced such occupation, and shall pay to the treasurer of said board one dollar, and a certificate of registration entitling him to practice said occupation thereupon shall be issued to him.

SEC. 10. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor, and shall pay to the treasurer of said board an examination fee of five dollars, and shall present himself at the next regular meeting of the board for the examination of applicants, whereupon said board shall proceed to examine such person; and, being satisfied that he is above the age of sixteen years, of good, moral character, free from contagious or infectious diseases, that he had either studied the occupation for one year as an apprentice under a qualified practicing barber, or that he has studied the occupation in a barber school or schools as defined by this act for one year, or has practiced the occupation in another State for at least one year, and is possessed of a requisite skill in said occupation to properly perform all the duties thereof, including his ability in the preparation of tools, shaving, hair cutting, and all the duties and services incident thereto, his name shall then be entered by the board in the register hereinafter provided for, and a certificate of registration shall be issued to him authorizing him to practice said occupation in cities of the first and second class in this State: *Provided*, That whenever it appears that the applicant has acquired his knowledge of said occupation in a barber school, the board may subject him to an examination and withhold from him a certificate if it shall thus appear that he is not qualified to practice the said occupation.

SEC. 11. A barber school is hereby declared to be a school conducted by a suitable person who is authorized to practice the occupation of a barber in this State, and in which all instruction is given by competent persons so authorized, and in which the course and period of training shall comply with the rules and regulations of said board adopted for the government of barber schools.

SEC. 12. Nothing in this act shall prohibit any person from serving as an apprentice in said occupation under a barber authorized to practice the same under this act, nor from serving as a student in any school for the teaching of such occupation under the instruction of a qualified barber.

SEC. 13. Every apprentice, in order to avail himself of the provisions of this act, must file with the secretary of said board a statement in writing, showing the name and place of business of his employer, the date of commencement of employment with him, and the full name and age of said apprentice, and shall pay into the treasury of said board a fee of fifty cents.

SEC. 14. Said board shall furnish to each person to whom a certificate of registration is issued a card or insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair, where it may be readily seen by all persons whom he may serve. Said card or insignia shall be renewed on or before the first day of July of each year, and the holder of said certificate of registration shall pay to the secretary of said board the sum of one dollar for said renewal card or insignia. Upon the failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate may be revoked by said board, subject to the provisions of section 16 of this act.

SEC. 15. Said board shall keep a register, in which shall be entered the names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

SEC. 16. Said board shall have power to revoke any certificate of registration granted by it under this act, for (a) conviction of crime; (b) habitual drunkenness; (c) gross incompetency; (d) the keeping of a shop or the tools, appliances or furnishings thereof, in an unclean and unsanitary condition; (e) failure to comply with the requirements of section 14 of this act: *Provided*, That before any certificate shall be revoked the holder thereof shall have notice in writing of the charge or charges against him, and shall have a reasonable opportunity to be heard in his defense. Any person whose certificate has been revoked may, after the expiration of ninety days, apply to have same regranted, and the same shall be regranted to him upon a satisfactory showing that the disqualification has ceased.

SEC. 17. Any person practicing the occupation of barber without having obtained a certificate of registration, as provided by this act, or employing a barber who has not such a certificate, or falsely pretending to be qualified to practice such occupation under this act, or for violating any of the provisions of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days.

Approved this 24th day of March, 1903.

WASHINGTON.

ACTS OF 1903.

CHAPTER 37.—*Inspection of factories, etc.—Safety appliances.*

SECTION 1. Any person, corporation or association, operating a factory, mill or workshop where machinery is used, shall provide and maintain in use proper belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys, proper safeguards for all vats, pans, trimmers, cut-off, gang edgers and all other saws that can be guarded advantageously, planers, cogs, gearings, belting, shafting, couplings, set screws, live rollers, conveyors, manglers in laundries and machinery of other or similar description. Exhaust fans of sufficient power shall be provided in the discretion of the commissioner of labor for the purpose of carrying off dust from emery wheels, grindstones and other machinery creating dust, where same is operated in an enclosed room or place. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, the use thereof is prohibited and a notice to that effect shall be attached thereto. Such notice shall not be moved until the machine is made safe and the required safeguards provided.

SEC. 2. All hoistways, hatchways, elevator wells and wheel holes, as well as fly wheels and stairways in factories, mills, workshops, storehouses, warerooms or stores, shall be securely fenced, enclosed or otherwise protected and due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open, that the same may be used.

SEC. 3. Any person, corporation or association operating a factory, mill, or workshop where machinery is used, shall provide in each workroom thereof proper and sufficient means of ventilation.

SEC. 4. Any person, corporation or association who violates or omits to comply with any of the foregoing requirements or provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, or by imprisonment for not less than fifteen days nor more than ninety days.

SEC. 5. A copy of this act, together with the name and address of the commissioner of labor printed in a legible manner, shall be kept posted in each department of every factory, mill or workshop and in the office of every public and private work, upon the employer or his agent or superintendent being supplied with sufficient copies thereof by the commissioner of labor.

Approved by the governor March 6, 1903.

CHAPTER 44.—*Hours of labor on public works.*

SECTION 1. It is a part of the public policy of the State of Washington that all work "by contract or day labor done" for it, or any political subdivision created by its

laws, shall be performed in work days of not more than eight hours each, except in cases of extraordinary emergency. No case of extraordinary emergency shall be construed to exist in any case where other labor can be found to take the place of labor which has already been employed for eight hours in any calendar day.

SEC. 2. All contracts for work for the State of Washington, or any political subdivision created by its laws, shall provide that they may be canceled by the officers or agents authorized to contract for or supervise the execution of such work, in case such work is not performed in accordance with the policy of the State relating to such work.

SEC. 3. It is made the duty of all officers or agents authorized to contract for work to be done in behalf of the State of Washington, or any political subdivision created under its laws, to stipulate in all contracts as provided for in this act, and all such officers and agents, and all officers and agents entrusted with the supervision of work performed under such contracts, are authorized, and it is made their duty, to declare any contract canceled, the execution of which is not in accordance with the public policy of this State as herein declared.

Approved by the governor March 7, 1903.

CHAPTER 55.—*Sunday labor—Barbering.*

SECTION 1. It shall be unlawful for any person, persons or corporation to carry on the business of barbering on Sunday.

SEC. 2. Any person or persons violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of ten dollars or imprisonment in the county jail for five days for the first offense, and by a fine of not less than twenty-five dollars nor more than fifty dollars, or imprisonment in the county jail for not less than ten days nor more than twenty-five days for the second and each subsequent offense.

Approved by the governor March 7, 1903.

CHAPTER 58.—*Arbitration of labor disputes—Boards of arbitration.*

SECTION 1. It shall be the duty of the State labor commissioner upon application of any employer or employee having differences, as soon as practicable, to visit the location of such differences and to make a careful inquiry into the cause thereof and to advise the respective parties, what, if anything, ought to be done or submitted to by both to adjust said dispute and should said parties then still fail to agree to a settlement through said commissioner, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitrations to be chosen from citizens of the State as follows, to wit: Said employer shall appoint one and said employees acting through a majority, one, and these two shall select a third, these three to constitute the board of arbitration and the findings of said board of arbitration to be final.

SEC. 2. The proceedings of said board of arbitration shall be held before the commissioner of labor who shall act as moderator or chairman, without the privilege of voting, and who shall keep a record of the proceedings, issue subpœnas and administer oaths to the members of said board, and any witness said board may deem necessary to summon.

SEC. 3. Any notice or process issued by the board herein created, shall be served by any sheriff, coroner or constable to whom the same may be directed, or in whose hands the same may be placed for service.

SEC. 5. Upon the failure of the labor commissioner, in any case, to secure the creation of a board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any sworn statement made to the labor commissioner under this provision shall be for public use and shall be given publicly in such newspapers as desire to use it.

