DEPARTMENT OF COMMERCE AND LABOR.

BULLETIN

OF THE

BUREAU OF LABOR.

No. 68—JANUARY, 1907.

ISSUED EVERY OTHER MONTH.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1907.

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BULLETIN

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BUREAU OF LABOR.

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FREE PUBLIC EMPLOYMENT OFFICES IN THE UNITED STATES.

BY J. E. CONNER, PH. D.

INTRODUCTION.

Free public employment offices are agencies supported by the State or the municipality and designed to bring employee and employer together for the purpose of furnishing employment to the former and help to the latter. The employment agency as a private institution is of long standing. As a department of philanthropic work among charitable organizations it is found at least as far back as 1870, when the United Hebrew Charities of Chicago opened its free employment office. Both of these classes of employment offices, as well as those conducted by firms, corporations, labor and trade organizations, etc., are excluded from this investigation, except in so far as they are incidentally of interest to the discussion.

Agencies for securing employment may be given the following general classification:

1. Private or pay agencies, conducted for gain, like any other business. The "want" columns of the daily press logically belong in this class.

2. Philanthropic agencies, conducted by such organizations as the Associated Charities, the Young Men's Christian Association, the United Hebrew Charities, and other religious or humanitarian bodies.

3. The employment departments of various firms and business organizations conducted for their own private advantage. To this class belong the "business agents" of the labor unions, the employment bureaus of mercantile and manufacturing establishments, and the employment departments of the antiunion organizations.

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4. The free public employment offices supported by the State or the city.

In all of these classes except the first the service is usually free to employer and employee alike, save that in the second class a small nominal fee is sometimes charged in order to make the service pay all or a portion of the expenses of the business. In the fourth class, with which this article is chiefly concerned, this latter feature has been attempted in only one instance.([a]) The term "free" is necessary to distinguish the fourth class from the first or "pay" agencies, and the term "public" is needed to distinguish it from the second and third classes.

The purpose of this investigation is to study the aims, methods, progress, and results of the free public employment offices of the various States and municipalities, and to present such conclusions as the facts seem to justify.

Much detailed information could be presented in a digest of the reports of the commissioners of labor of the various States, supplemented by correspondence from public officials, but as the nature of the work of the public employment office is such as appeals to the generous impulses of men, there is no cause for wonder if the reports of the commissioners and superintendents occasionally exhibit a greater degree of enthusiasm than the results seem to warrant. Moreover, to view the results of the operations of the bureaus from merely a local standpoint would yield but superficial information and lead to uncertain and empirical deductions.

In order, therefore, to carry out the purpose outlined above, the report should be based upon information obtained by personal visits of the investigator to the offices, an inspection of their methods of business, and an examination of local industrial conditions, taking account not only of official opinion, but also of public opinion, especially as represented by employers, labor organizations, and students of the local situation.

Political experiment is necessarily slow in its processes, and most of the errors observed are due to the fact that while the public employment offices have been in existence in this country about fifteen years, and a somewhat longer period in Europe, the movement is not yet beyond the experimental stage. Criticism does not always take account of this fact, and, consequently, the whole movement is oftentimes rashly condemned for preventable mistakes which are by no means fundamental in nature. Certain organizations are warm supporters of the movement while others oppose it. This partisanship gives rise to the false impression that the whole agitation is only an exhibition of class spirit and interest. Moreover, the varying degree of success secured by some States, the abortive

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[a] Los Angeles, Cal.

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attempts made in others, and the abandonment of the system by one have placed the movement rather on the defensive. The advisability of establishing such a system is under consideration in at least three States, and in several others the movement is being watched with interest.

The chronology of the free public employment offices of the United States is as follows:

1890. Ohio, 5 offices, Cleveland, Columbus, Cincinnati, Dayton, and Toledo; salaries paid by cities at first, now by State.

1893. Los Angeles, Cal., a municipal office, founded and maintained by labor unions, later assumed by municipality and county, now by municipality.

1894. Seattle, Wash., a municipal office, founded by an amendment to the city charter.

1895. Montana, first legislative attempt at a mail-order system. Changed by a substitute act of March 6, 1897, to a law permitting municipalities to act for themselves. Butte office, 1902; Great Falls, 1905; both founded by city ordinances and virtually municipal offices.