SEC. 6. There is hereby appropriated out of the State treasury from funds not otherwise appropriated the sum of three thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this act. In case the funds herein provided are exhausted and either party to a proposed arbitration shall tender the necessary expenses for conducting said arbitration, then it shall be the duty of the State labor commissioner to request the opposite party to arbitrate such differences in accordance with the provisions of this act.

Approved by the governor March 9, 1903.

CHAPTER 88.—*Wages a preferred claim—In executions.*

SECTION 1. From and after the passage of this act, no property shall be exempt from execution for clerk's, laborer's, or mechanic's wages earned within this State, nor for actual necessaries, not exceeding fifty dollars in value or amount furnished to the defendant or his family within sixty days preceding the beginning of an action to recover therefor, nor shall any property be exempt from execution issued upon a judgment against an attorney or agent on account of any liability incurred by such attorney or agent to his client or principal on account of any moneys or other property coming into his hands from or belonging to his client or principal: *Provided*, That nothing herein shall be construed as repealing or in any wise affecting section 5412 of Ballinger's Annotated Code[s] and Statutes of Washington, as amended by the law of 1901 relative to the exemptions in garnishment suits.

Approved by the governor March 14, 1903.

CHAPTER 135.—*Regulation and inspection of bakeries.*

SECTION 1. All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained or plumbed in a manner conducive to the proper healthful and sanitary condition thereof, and constructed with air shafts and windows or ventilating pipes sufficient to insure ventilation as the commissioner of labor shall direct, and no cellar or basement, not now used as a bakery, shall hereafter be used and occupied as a bakery and a cellar or basement heretofore occupied as a bakery shall, when once closed, not be reopened for use as a bakery.

SEC. 2. Every such bakery shall be provided with a proper wash room and water-closet, or closets, apart from the bake room or rooms where the manufacturing of such products is conducted; and no water-closet, earth closet, privy or ash pit shall be within or communicate directly with a bake shop.

SEC. 3. Every room used for the manufacture of flour or meal food shall be at least eight feet in height, the side walls of such room shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and if required by the commissioner of labor, shall be whitewashed at least once in three months; the furniture and utensils of such room shall be so arranged as to be easily moved in order that the furniture and floor may at all times be kept in proper healthful sanitary condition.

SEC. 5. The sleeping places for persons employed in a bakery shall be kept separate form [from] the room or rooms where flour or meal food products are manufactured or stored.

SEC. 6. After an inspection of a bakery has been made by the commissioner of labor and it is found to conform to the provisions of this act, said commissioner shall issue a certificate to the owner or operator of such bakery, that it is conducted in compliance with all the provisions of this act, but where orders are issued by said commissioner to improve the condition of a bakery, no such certificate shall be issued until such order and the provisions of this act have been complied with.

SEC. 7. The owner, agent or lessee of any property affected by the provisions of this act, shall, within thirty days after the service of notice upon him, of an order issued by the commissioner of labor requiring any alterations to be made in or upon such premises, comply therewith, or cease to use or allow the use of such premises as a bake shop; such notice shall be in writing and may be served upon such owner, agent, or lessee, either personally or by mail, and a notice by registered letter, postage prepaid, mailed to the last known address of such owner, agent, or lessee shall be deemed sufficient for the purposes of this act.

SEC. 8. No employer shall require, permit or suffer any person to work in his bake shop who is affected with tuberculosis, or with scrofulous diseases, or with any venereal disease, or with any communicable skin affection or contagious disease and no person so affected shall work or remain in a bake shop. Every employer is hereby required to maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling or sale of such food products.

SEC. 9. No employer shall require, permit or suffer any person under sixteen years of age to work in his bake shop between the hours of eight o'clock in the evening and five o'clock in the morning.

SEC. 10. Any person who violates the provisions of this act or refuses to comply with the requirements of the commissioner of labor, as provided herein, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not less than twenty-five nor more than fifty dollars or imprisoned not more than ten days for the first offense; and shall be fined not less that fifty nor more than one hundred dollars and imprisoned not less than ten nor more than thirty days for each offense after the first.

Approved by the governor March 16, 1903.

CHAPTER 136.—*Employment of children.*

SECTION 1. No female person under eighteen years of age shall be employed as public messenger by any person, telegraph company, telephone company, or messenger company in this State, nor shall any child of either sex under the age of fourteen years be hired out to labor in any factory, mill, workshop or store at any time: *Provided,* That any superior court judge, living within the residence district of any such child, may issue a permit for the employment of any child between the ages of twelve and fourteen years at any occupation, not in his judgment, dangerous or injurious to the health or morals of such child, upon evidence, satisfactory to him, that the labor of such child is necessary for its support or for the assistance of any invalid parent. Such permits shall be issued for a definite time but shall be revocable at the discretion of the judge by whom they are issued.

SEC. 2. Any employer, overseer, superintendent, or agent of such employer, who shall violate any of the provisions of this act shall, upon conviction thereof, be fined for each offense not less than $50 nor more than $100, or be imprisoned in the county jail not exceeding one month.

Approved by the governor March 16, 1903.

WISCONSIN.

ACTS OF 1903.

CHAPTER 191.—*Examination and licensing of barbers.*

SECTION 1. It shall be unlawful for any person to follow the occupation of barber in this State unless he shall have first obtained a certificate of registration as provided in this act: *Provided, however,* That nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation, except as hereinafter provided.

SEC. 2. A board of examiners, to consist of three (3) persons is hereby created to carry out and enforce the provisions of this act. Said board shall be appointed by the governor and shall consist of practical barbers who have been for at least five (5) years prior to their appointment engaged in the occupation of barbers in this State. Each member of said board shall serve for a term of two (2) years and until his successor is appointed and qualified, except in the case of the first board, whose members shall serve one (1) two (2) and three (3) years respectively, and shall take the oath provided for public officers. Vacancies shall be filled by the governor for the unexpired portion of the term.

SEC. 3. Said board shall elect a president, secretary and treasurer, shall have a common seal and shall have the power to administer oaths. The office of secretary and treasurer may be filled by the same person, as said board may determine. The secretary and treasurer shall give a bond in the sum of one thousand ($1,000) dollars with sureties approved by the secretary of state, conditioned for the faithful performance of the duties of the office.

SEC. 4. Each member of said board shall receive a compensation of three (3) dollars per day and actual expenses for actual service, three (3) cents per mile for each mile actually traveled in attending the meetings of the board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board: *Provided,* That the said compensation and mileage shall in no event be paid out of the State treasury.

SEC. 5. Said board shall hold practical examinations at least four times in each year, said examinations to be held in cities in different parts of the State, distributed as equally as possible, for the convenience of applicants, and such other examinations at such times and places as they may from time to time determine. Whenever complaint is made that any barber shop is kept in an unsanitary condition, or that contagious diseases have been imparted, a member of the board shall visit and inspect such shop or shops and enforce the provisions of this act. The board shall keep a record of all their proceedings, shall also show whether such applicant was registered or rejected by examination or otherwise, and said book and register shall be prima facie evidence of all matters required to be kept therein.

SEC. 6. Every person now engaged in the occupation of barbering in this State shall within ninety (90) days after the approval of this act, file with the secretary of said board an affidavit setting forth his name, residence, and length of time during which, and the place where he has practiced such occupation, and shall pay to the treasurer of said board one dollar ($1) and a certificate of registration entitling him to practice said occupation in this State shall be issued to him.

SEC. 7. Any person desiring to obtain a certificate of registration under this act shall make application to said board therefor, pay to the treasurer of said board an examination fee of one dollar ($1), present himself at the next regular meeting of the board for the examination of applicants, and if he show that he has studied the trade for one (1) year as an apprentice under one or more practicing barbers or for at least one (1) year in a properly appointed barber school, under the instructions of a competent barber, or practiced the trade for at least three (3) years in this State or other States, and that he is possessed of the requisite skill in such trade to properly perform all the duties thereof, including his ability in preparation of the tools, shaving, hair cutting and all the duties and services incident thereto, and of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravations and spreading thereof in the practice of said trade, his name shall be entered by the board in the register hereafter provided for and a certificate of registration shall be issued to him authorizing him to practice said trade in this State. 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. The word "occupation" as used in this act shall be construed to include any barber who shall have devoted any portion of his time to the business of barbering within the past three (3) years, whether engaged in other business or not.