1896. New York, 1 office, New York City; act repealed and office discontinued, 1906.

1897. Nebraska, mail-order system, only 1 office, State capitol at Lincoln.

1899. Illinois, 4 offices, 3 in Chicago and 1 in Peoria; original act declared unconstitutional, present one passed May 11, 1903.

1899. Missouri, 3 offices, St. Louis, Kansas City, and St. Joseph.

1901. Connecticut, 5 offices, Bridgeport, Hartford, New Haven, Norwich, and Waterbury.

1901. Kansas, mail-order system; only 1 office, State capitol at Topeka.

1901. West Virginia, 1 office, Wheeling.

1901. Wisconsin, 4 offices, La Crosse, Milwaukee, Oshkosh, Superior.

1901. Duluth, Minn., municipal office; founded by city ordinance.

1902. Maryland, 1 office, Baltimore.

1902. Sacramento, Cal., municipal office; founded by city ordinance.

1904. Tacoma, Wash., municipal office; founded by city ordinance.

1905. Minnesota, 1 office, Minneapolis; municipal office at Duluth continues as organized.

1905. Michigan, 2 offices, Detroit and Grand Rapids.

1905. Spokane, Wash., municipal office; founded by city ordinance.

The field of the present investigation covered the 15 States having free public employment offices, namely, California,[a] Connecticut, Illinois, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, Ohio, Washington,[a] West Virginia, and Wisconsin. Colorado, Iowa, and Massachusetts were also included, since these States have the establishment of such offices under consideration. There were at the time of the investigation 37 offices, all but 5 of which were personally inspected. The 5 not visited were Oshkosh and Superior, Wis.; Duluth, Minn.; Great Falls, Mont.; and Spokane, Wash. Of these the second and third were satisfactorily reported by correspondence, by reliable visitors, and by official testimony; the other three had been in operation but a few months.

[a] The State has no statutory provision, but several of the cities have municipal employment offices.

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Each State had to be studied as a separate problem; for not only were industrial conditions necessarily different in each, but the laws authorizing the creation of the offices varied greatly. The general plan of investigation was to visit first the State capitol, or wherever the commissioner of labor had his office, study the State situation as an entire problem, then visit the several offices. In addition to the cities where these offices are located, Boston, Providence, Lansing, Springfield (Ill.), Madison, St. Paul, Helena, San Francisco, Denver, and Des Moines were visited.

It is evident that the subject is one which does not admit of such statistical definiteness in the statement of results as might be desired. The several employment offices have statistics in abundance to offer; but these can not be taken as absolutely correct, owing to the fact that people will not always report as to employment when the service is free.

CONCLUSIONS.

From the experience of the several States and municipalities in conducting employment offices the free public employment office must be regarded thus far as an experiment with some failures, many mistakes, and several successes to be recorded as its briefest summary. The failures have not been upon fundamental points and the mistakes are believed to be preventable. The history of this movement has been one of progression and not retrogression, though the progress must be looked for as a whole rather than within any one of the several States. The individual States have shown but little inclination to modify their earlier enactments or to profit by the experience of others.

The offices have not uniformly followed the practice of giving their services without the payment of a fee. The experience where a fee has been charged indicates that perhaps the best results would be obtained from a small fee which each applicant for employment should pay for each position he secures, following the principle of making the service pay its own expenses. This fee could be collected subsequent to employment.

The offices should be located whenever practicable in the city hall or the court-house. This is desirable for two reasons: First, that the burden of the support of the office may be distributed between the State and the locality, the latter accounting at least for the item of rent, the former assuming responsibility for all remaining expenses; second, in order that the office may be as closely as possible associated with other social services, and be placed incidentally on an equal footing with other public offices.

That those seeking employment should be protected from the schemes of the unscrupulous has been urged more than any other

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motive as a reason for the establishment of free public employment offices. The experience of the various States does not justify the belief that free competition by the State can be relied upon alone to drive out the unscrupulous private agencies or correct their abuses. To accomplish this object the first requisite is a law covering the specific abuses. Following the system developed in Illinois, the free public employment office may be used as a valuable adjunct in the administration of such a law.

A second motive advanced is the need of a public agency to furnish all possible assistance to the unemployed seeking employment. Private initiative can not be relied upon to do this for the reason that it must make merchandise of men's necessities to an extent that is socially harmful, even when conducted as a legitimate business and entirely free from extortionate practices.