SEC. 8. Nothing in this act shall prohibit any person from serving as an apprentice in said trade under a barber authorized to practice the same under this act or from serving as a student in any school for the training of such trade under the instructions of a qualified barber.

SEC. 9. Said board shall furnish to each person to whom a certificate of registration is issued, a card or insignia bearing the seal of the board and the signature of its president and secretary, certifying that the holder thereof is entitled to practice the occupation of barber in this State, and it shall be the duty of the holder of such card or insignia to post the same in a conspicuous place in front of his working chair where it may readily be seen by all persons whom he may serve. Said card or insignia shall be renewed on or before the first day of July in each year, and the holder of said certificate of registration shall pay to the treasurer of said board the sum of one (1) dollar for said renewal card or insignia. Upon failure of any holder of a certificate of registration to apply for a renewal of his card or insignia on or before the first day of July in each year, his said certificate of registration may be revoked by said board, subject to the provisions of section 11 of this act.

SEC. 10. Said board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this act, and said register shall be at all times open to public inspection.

SEC. 11. If any shop be found in an unsanitary condition, or if the holder of any certificate be charged with imparting any contagious or infectious disease, the board shall immediately notify the local health officer thereof, and such shop may be quarantined and the barber so charged shall not practice his occupation until such quarantine be removed by the health officer. Said board shall have power to revoke any certificate of registration granted by it under this act for conviction of crime, habitual drunkenness for six (6) months immediately before a charge duly made, gross incompetency, or for imparting contagious or infectious diseases: *Provided*, That before any certificate shall be so revoked the holder thereof shall have notice in writing of the charge or charges against him, and shall at a day specified in said notice, at least five (5) days after the service thereof, be given a public hearing and be given an opportunity to present testimony in his behalf and to confront the witness against him. Any person whose certificate has been revoked may after the expiration of ninety (90) days apply to have his certificate regranted, and the same shall be regranted to him upon his giving satisfactory proof that the disqualification has ceased.

SEC. 12. To shave or trim the beard or cut the hair of any person for hire by the person performing such service or any other person, shall be construed as practicing the occupation of barber within the meaning of this act.

SEC. 13. Any person practicing the occupation of barber in this State, without having obtained a certificate of registration, as provided by this act, or willfully employing a barber who has not such a certificate, or falsely pretending to be qualified to practice such occupation under this act, or violation of [violating] any of the provisions of this act, is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than twenty-five (25) dollars or more than one hundred (100) dollars or by imprisonment in the county jail not less than ten (10) days or more than ninety (90) days.

Approved May 11, 1903.

CHAPTER 230.—*Regulation and inspection of bakeries.*

SECTION 1. All buildings occupied for bakeries and confectionery establishments shall be well drained and all plumbing therein shall be constructed in accordance with well-established sanitary principles and of good workmanship, and the rooms thereof used for the manufacture or sale of bread, and other food products shall be light, dry and airy. The room or rooms used for the manufacture of bread and other food products shall have floors and side walls so constructed as to exclude rats, mice and other vermin and said floor and side walls shall at all times be free from moisture and kept in a good state of repair. Said floor shall have a smooth surface and be impermeable and may be constructed of wood, cement or tile laid in cement. But no floor shall be constructed in a room used for the manufacture of flour or meal products where the floor of said room is more than eight feet below the level of the street, sidewalk or adjacent ground. The walls and ceilings of such rooms used for the manufacture of bread and other flour and meal products shall be whitewashed at least as often as once in six months and the floors, utensils and furniture of such rooms as are used for the manufacture, storing or sale of said food products and the wagons used for the delivery of said food shall at all times be kept in a sanitary clean condition. The furniture and utensils of such rooms shall also be so arranged so that the same can be easily and perfectly cleaned.

SEC. 2. No water-closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room or any other room used in the manufacture of bread or other flour or meal products. The sleeping places for workmen employed in bakeries shall be separate and distinct from the places used in the manufacture of bread or other food products. While engaged in the manufacture of bread or other flour or meal products the workmen in bakeries shall provide themselves with caps and slippers or shoes and an external suit of coarse linen, used for that purpose, only, and these garments shall at all times be kept in a clean condition. All bakeries shall be provided with ample toilet facilities apart from the utensils used in the preparation of said foods to enable the workmen employed therein to keep their persons clean. Said bakeries shall also be provided with a separate dressing room to enable the workmen to change their clothes and keep the same in the proper condition.

SEC. 3. After the passage of this act no new bakery shall be established in a room the floor of which is more than five feet below the level of the street, sidewalk or adjacent ground, and no bake shop shall be reopened in such a room where the same has not been used for a period of over six months.

SEC. 4. No person shall work or be employed in or about any bakery or other establishment for the manufacture of food products during the time in which a case of infectious disease exists in the house in which [he] resides not [nor] thereafter until the local board of health issues a certificate in writing that no danger of public contagion would result from the employment of said person in such establishment.

SEC. 5. It shall be the duty of every occupant, whether owner or lessee of every premises used as a bakery or other establishment for the manufacture of food products to carry out the provisions of this act and make all changes and additions necessary therefor. In case such changes or additions are made upon the order of an officer or employee of the bureau of labor or of a board of health by the lessee of the premises he may at any time within thirty days after the completion thereof bring an action before any justice of the peace, municipal or district court, having competent jurisdiction against any person having an interest in such premises and may recover such proportion of the expense of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

SEC. 6. It shall be the duty of the State bureau of labor and boards of health, both State and local, to see that the provisions of this act are enforced and the commissioner of labor shall appoint a proper and competent person to act as bakery inspector for two years, who shall perform his duties under the direction of the said commissioner. The State factory inspector or any assistant State factory inspector shall have the same power as the bakery inspector. The said bakery inspector shall receive a salary of $1,000 per annum together with necessary traveling expenses, to be paid out of the general fund not otherwise appropriated.

In cities of five thousand inhabitants or over the common councils thereof may for the more perfect enforcement of the provisions of this act, provide by ordinance for the issuing of licenses to the owners or managers of bakeries and other establishments for the manufacture or sale of bread and other food products: *Provided, however,* That the license fee to be required shall not exceed one dollar for any single establishment per annum.

SEC. 7. Any person who as owner or manager of a bakery or other establishment for the manufacture of food products or as a member of a firm or officer of a corpora-

tion owning or operating such establishment, or as an employee in said establishment, violates or fails to comply with any of the foregoing provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment in the county jail for not more than thirty days.

No criminal prosecution shall be made for any violation of the provisions of this act until thirty days after notice, in writing, by an officer or inspector of the bureau of labor or some officer or agent of the board of health, of any change necessary to be made to comply with the provisions of this act, has been served upon the owner, manager or officer operating said establishment, and not then, if in the meantime, such changes have been made in accordance with such notification.

Approved May 12, 1903.

CHAPTER 323.—*Inspection of factories, etc.*

SECTION 1. Every factory, mill, or workshop, mercantile or mechanical establishment or other building where eight or more persons are employed, shall be provided within reasonable access, with a sufficient number of water-closets, earth closets, or privies for the reasonable use of the persons employed therein, and whenever male and female persons are employed as aforesaid together, water-closets, earth closets or privies separate and apart, shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closet shall be properly enclosed and ventilated and at all times kept in a clean and good sanitary condition. When the number employed is more than twenty of either sex, there shall be provided an additional closet for such sex up to the number of forty, and above that number in the same ratio. The commissioner of labor or any factory inspector may require such changes in the placing of such closets as he may deem necessary and may require other changes which may serve the best interest of morals and sanitation.

SEC. 2. In factories, mills or workshops, mercantile or mechanical establishments or other places where the labor performed by the operator is of such a character that it becomes desirable or necessary to change the clothing, wholly or in part, before leaving the building at the close of a day's work, separate dressing rooms shall be provided for females whenever so required by the commissioner of labor or any factory inspector. It shall be the duty of every occupant, whether owner or lessee of any such premises used as specified by this act, to make all the changes and additions thereto. In case such changes are made upon the order of the commissioner of labor, or any factory inspector to the lessee of the premises, the lessee may at any time within thirty days after the completion thereof, bring an action against any person or corporation or partnerships having interest in such premises, and may recover such proportion of expenses of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

SEC. 3. If in any of the aforesaid places, any process is carried on, by which dust or fumes is caused, which may be inhaled by the persons employed therein, or if the air should become exhaused [exhausted] or impure, there shall be provided a fan or such other mechanical device, as will substantially carry away all such dust or fumes or other impurities.

SEC. 4. All of the aforesaid places shall be kept clean and free from effluvia arising from any drain, privy or nuisance, shall be ventilated and kept in a sanitary condition. The commissioner of labor or any factory inspector may require such changes or additions to be made in any of the aforesaid places as will promote the best measures of sanitation.

SEC. 5. Any owner, lessee or any person or corporation having charge of any of the aforesaid buildings or places, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten (10) dollars and not exceeding one hundred (100) dollars.

Approved May 20, 1903

CHAPTER 349.—*Employment of children.*

SECTION 1. Chapter 274 of the Laws of 1899, as amended by chapter 182 of the Laws of 1901, is hereby amended so as to read as follows:

Section 1. No child between the ages of fourteen and sixteen years shall be employed at any time in any factory or workshop, bowling alley, barroom, beer garden, in or about any mine, store, office, hotel, mercantile establishment, laundry, telegraph, telephone, public messenger service or work for wages at any gainful occupation at any place, unless there is first obtained from the commissioner of labor,

State factory inspector, any assistant factory inspector, or from the judge of the county court or municipal court or from the judge of a juvenile court where such child resides, a written permit authorizing the employment of such child within such time or times as the said commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court may fix. No child under fourteen years of age shall be employed at any time in any factory or workshop, bowling alley, barroom, bear [beer] garden, or in or about any mine. No child under fourteen years shall be employed, required or suffered to work for wages at any gainful occupation at any time except that during the vacation of the public school in the town, district or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service in the town, district or city where it resides, and not elsewhere: *Provided*, That there is first obtained from the commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, or from the judge of a juvenile court where such child resides, a written permit authorizing the employment of such child within such time or times as the said commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court may fix. The said commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal [judge], or judge of a juvenile court shall keep a record, stating the name, date and place of birth, and place of school attended by any such child, and the county judge, municipal judge or such judge of a juvenile court shall report when so requested by the commissioner of labor or State factory inspector, the number of permits issued by him from time to time as hereinbefore provided. When the commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, or judge of a juvenile court has reason to doubt the age of any child who applies for such permit, [said] commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court shall demand proof of such child's age by the production of a verified baptismal certificate or a duly attested birth certificate, or in case such certificate can not be secured, by the record of age stated in the first school enrollment of such child, and if such proof does not exist or can not be secured then by the production of such other proof as may be satisfactory to said commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court, and no permit shall be issued unless proof of such child's age is filed with the said commissioner of labor, State, [sic] factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court. Whenever it appears that a permit has been obtained by a wrong or false statement as to any child's age, the commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge or judge of a juvenile court of the county where such child resides shall revoke such permit.

Sec. 2. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors in any mine, factory or workshop, bowling alley, barroom, beer garden, store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service within this State to keep a register in the place where such minor is employed, and subject at all times to the inspection of any factory inspector, or assistant factory inspector, in which register shall be recorded the name, age and date of birth, place of residence, of every child employed, permitted or suffered to work therein, under the age of sixteen years, and it shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ, permit or suffer to work in any mine, mercantile establishment, factory or workshop, bowling alley, barroom, beer garden, store, office, hotel, laundry, telegraph, telephone or public messenger service, any child under sixteen years of age unless there is first provided and placed on file in such mine, mercantile establishment, factory or workshop, bowling alley, barroom, beer garden, store, office, hotel, laundry, telegraph, telephone or public messenger [office], a permit granted by either the commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, or judge of a juvenile court of the county where such child resides.

Sec. 3. No person under the age of sixteen years shall be employed, required, permitted or suffered to work for wages at any gainful occupation longer than ten hours in any one day, nor more than six days in any one week, nor after the hour of nine at night nor before the hour of six in the morning: *Provided*, That this section shall not apply to boys carrying newspapers between the hours of four and six in the morning.

Sec. 4. It shall be the duty of the commissioner of labor, the factory or assistant factory inspector to enforce the provisions of this act, and to prosecute violation of

the same before any court of competent jurisdiction in this State. It shall be the duty of said commissioner of labor or the factory or assistant factory inspectors, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

Sec. 5. The commissioner of labor, the factory or assistant factory inspector shall have the power to demand a certificate of physical fitness, from some regularly licensed physician, in the case of children who may seem physically unable to perform the labor at which they may be employed, and no minor shall be employed who cannot obtain such certificate.

Sec. 6. No firm, person or corporation shall employ or permit any child under sixteen years of age to have the care, custody, management or operation of any elevator.

Sec. 7. The words "manufacturing establishment," "factory" or "workshop" as used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned or storted [sorted], stored or packed, in whole or in part, for sale or for wages, and not for the personal use of the maker or his or her family or employer.

Sec. 8. Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation or by himself or through agents, servants, or foreman, shall violate or fail to comply with any of the provisions of this act or shall hinder or delay the commissioner of labor, the factory or assistant inspectors or any or either of them in the performance of their duty or refuse to admit or shut or lock them out from any place required to be inspected by this act, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the above provisions of this act shall be liable to the above penalties, which may be recovered against such corporations in action for debt or assumpsit brought before any court of competent jurisdiction.

Sec. 9. Any parent or guardian, who suffers or permits a child to be employed, or suffered or permitted to work, in violation of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars.

Sec. 10. When in any proceeding in any court under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed with the court. In case such certificates can not be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

Approved May 21, 1903.

CHAPTER 402.—*Employment of children—Female messengers.*

SECTION 1. No female under eighteen years of age shall be employed as a messenger by any telegraph or telephone company, firm or corporation or by any company, firm, corporation or individual engaged in similar business.

SEC. 2. Whoever violates the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment for not more than six months.

Approved May 21, 1903.

CHAPTER 418.—*Bureau of labor—Investigation of the liquor traffic.*

SECTION 1. The commissioner of labor and industrial statistics is hereby authorized and required to collect and publish all available facts concerning the manufacture, sale and consumption of spirituous, malt, vinous, or intoxicating liquors used as beverages in the State of Wisconsin.

SEC. 2. The refusal of any dealer or manufacturer or employee of any dealer or manufacturer of said liquors to answer the questions, required by said commissioner under section one (1) of this act, shall be considered a misdemeanor, and said dealer or employee shall upon conviction thereof be fined not less than twenty-five (25) dollars nor more than one hundred (100) dollars, or imprisonment in the county jail for not less than thirty days, nor more than sixty days.

Approved May 22, 1903.

CHAPTER 434.—*Free public employment offices.*

SECTION 1. There is hereby created not more than four free employment offices in the State, to be located in such cities or places as may be selected or named by a commission consisting of the governor, secretary of state and the attorney-general, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Each such office shall be designated and known as Wisconsin Free Employment Office. The said offices shall be so located in such parts of the State by said commission as may best serve the inests [interests] of the people of the State.