The economic motive is a third reason advanced in justification of the free public employment office. This may be analyzed into the saving of money to those for whom it is needful that money should be saved, and the bringing together the laborer in search of work and the employer seeking help, thus with the least possible expense reducing unemployment to a minimum and supplying the demand for workers to the fullest extent.

The private employment offices in large cities have become highly differentiated and, while the cost is sometimes excessive and exorbitant, in many cases they render a higher grade of service than the public office. As a rule it is safer to trust the public offices for the lower grades of employment, but in the higher grades it is possible in many cases to get better service through the private offices.

Specialization of the free employment office is theoretically possible, but by reason of the expense to the State it is impracticable save in an elementary degree, namely, the separation of the skilled from the unskilled labor market by the establishment of two corresponding grades of offices. Whether the State offices, if on a self-supporting basis, could equal the private agencies in efficiency is altogether problematic.

There is often a large unsatisfied demand for unskilled labor. On the other hand there is at times a large supply of this grade of labor outside of the larger industrial centers, in the towns and small cities where there is no great industrial activity. Bringing these two factors of the labor market together would be a great economic gain and much more desirable than the encouragement of immigration to satisfy the labor demand.

The "mail order" system of free employment offices has furnished most of the instances of failure. This system is simply a labor registry for employer and employee and necessitates a correspondence bureau at the State capital, where the real work of fitting the man to

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the job is essayed by correspondence. In the light of American experience this system is successful only in the supplying of harvest hands in the wheat belt.

CALIFORNIA.

The commissioner of labor of California opened without any legislative authorization a free employment office in San Francisco, July 15, 1895. It was expected that the results would convince the legislature of the feasibility of the enterprise and of the necessity of continuing it as a remedy for the evils of the private agencies. During the preceding month circulars were sent throughout the State announcing the organization of the office; and on the day appointed, according to the report of the bureau of labor, there were "crowds awaiting for admission before the doors were opened." Through the assistance of public-spirited citizens the office was later able to move into more commodious quarters, and the work grew. Considerable care seems to have been exercised in placing men in positions. During the first year applications for employment numbered 18,920, of which 14,251 were for men. The positions secured were 5,845, of which 3,314 were for men. Thus the positions secured amounted to 30.89 per cent of the applications, while the number of men who secured work was somewhat less than one-fourth of the number that applied. The number of applications for help is not given in the reports, but the low percentage of positions secured is probably due to the lack of employers. The effect upon private agencies was merely to diminish their business in some measure.

The commissioner in the end was disappointed because the legislature did not grant the desired support, and the free employment office was discontinued.

In the biennial report for 1899–1900, a new commissioner being in charge of the bureau of labor, a line of argument is presented, the purport of which is that a better method of reaching the evils of the private agency is by specific legislation, and there is submitted the following legislative programme:

1. Prohibiting the collection of an employment-agency fee in any case prior to the time when information of a situation such as sought for, and actually then open to the applicant, is given to the applicant.
2. Requiring prompt return of the fee to the payer, in all cases wherein the position for which payment was made is, through no fault of the applicant, not open to him as understood when fee was paid.
3. Making employment agents responsible for reasonable costs and expenses incurred in going to and returning from place to which directed, by applicants paying fees as herein, in all cases wherein the place to which directed shall be in any material respect other than as represented when fee was paid and in all cases wherein places are not open, as next above, through no fault of the applicant.

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4. Prescribing the maximum fee which an employment agent may charge in any case for assistance in securing employment for any person.
5. Placing all employment agencies in the State under the supervision of the State bureau of labor statistics, etc.

In 1903 a law was enacted with the above-defined end in view. It provided that no fee should be charged prior to the time the assistance is given; that fees should be returned to the applicant when he failed through no neglect of his own to secure the position; that a maximum fee of 10 per cent of the first month's wages should be prescribed; that the tax or license collector of each county, or city and county, should furnish to the commissioner of labor, quarterly, the name and address of each employment agent; that each private agency shall keep a written record giving certain required information, and that the commissioner of labor and his deputies shall have access to the same. On July 25, 1904, the supreme court declared unconstitutional the section which prescribes a maximum fee at 10 per cent of the first month's wages. The ground taken by the court was that the private employment-agency business was as legitimate and the profits no more to be limited than those of any other business. The effect of the decision upon the law was to leave it uncertain whether the whole law was made nugatory or only the section in question. The legislature assumed the latter to be the case, and by an act approved March 18, 1905, repealed the condemned section and amended another.

A great deal of discontent has been expressed by various citizens with the present methods of private employment agencies in San Francisco. These agencies do an enormous business, nearly 70,000 positions being reported as having been secured by one office in one year.

There are two municipal free employment offices in the State, namely, one at Sacramento and one at Los Angeles. These make no report to the State commissioner, and their operation in each case is determined by the city council, to which they are responsible.

SACRAMENTO.

The office at Sacramento was established December 29, 1902, the trade unions being chiefly instrumental in the matter. The ordinance creates a municipal labor bureau with a commissioner at the head, whose duties are simply those of a superintendent of an employment office. He is required to keep a register of applicants for employment and the kind of work desired, and another for those seeking help, the date of application, and whether or not the application was filled. The city is required to provide an office and to pay all expenses up to $50 per month, not including the salary of the commissioner.

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The term of office of the commissioner is two years. His appointment is made by the mayor, with the consent of the board of trustees, and his salary is $100 per month.

In the first two years the office found positions for 2,080 persons, at a cost of $3,600, nearly $1.75 per position secured.

The commissioner is endeavoring to reach outside of the city, especially to all points within a radius of 100 miles. He reported in 1905 the labor supply as in excess of the demand; that only 10 per cent of the positions filled were one-day jobs; that skilled labor was about 20 per cent of the total; that in 90 per cent of the cases definite information was obtained as to positions secured, and that there were nine private agencies in the city.

LOS ANGELES.

The Los Angeles free employment office was opened in January, 1893, and is therefore, with the exception of the Ohio offices, the oldest in the United States. Its organizers were union labor leaders who were moved with pity for the dupes of private agencies. They had never heard of the Ohio system nor of any other free public offices, but determined to drive out the private agencies by free competition. It continued as a free employment office, conducted by the labor unions, until its support was assumed by the city and county. It so remained down to January 17, 1905, the county and city each paying $50 per month for its support. At this time the city adopted civil service, and as the county continued to elect all officers the city assumed the support of the employment office, complaint having been previously made that the city derived most of the benefit.

The novel feature of the Los Angeles office, the one thing that distinguishes its operation from all others, is the fact that it charges the nominal sum of 25 cents for every position actually secured. This has been its practice since November 30, 1904, and the results are gratifying from every point of view. The method followed is briefly this: No person is permitted to register unless there is a job in prospect which he is willing to accept. He then deposits his 25 cents, for which he receives a receipt like the following, of which a duplicate is kept in the register:

25 CENTS. No. —

CITY LABOR BUREAU,

217 EAST SECOND STREET.

LOS ANGELES, CAL., ——, 190—.

Received of ——— ——— twenty-five cents, being the fee required for registration upon the city labor bureau register, authorized to be collected under ordinance No. 10,446 (N. S.), approved January 16th, 1905.

——— ———,

Manager, City Labor Bureau.

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The applicant must go at once to secure the work, and whether successful or unsuccessful he must within a few hours let the office know the result, otherwise he forfeits the fee. This small charge does not hinder anyone from the use of the office.

Cases of destitution are by no means infrequent, and these need all the more the services of such an office. Accordingly in such cases another form is provided, of which the following is a copy:

No.—

To the Manager of the City Labor Bureau:

Dear Sir: In accordance with the conditions of registration required by ordinance No. 10,446 (N. S.), I herewith notify you that I am "unable to pay the registration fee of twenty-five cents in advance," for the privilege of registering on your books, but I do hereby agree to pay to you the said fee out of the first money I earn under the registration made this day.

—— ——,
Applicant.

I herewith indorse above statement.

—— ——,
City Clerk.

This is also printed in duplicate, and a carbon copy kept in the register as a voucher for the manager just as in the preceding case. It is not honored by the manager until countersigned by the city clerk.