SEC. 2. The commissioner of labor and industrial statistics shall recommend immediately after the passage of this act, and the governor shall appoint a superintendent for each of the offices created by section 1 of this act and who shall devote his time to the duties of his office. The tenure of such appointment shall be for two years, unless sooner removed for cause. The salary of each superintendent shall be fixed by said commission, not, however, to exceed twelve hundred dollars per annum, which sum, together with proper amounts for defraying the necessary costs of the equipping, running and maintaining the respective offices, rent for such offices not to exceed five hundred dollars per annum, shall be paid out of any funds in the State treasury not otherwise appropriated.

SEC. 3. The superintendent of each such free employment office shall open an office in such city as shall have been determined by the above commission, and in such locality of said city as both the commissioner of labor and superintendent of said employment office may select, as being most appropriate for the purpose intended: *Provided*, That said employment office shall be occupied in conjunction with the bureau of labor and industrial statistics when such bureau has an office in any of said cities, and in case said bureau has no office in any of said cities, then in that case the city council wherein said free employment office is established shall furnish and equip an office for said employment bureau, either in conjunction with a department of said city or separately without cost to the State, such office to be provided with a sufficient number of rooms or apartments to enable him to provide, and he shall so provide, a separate room or apartment for the use of women registering for situations or help. Upon the outside of each such office, in position and manner to secure the fullest public attention, shall be placed a sign which shall read in the English language, "Wisconsin Free Employment Office," and the same shall appear either upon the outside windows or upon signs in such other languages as the location of such office shall render advisable. The superintendent of each such free employment office shall receive and record in books kept for that purpose names of all persons applying for employment or help, designating opposite the name and address of each applicant, the character of employment or help desired. Separate registers for applicants for employment shall be kept, showing the age, sex, nativity, trade or occupation of each applicant, the cause and duration of nonemployment, whether married or single, the number of dependent children, together with such other facts as may be required by the bureau of labor and industrial statistics to be used by said bureau: *Provided*, That no such special registers shall be open to public inspection at any time, and that such statistical and sociological data as the bureau of labor may require shall be held in confidence by said bureau, and so published as not to reveal the identity of any applicant: *And provided, further*, That any applicant who shall decline to answer the questions contained in special register shall not thereby forfeit any right to any employment the office might secure.

SEC. 4. Each superintendent shall report on Thursday of each week to the State bureau of labor and industrial statistics the number of applications for positions and for help received during the preceding week, also those unfilled applications remaining on the books at the beginning of the week. Such lists shall not contain the names or addresses of any applicant, but shall show the number of situations desired and the number of persons wanted at each specified trade or occupation. It shall also show the number and character of the positions secured during the preceding week. Upon receipt of these lists and not later than Saturday of each week, the commissioner of the said bureau of labor and industrial statistics shall cause to be printed a sheet showing separately and in combination the lists received from all such free employment offices; and he shall cause a sufficient number of such sheets to be printed to enable him to mail, and he shall so mail, on Saturday of each week, two of said sheets to each superintendent of a free employment office, one to be filed by said superintendent and one to be conspicuously posted in each such office. A copy of such sheet shall also be mailed on each Saturday by the commissioner of the State bureau of labor and industrial statistics to the State inspector of factories. It is hereby made the duty of said factory inspector to do all he reasonably can to assist in securing situations for such applicants for work, to secure for the free employment

offices the cooperation of the employers of labor in factories, to immediately notify the superintendent of free employment offices of any and all vacancies or opportunities of employment that shall come to his notice.

SEC. 5. It shall be the duty of each such superintendent of a free employment office to immediately put himself in communication with the principal manufacturers, merchants and other employers of labor, and to use all diligence in securing the cooperation of the said employers of labor, with the purposes and objects of such employment offices.

SEC. 6. It shall be the duty of each such superintendent to make a report to the State bureau of labor and industrial statistics annually, not later than December first of each year, concerning the work of his office for the year ending October first of the same year, together with a statement of the expenses of the same, and such reports shall be published by the said bureau of labor and industrial statistics annually. Each such superintendent shall also perform such other duties in the collection of statistics of labor, as the commissioners of the bureau of labor and industrial statistics may require.

SEC. 7. No fee or compensation shall be charged or received, directly or indirectly, from any person or corporation applying for employment or help through said free employment offices; and any superintendent or clerk who shall accept, directly or indirectly, any fee or compensation from any applicant, or from his or her representative, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than twenty-five dollars nor more than fifty dollars and imprisoned in the county jail not more than thirty days.

SEC. 8. The term "applicant for employment" as used in this act shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise. Nothing in this act shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional service, and any and all other legitimate services.

SEC. 9. No person, firm or corporation where a free employment office is located shall open, operate or maintain a private employment agency for hire or where a fee is charged to either applicants for employment or for help, without first having obtained a license from the secretary of state, for which license he shall pay one hundred dollars per annum; and no such private agent shall print, publish, or cause to be printed or published, or paint on any sign, window or newspaper publication, a name similar to that of the Wisconsin free employment offices. And any person, firm or corporation violating the provisions of this act, or any part thereof, shall be deemed guilty of a misdemeanor, and upon conviction such person, firm or, if a corporation, all the officers thereof, shall be fined not less than fifty dollars.

SEC. 10. Whenever, in the opinion of the commissioner of the bureau of labor and industrial statistics, the superintendent of any free employment office is not duly diligent in the performance of his duties he may summon such superintendent to appear before him to show cause why he should not be recommended to the governor for removal, and unless such cause is clearly shown the said commissioner may so recommend. In considering such a case, a low percentage of positions secured to applicants for situations and help registered, lack of intelligent interest in the work, or a general inaptitude or inefficiency may be deemed by said commissioner sufficient to recommend a removal. And if, in the opinion of the governor, such lack of efficiency cannot be remedied by reproval and discipline, he shall remove such person from office as recommended by said commissioner: *Provided*, That the governor may at any time remove any superintendent or clerk for cause.

SEC. 12. Chapter 420 of the laws of Wisconsin for the year 1901 is hereby repealed

Approved May 22, 1903.

CHAPTER 448.—*Employers' liability.*

SECTION 1. Subdivision 2 of section 1816 of the statutes of 1898 is hereby amended by striking out all of said subdivision 2 and inserting in lieu thereof the following as said subdivision 2. "2. When such injury [i. e., incurred without contributory negligence] is sustained by any officer, agent, servant or employee of such company, while engaged in the line of his duty as such and which shall have been caused by the carelessness or negligence of any other officer, agent, servant or employee while in the discharge of, or for failure to discharge his duty as such: *Provided*, That such injury shall arise from a risk or hazard peculiar in the operation of railroads. No contract, receipt, rule or regulation between any employee and a railroad corporation shall exempt such corporation from the full liability imposed by this section."

Approved May 22, 1903.

WYOMING.

ACTS OF 1903.

CHAPTER 6.—*Mine regulations.*

SECTION 1. It shall be the duty of every person, company or corporation, owning or operating coal mines, to shut off all unused crosscuts between main entries and air courses, with a tightly built wall of suitable rock; said wall may be built of waste rock from said mine, the face of such wall to be plastered with mud, or lime and sand; said wall to be kept at all times in perfect condition and repair.

SEC. 2. It shall be the duty of every person, company or corporation, owning or operating coal mines, to provide a wire cable which shall, in all cases and under all circumstances, be attached to the lead car on all trains of coal cars going into a coal mine, and to the last car of coal cars coming out of a mine, which train of cars are commonly known as "man-trips;" and which said wire cable shall also be attached to the hoist cable in such way, that if any coupling of the cars on said "man-trips" should become broken or unfastened, the said wire cable, so attached to the hoist cable, would prevent the cars becoming uncoupled and running back into the mine. And such train of cars, known as "man-trips," shall not be run at a greater speed than five miles an hour.

SEC. 3. Any person, company, or corporation violating any of the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars, nor more than one thousand dollars, for each offense.

SEC. 4. It shall be the duty of the State mine inspector to enforce the provisions of this act.

Approved February 13th, 1903.

CHAPTER 23.—*Mine regulations—Inspectors of coal mines.*

SECTION 1. The governor shall nominate and by and with the consent of the senate, appoint two State inspectors of coal mines, who shall hold their office for six years and until their successors are duly appointed and qualified. They shall each have a thorough knowledge of practical mining and mining engineering, neither or whom shall be an employee, owner or part owner in any coal mine in the State. Said inspectors shall not be less than thirty (30) years of age, citizens of the United States, and if practicable, of this State, of good repute and temperate habits. The State inspectors of coal mines shall each receive an annual salary of two thousand ($2,000) dollars, and actual traveling expenses when in the discharge of their duties and shall keep their office at the State capitol. Said inspectors are hereby authorized to procure such instruments, chemical tests and stationery, and to incur such expense of communication, from time to time, as may be necessary to the discharge of their duties, provided, that such expense shall not exceed the contingent fund provided for that office, at the cost of the State, subject to the approval of the governor of the State, which shall be paid out of the State treasury upon accounts duly certified by him and audited by the State auditor. All instruments, plans, books, memoranda, notes and other property pertaining to the office hereby created, shall be the property of the State and shall be delivered by each inspector to his successor in office; and said inspectors shall be allowed all expenses necessarily incurred in enforcing the provisions of this chapter, in the courts of the State when such expenses are certified to be correct by the courts before which the proceedings were heard.

SEC. 2. The State shall be divided into two inspection districts, one to be known as District No. 1 comprising the counties of Laramie, Albany, Carbon, Sweetwater and Uinta, the other to be known as District No. 2 comprising the counties of Converse, Natrona, Fremont, Big Horn, Johnson, Sheridan, Crook and Weston. In the appointment of inspectors the governor shall designate the district for which each inspector is appointed, and the jurisdiction of such inspector shall extend to, and be confined to the particular district for which he has been appointed: *Provided*, That in case of the inspector of either district being unable to attend to the duties of his office, through sickness, absence from the State or any other cause, the inspector of the other district shall have full authority and jurisdiction to act in the place and stead of the regularly appointed inspector of such district.

SEC. 3. The State inspectors of coal mines shall each, before entering upon the discharge of his duties give bond in the penal sum of five thousand ($5,000) dollars to the State of Wyoming, with sufficient sureties, which bond shall be conditioned for the faithful discharge of his duties. Each of said inspectors shall devote the whole

of his time to the duties of his office. It shall be the duty of each inspector to examine the coal mines within his district as often as possible, which shall not be less than once in three months, and report the number of times he has visited each mine in a year, and see that all the provisions of this act are observed and strictly carried out.

SEC. 4. It shall be the duty of each inspector to make records of all examinations of mines within his district, showing the condition in which he finds them, especially in reference to ventilation and drainage, the number of mines in his district, the number of persons employed in each mine, the extent to which the laws are obeyed, the progress made in the improvements sought to be secured, the number of accidents and deaths resulting from injuries received in and about the mines, with cause of such accident or death; said reports to be made quarterly.

SEC. 5. The district court within the proper county, or judge thereof, in vacation or recess, upon a petition signed by not less than fifteen (15) reputable citizens who shall be miners, owners or lessees of mines, and with the affidavit of one or more of said petitioners attached setting forth that the State inspector of coal mines for that district neglects his duty or is incompetent, or that he is guilty of malfeasance in office, shall issue a citation in the name of the State to the said inspector to appear upon a day, to be therein fixed and stated, before said court, which notice shall be served at least fifteen (15) days before the time fixed to appear, at which time the court, or judge thereof in vacation or recess, shall proceed to inquire into and investigate the allegations of the petitioners; and if the court find that said inspector is neglectful of his duties or is incompetent to perform the duties of his office, or if he is guilty of malfeasance therein, the court or judge shall certify the same to the governor, who shall thereupon declare the office of said inspector vacant and proceed to supply said vacancy by appointment. And all vacancies in said office shall be filled by appointment by the governor. The cost of said investigation shall, if the charges are sustained, be taxed against the said inspector, but if the charges be not sustained, they shall be taxed against the county in which the investigation is instituted.

SEC. 6. The owner of every coal mine, whether shaft, slope or drift, shall provide and maintain for every such mine, an amount of ventilation of not less than 150 cubic feet, per minute, per person, employed in such mine, which shall be circulated and distributed throughout the mine in such a manner as to dilute, render harmless, and expel the poisonous and noxious gases from each and every working place in the mine and no working place shall be driven more than fifty feet in advance of a break through or air way.

SEC. 7. It shall be the duty of each State inspector of coal mines on each visit to any mines within his district, to make out a written or partly written and partly printed report of the condition in which he finds such mines, and post the same in the office at the mine; also on the dump of such mine, the said report shall give the date of visit, the number of visits during the year, the total number of mines in the State, the number of feet of air in circulation at the face of each and every entry, and such other information as he shall deem necessary, and the report shall remain posted in the office and also on the dump of such mine for one year and said report may be examined by any miner or person employed in and about such mine.

SEC. 8. On or before the 30th day of October in each year the owner, operator or superintendent of any mine or coalery shall send to the State inspector of coal mines for the district in which said mine is situated, a correct report, specifying with respect to the year ending the 30th day of September, the name of the owner, operator and officers of the mine, and the quantity of coal mined, and the number of men employed. The report shall be in such form and give such information as may be from time to time required and prescribed by the inspector; blank forms for such report shall be furnished by the State.

SEC. 9. The State coal mine inspectors shall have authority to appoint a clerk, who shall be a qualified elector of the State, and who shall receive a salary of ($600) six hundred dollars per annum, who shall be required to constantly be in attendance during regular office hours in the office of the State coal mine inspectors in the capitol building at Cheyenne. It shall be the duty of said chief clerk to keep the records of said office and to perform such clerical work as may from time to time be required of him by the said inspectors.

SEC. 10. Wherever in the statutes or laws of Wyoming, not specifically referred to in this act, any duty or obligation is imposed upon the State inspector of coal mines, said duty shall become and is hereby made a part of the duties of the inspectors of coal mines provided for in this act; and the inspectors appointed under the provisions of this act shall have the same jurisdiction, power and authority to act in the premises, and to enforce the laws of this State within the bounds of their respective districts as the State inspector of coal mines has heretofore possessed throughout the State.

SEC. 11. Chapter 8, title 3, division I of the Revised Statutes of Wyoming for the year 1899 is hereby repealed.

Approved February 17th, 1903.

CHAPTER 31.—*Exemption of wages from execution.*

SECTION 1. The judge may order any property of the judgment debtor, or money due him, not exempt by law, in the hands of either himself or other person or of a corporation to be applied toward the satisfaction of a judgment; but one-half of the earnings of the judgment debtor for his personal services, rendered at any time within sixty days next preceding the levy of execution or levy of attachment, and due and owing at the time of such levy of execution or attachment are exempt when it appears by the debtor's affidavit, or otherwise, that such earnings are necessary for the use of his family residing in this State, supported wholly or in part by his labors.

This section shall apply to proceedings in judgment and to proceedings in all courts in this State.

Approved February 18th, 1903.

CHAPTER 35.—*Mine regulations—Inspector of metalliferous mines.*

SECTION 1. The State geologist shall act ex officio as inspector of mines until otherwise provided by law, and under this act shall have power to make such examination and inquiry as is deemed necessary to ascertain whether the provisions of this act are complied with; to examine into, and make inquiry into the condition of any mine, mill or part thereof, and all matters or things connected with or relating to the safety of the persons employed in or about the same; to examine into and make inquiry respecting the condition of the machinery or mechanical device, and if deemed necessary, have same tested; to appear at all coroner's inquest[s] held respecting accidents, and if necessary, call, examine and cross-examine witnesses; to exercise such other powers as are necessary for carrying this act into effect.