The manager states that about half of the positions secured are short jobs, lasting but a day or two, and that if it is for less than two days he gets the man another job without additional charge. This is a matter of questionable expediency, or certainly would be, if the labor demand were stronger than the supply, for the reason that it would tend to encourage shiftlessness. However, the reverse is the case in Los Angeles in the winter time, while in the summer the conditions are nearly even. As many as 50 men, frequently a larger number, could be found out of employment at almost any time throughout the winter. The men who patronize the municipal employment office are generally married, and at least in 75 per cent of the cases residents of the city or farmers who come in to spend the winter. The fee has had the effect of driving away from the public office practically all of the floating element, who, since they can not get its services free, prefer to hang around private agencies. There are 70 of the latter in Los Angeles, 11 being Japanese, and competition is lively.

The manager of the municipal office has one helper, and is thus enabled to get away from the office and to interview employers. That his competitors are sometimes unscrupulous is seen in the following typical incident.

The municipal office sent a man to a contractor for work. The manager of a private office heard of it and sent word to the con-

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tractor that the man was sent by him; the contractor accordingly withheld the private agent's fee from the wages and probably was permitted to retain a portion for his trouble. Such cases are continually occurring, and indiscriminate condemnation of private agencies is often heard in California. It is scarcely to be wondered at that a strong conviction exists in the State that they should be legislated out of existence.

The manager makes a monthly and also an annual report to the city council. The annual report includes a monthly account of the receipts and expenses, and a statement of the number of applications and the orders filled. No record is kept of the applications for help. Practically the same is true of the applications for employment, since these are identical in number with the positions secured. The report for the year ending November 30, 1905, is as follows:

Receipts, 2,084 fees, at 25 cents each	$521.00
Expenses:	
Rent	188.50
Salary	1,200.00
Telephone	48.00
Books and printing	14.00
Total	1,450.50

Deducting receipts from expenses leaves $929.50, the amount that the office has cost the city, or an average of 44.6 cents per position secured.

The gains effected by charging a fee for each position secured may be thus enumerated:

1. There is a gain in the ease of securing accuracy of returns, since a man is reasonably sure to return for his fee if he does not secure the work.

2. There is a gain in the saving of expense to the public. A charge of 50 instead of 25 cents would probably have made the office almost self-supporting.

3. The Los Angeles experiment indicates, as one would expect, that the self-respecting laborer prefers to pay something for the service, while the vagrants will leave whenever a fee is charged. That they go to private agencies where a still higher fee is charged does not affect the question, since the latter have various ways of making their places attractive, in the way of saloons, glowing promises, etc.

CONNECTICUT.

The original act creating the free employment system of Connecticut was passed in 1901. There was a revision of this act in the following year, and two amendments have since been added.

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The bill as originally presented called for the establishment of three offices—at New Haven, Hartford, and Bridgeport, respectively; but before it became a law two other cities were added, namely, Waterbury and Norwich. A comparison of the records presented by all of the offices will show that the latter cities are by no means equal in importance with the others. In fact, they were included in the terms of the act mainly to appease local interests, Waterbury being in the western and Norwich in the eastern part of the State. The first three mentioned present a much stronger industrial demand. This statement explains why the average cost per position secured is so high, and thus accounts for the chief criticism of the Connecticut system.

It will be observed that only the first section and the first amendment of the Connecticut law have anything to do with the free employment office, the greater part of the act being directed toward the regulation of private offices. This leaves the details of the management of the public offices, the form of applications, the data they shall require, and the frequency of reports to the commissioner's office. It is thus a strongly centralized system.

The Connecticut statute is not aimed against the private agency as a business, but against its evils. This is seen in the small license fee, which is no financial handicap in competition with the public agency, and in the cordial relations existing between the better class of private agencies and the officials of the commissioner's office. It is a measure of official protection to such agencies, moreover, that the registers are open to the inspection of the commissioner and his agents; for it is only thus that irregularities can be discovered and checked among the evilly inclined, and there is no advantage arising to the public offices as a result of this inspection. The superintendents are not required by law to assist in this supervision, but at the same time they are supposed by the commissioner to exercise "a general oversight" and "to keep the office at the capitol informed as to conditions."

There was no general demand for the passage of this law. The gratifying results from similar laws in other States had made it seem desirable that such a law should be enacted for Connecticut. The report of the commissioner of labor for 1899 contained an extended argument in favor of such laws, and a personal investigation was made of the offices in Illinois, Missouri, and Wisconsin. In 1900 the Connecticut State branch of the Federation of Labor passed a resolution instructing its legislative committee to use its influence toward establishing a similar system in that State. The principal opposition in the legislature came from agricultural sources, but the system has proved so helpful to farmers that they are now among its most ardent supporters.