SEC. 2. Every owner, agent, manager or lessee of any metalliferous mine or metallurgical plant in this State shall admit the inspector on the exhibition of his badge or certificate of appointment, for the purpose of making examination and inspection provided for in this act, whenever the mine is in active operation and render any necessary assistance for such inspection. But said inspection shall not necessarily obstruct the working of said mine or plant. The refusal of the owner, agent, manager or lessee to admit the inspector to such mine or plant to lawfully inspect the same, shall, upon conviction, be deemed a misdemeanor and shall be subject to a fine of not less than fifty dollars ($50) nor more than three hundred dollars ($300) or be imprisoned not less than one (1) nor more than three (3) months.

SEC. 3. The inspector shall exercise a sound discretion in the enforcement of this act and if he shall find any matter, thing or practice in or connected with any metalliferous mine or metallurgical plant to be dangerous or defective so as to, in his opinion, threaten or tend to the bodily injury of any person, the inspector shall give notice in writing thereof to the owner, agent, manager or lessee of such mine or plant, stating in such notice the particulars in which he considers such mine, plant or part thereof, or practice to be dangerous or defective; and he shall order the same to be remedied, a copy of said order shall be filed and become a part of the records of the inspector of mines, and said owner, agent, manager or lessee shall, upon compliance of [with] said order immediately notify the inspector of mines in writing. Upon the refusal or failure of said owner, agent, manager or lessee to report within a reasonable length of time, said owner, agent, manager or lessee shall be subject to a fine of not less than fifty dollars ($50) nor more than three hundred dollars ($300) for each and every such refusal or failure.

SEC. 4. Any owner, lessee, manager, superintendent or foreman in charge of any metalliferous mine who shall willfully misrepresent or withhold facts or information from the inspector regarding the mine, such as length of time timbers have been in place, or making any misrepresentation tending to show safety when the reverse is true, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than one hundred dollars ($100) nor more than three hundred dollars ($300) for each offense.

SEC. 5. Any owner, agent, manager or lessee having charge or operating any metalliferous mine or metallurgical plant, whenever loss of life or accident serious enough in character to cause the injured party to stop work for thirty consecutive days and being under the care of a physician and connected with the workings of such mine or metallurgical plant, shall occur, shall give notice immediately and report all the

facts thereof to the inspector of mines. The refusal or failure of the said owner, agent, manager or lessee to so report within reasonable time shall be deemed a misdemeanor and shall upon conviction be subject to a fine of not less than fifty dollars and not more than three hundred dollars, or be imprisoned for not less than one and not more than three months. The inspector of mines upon receipt of notice of accident shall investigate and ascertain the cause and make or cause to be made a report, which shall be filed in his office for future reference.

SEC. 6. Any person or persons operating any metalliferous mine or mill and employing five or more men, shall report the same to the inspector of mines and state when work is commenced and when stopped, and mines working continuously shall report on or before December 1, of each year together with the names of the owners and managers or lessee in charge of said work, together with the post-office address, the name of the claim or claims to be operated, the name of the county and mining district, together with the number of men employed, directly or indirectly, the same being classified into miners, trammers, timbermen or assorters, mill men, teamsters, etc. The necessary blanks to carry out the provisions of this section shall be furnished upon application by the inspector of mines.

SEC. 7. There is hereby established the following code of signals for use in the metalliferous mines of this State, which shall be securely posted in a clear and legible form in the engine room, at the collar of the shaft and at each level or station:

SIGNALS.

1 bell—Hoist. (See Rule 2.)
1 bell—Stop if in motion.
2 bells—Lower. (See Rule 2.)
3 bells—Men on, run slow. (See Rule 2.)
7 bells—Accident. Hoist or lower by verbal orders only.
3-2-1 bells—Ready to shoot. (See Rule 3.)
Engineer Signal—Engineer shall after signal 3-2-1, raise the bucket or cage two feet and lower again, and shall remain at his post until final signal is given and command executed.

RULES GOVERNING SIGNALS.

Rule 1. In giving ordinary signals make strokes on bell at regular intervals. In signals similar to "ready to shoot" 3-2-1 bells each bar (-) must take the same time as one stroke of the bell.

Rule 2. When men are to be hoisted or lowered, give the signal for "men on, run slow," (3 bells). Men must then get on bucket or cage, then give signal to hoist or lower. (1 or 2 bells.)

Rule 3. After signal "Ready to shoot" (3-2-1 bells) engineer must reply as above. Miners must then give signal "men on" (3 bells) then spit fuse, get on bucket or cage and give signal to hoist.

Rule 4. All timbers, tools, etc., longer than the depth of bucket or placed within a cage, must be securely lashed before being hoisted or lowered.

Rule 5. Signals to meet local demands and not in conflict with above may be added by individual operators but same must be posted in clear and legible form in connection with above code.

The inspector of mines shall have power to enforce the adoption of this code of signals in all metalliferous mines using hoisting machinery, and all persons giving or causing to be given false signals or riding upon any cage, skip or bucket upon signals that designate to the engineer that no employees are aboard, shall be deemed guilty of a misdemeanor under this act.

SEC. 8. No person addicted to the use of intoxicating liquors or under eighteen years of age shall be employed as hoisting engineer.

SEC. 9. Strangers or visitors shall not be allowed underground in any mine unless accompanied by some owner, official, or employee deputized to accompany same.

SEC. 10. Nothing in this act shall apply to coal mines.

Approved February 18th, 1903.

CHAPTER 64.—*Payment of wages—Semimonthly pay day.*

SECTION 1. All wages or compensation of coal miners and laborers, now employed, or who may hereafter be employed, in or about any coal mine in the State, shall be due and payable semimonthly, and such payment shall be made in lawful money of the United States, or by a good and valid check or draft, payable on presentation thereof, in lawful money of the United States, and not otherwise; that is to say, all

such money earned prior to the first day of any month, shall be due and payable on or before the fifteenth day of such month, and any such money earned prior to the sixteenth day of any month shall be due and payable on or before the last day of such month. Any person, company or corporation operating coal mines within this State who fails to comply with the provisions of this section, shall be fined in the sum of not less than twenty-five dollars, nor more than one hundred dollars for each and every offense.

Approved February 20th, 1903.

CHAPTER 70.—*Mine regulations—Explosives.*

SECTION 2. Explosives must be stored in a magazine provided for that purpose alone; said magazine to be placed far enough from the open cutting or working shaft, tunnel or incline to insure the same remaining intact, in the event, the entire stock of explosives in said magazine be exploded; all explosives in excess of the amount required for a shifts' work [shall] be kept in said magazine; no powder or other explosive [shall] be stored in underground workings where men are employed; each mine shall provide and employ a suitable device for thawing or warming powder and keep the same in condition for use; oils or other combustible substances shall not be kept or stored in the same magazine with explosives.

SEC. 3. Oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the main buildings, and at a safe distance from the powder magazine, and their removal from said building for use shall be in such quantities as are necessary to meet the requirements of a day, only.

SEC. 4. No person shall, whether working for himself or in the employ of any person, company or corporation, while loading or charging a hole with nitroglycerine, powder or other explosive, use or employ any steel or iron tamping bar; nor shall any mine manager, superintendent, foreman or shift boss, or other person having the management or direction of mine labor, allow or permit the use of such steel, iron or other metal tamping bar by employees under his management or direction.

SEC. 5. The inspector of mines shall have authority to regulate and limit the amount of nitro powder stored or kept in general supply stores in mining camps or mining towns where there is no municipal law governing same; he shall have authority to enforce the provisions of this act and to prosecute any violation thereof as hereinafter provided.

SEC. 6. Any person or persons violating any of the provisions of this act shall be liable to a fine of not less than ten dollars or not more than one hundred dollars for each violation.

Approved February 21st, 1903.

LEADING ARTICLES IN PAST NUMBERS OF THE BULLETIN.

No. 1. Private and public debt in the United States, by George K. Holmes.
Employer and employee under the common law, by V. H. Olmsted and S. D. Fessenden.
No. 2. The poor colonies of Holland, by J. Howard Gore, Ph. D.
The industrial revolution in Japan, by William Eleroy Curtis.
Notes concerning the money of the U. S. and other countries, by W. C. Hunt.
The wealth and receipts and expenses of the U. S., by W. M. Steuart.
No. 3. Industrial communities: Coal Mining Co. of Anzin, by W. F. Willoughby.
No. 4. Industrial communities: Coal Mining Co. of Blanzy, by W. F. Willoughby.
The sweating system, by Henry White.
No. 5. Convict labor.
Industrial communities: Krupp Iron and Steel Works, by W. F. Willoughby.
No. 6. Industrial communities: Familistère Society of Guise, by W. F. Willoughby.
Cooperative distribution, by Edward W. Bemis, Ph. D.
No. 7. Industrial communities: Various communities, by W. F. Willoughby.
Rates of wages paid under public and private contract, by Ethelbert Stewart.
No. 8. Conciliation and arbitration in the boot and shoe industry, by T. A. Carroll.
Railway relief departments, by Emory R. Johnson, Ph. D.
No. 9. The padrone system and padrone banks, by John Koren.
The Dutch Society for General Welfare, by J. Howard Gore, Ph. D.
No. 10. Condition of the Negro in various cities.
Building and loan associations.
No. 11. Workers at gainful occupations at censuses of 1870, 1880, and 1890, by W. C. Hunt.
Public baths in Europe, by Edward Mussey Hartwell, Ph. D., M. D.
No. 12. The inspection of factories and workshops in the U. S., by W. F. Willoughby.
Mutual rights and duties of parents and children, guardianship, etc., under the law, by F. J. Stimson.
The municipal or cooperative restaurant of Grenoble, France, by C. O. Ward.
No. 13. The anthracite mine laborers, by G. O. Virtue, Ph. D.
No. 14. The Negroes of Farmville, Va.: A social study, by W. E. B. Du Bois, Ph. D.
Incomes, wages, and rents in Montreal, by Herbert Brown Ames, B. A.
No. 15. Boarding homes and clubs for working women, by Mary S. Fergusson.
The trade-union label, by John Graham Brooks.
No. 16. Alaskan gold fields and opportunities for capital and labor, by S. C. Dunham.
No. 17. Brotherhood relief and insurance of railway employees, by E. R. Johnson, Ph. D.
The nations of Antwerp, by J. Howard Gore, Ph. D.
No. 18. Wages in the United States and Europe, 1870 to 1898.
No. 19. Alaskan gold fields and opportunities for capital and labor, by S. C. Dunham.
Mutual relief and benefit associations in the printing trade, by W. S. Waudby.
No. 20. Condition of railway labor in Europe, by Walter E. Weyl, Ph. D.
No. 21. Pawnbroking in Europe and the United States, by W. R. Patterson, Ph. D.
No. 22. Benefit features of American trade unions, by Edward W. Bemis, Ph. D.
The Negro in the black belt: Some social sketches, by W. E. B. Du Bois, Ph. D.
Wages in Lyon, France, 1870 to 1896.
No. 23. Attitude of women's clubs, etc., toward social economics, by Ellen M. Henrotin.
The production of paper and pulp in the U. S. from January 1 to June 30, 1898.
No. 24. Statistics of cities.
No. 25. Foreign labor laws: Great Britain and France, by W. F. Willoughby.
No. 26. Protection of workmen in their employment, by Stephen D. Fessenden.
Foreign labor laws: Belgium and Switzerland, by W. F. Willoughby.
No. 27. Wholesale prices: 1890 to 1899, by Roland P. Falkner, Ph. D.
Foreign labor laws: Germany, by W. F. Willoughby.
No. 28. Voluntary conciliation and arbitration in Great Britain, by J. B. McPherson.
System of adjusting wages, etc., in certain rolling mills, by J. H. Nutt.
Foreign labor laws: Austria, by W. F. Willoughby.
No. 29. Trusts and industrial combinations, by J. W. Jenks, Ph. D.
The Yukon and Nome gold regions, by S. C. Dunham.
Labor Day, by Miss M. C. de Graffenried.

No. 30. Trend of wages from 1891 to 1900.
Statistics of cities.
Foreign labor laws: Various European countries, by W. F. Willoughby.
No. 31. Betterment of industrial conditions, by V. H. Olmsted.
Present status of employers' liability in the U. S., by S. D. Fessenden.
Condition of railway labor in Italy, by Dr. Luigi Einaudi.
No. 32. Accidents to labor as regulated by law in the U. S., by W. F. Willoughby.
Prices of commodities and rates of wages in Manila.
The Negroes of Sandy Spring, Md.: A social study, by W. T. Thom, Ph. D.
The British workmen's compensation act and its operation, by A. M. Low.
No. 33. Foreign labor laws: Australasia and Canada, by W. F. Willoughby.
The British conspiracy and protection of property act and its operation, by A. M. Low.
No. 34. Labor conditions in Porto Rico, by Azel Ames, M. D.
Social economics at the Paris Exposition, by Prof. N. P. Gilman.
The workmen's compensation act of Holland.
No. 35. Cooperative communities in the United States, by Rev. Alexander Kent.
The Negro landholder of Georgia, by W. E. B. Du Bois, Ph. D.
No. 36. Statistics of cities.
Statistics of Honolulu, H. I.
No. 37. Railway employees in the United States, by Samuel McCune Lindsay, Ph. D.
The Negroes of Litwalton, Va.: A social study of the "Oyster Negro," by William Taylor Thom, Ph. D.
No. 38. Labor conditions in Mexico, by Walter E. Weyl, Ph. D.
The Negroes of Cinclare Central Factory and Calumet Plantation, La., by J. Bradford Laws.
No. 39. Course of wholesale prices, 1890 to 1901.
No. 40. Present condition of the hand-working and domestic industries of Germany, by Henry J. Harris, Ph. D.
Workmen's compensation acts of foreign countries, by Adna F. Weber.
No. 41. Labor conditions in Cuba, by Victor S. Clark, Ph. D.
Beef prices, by Fred C. Croxton.
No. 42. Statistics of cities.
Labor conditions in Cuba.
No. 43. Report to the President on anthracite coal strike, by Carroll D. Wright.
No. 44. Factory sanitation and labor protection, by C. F. W. Doehring, Ph. D.
No. 45. Course of wholesale prices, 1890 to 1902.
No. 46. Report of Anthracite Coal Strike Commission.
No. 47. Report of the Commissioner of Labor on Hawaii.
No. 48. Farm colonies of the Salvation Army, by Commander Booth Tucker.
The Negroes of Xenia, Ohio, by Richard R. Wright, jr., B. D.
No. 49. Cost of living.
Labor conditions in New Zealand, by Victor S. Clark, Ph. D.
No. 50. Labor unions and British industry, by A. Maurice Low.
Land values and ownership in Philadelphia, by A. F. Davies.
No. 51. Course of wholesale prices, 1890 to 1903.
The union movement among coal mine workers, by Frank Julian Warne, Ph. D.
No. 52. Child labor in the United States, by Hannah R. Sewall, Ph. D.
No. 53. Wages and cost of living.
No. 54. The working of the United States Bureau of Labor, by Carroll D. Wright.
Bureaus of statistics of labor in the United States, by G. W. W. Hanger.
Bureaus of statistics of labor in foreign countries, by G. W. W. Hanger.
The value and influence of labor statistics, by Carroll D. Wright.
Strikes and lockouts in the United States, 1881 to 1900, by G. W. W. Hanger.
Wages in the United States and Europe, 1890 to 1903, by G. W. W. Hanger.
Cost of living and retail prices in the U. S., 1890 to 1903, by G. W. W. Hanger.
Wholesale prices in the United States, 1890 to 1903, by G. W. W. Hanger.
Housing of the working people in the U. S. by employers, by G. W. W. Hanger.
Public baths in the United States, by G. W. W. Hanger.
Trade and technical education in the United States.
Hand and machine labor in the United States.
Labor legislation in the United States, by G. A. Weber.
Labor conditions in Hawaii.
No. 55. Building and loan associations in the U. S., by G. W. W. Hanger.
Revival of handicrafts in America, by Max West, Ph. D.