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The bill carries an appropriation of $10,000 per annum for the support of the five offices, but a part of this is covered into the State treasury every year, so that it is not easy to say how much the system is costing the State. The following statement from the Twenty-first Annual Report of the Bureau of Labor Statistics, for the year ending November 30, 1905, shows what the five employment offices accomplished during the first fifty-three months of their existence:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND SITUATIONS SECURED THROUGH THE FIVE FREE PUBLIC EMPLOYMENT OFFICES OF CONNECTICUT, JULY 1, 1901, TO NOVEMBER 30, 1905.

Office.	Applications for employment.			Applications for help.			Situations secured.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
Hartford	11,125	9,806	20,931	6,094	9,472	15,566	5,723	6,838	12,561
Bridgeport	3,654	10,052	13,706	3,042	10,323	13,365	2,541	7,551	10,092
New Haven	6,899	5,877	12,776	2,480	4,943	7,423	2,203	3,858	6,061
Waterbury	2,545	4,902	7,447	1,599	5,203	6,802	1,449	3,806	5,255
Norwich	1,377	1,365	2,742	519	1,388	1,907	553	1,047	1,600
Total	25,600	32,002	57,602	13,734	31,329	45,063	12,469	23,100	35,569

Since July 1, 1901, when the offices were established, situations have been secured for 48.71 per cent of the male, 72.18 per cent of the female, and 61.75 per cent of all applicants for employment. During the same period help has been furnished to 78.93 per cent of all applicants for the same.

From the above it will be seen that the average cost per position secured, assuming the entire amount of the appropriation to have been spent each year, is $1.24, a sum which most people would think too much for the State to pay. But if we take the first three offices only—those mentioned in the original bill—at an average appropriation of $2,000 per annum each, the expense per position secured is brought down to 92 cents, and this estimate is still too high for the reason that the appropriation is not all spent.

An office to be complete should have a clerk to take care of it, so that the superintendent may be free to do outside work. The Connecticut offices are not provided with clerks, and this is a serious handicap. There are cases where the addition of a clerk to the office force, especially a woman clerk, could easily double the results. The reason for this is that employers are accustomed to being sought, and they fear to be deluged with applications if they advertise their wants, hence they must often be discovered by the superintendent if laborers are to be placed. The large excess of situations secured for females over those secured for males is to be accounted for partially by the fact that orders for women are usually sent by telephone, whereas the placing of men, especially skilled labor, requires more outside work.

The Connecticut offices do not register all of the applicants for employment. No registration is made in the case of those who have

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no address, and thus the floating population or "rounders" are benefited only when they happen to find something on hand at the office. The omitted registration of this class makes less difference in Connecticut than in a western State, because there is less need in New England for employees on contract work than in a newer country. However, for the construction of trolley lines, excavations, etc., such laborers are still needed, and some account of them should be taken, the more so because there is a dearth of employees for this class of labor in many parts of the country, and foreigners, it is alleged, are imported to do it.

The policy of the Connecticut offices in case of a strike is to treat employers just as at other times, filling their orders as usual, but informing the men of the possibility of personal danger.

Monthly reports are required from each superintendent to the commissioner of labor. These reports are not printed for distribution to the several offices, but are given to the different press associations each month and are published in some newspapers of the State. In this respect the Connecticut system resembles that of Missouri. It means an economy of some money and of much time and effort.

HARTFORD.

Of the 2,597 positions filled in the year 1905 by the Hartford office, 1,150 were for males, and of these 575 were farm hands. In all the Connecticut offices the farm hands stand in about the same ratio to all occupations that common unskilled laborers do in other States. They are not to be understood in the sense that the term would be used in the West, for they are employed for the most part in taking care of the tobacco crop. They are harvest hands rather than farm hands, reserving the latter term to apply to all-round farm work, involving the use of various kinds of machinery and the knowledge of farming as a business. Like other harvest hands, they may be classed as unskilled laborers. However, they differ from the generality of unskilled laborers in cities in that their work is usually of longer duration.

The Hartford office attempts to verify the number of positions secured by requesting the return of such information. However, if nothing is heard to the contrary within fifteen days the office assumes that the position was secured. The superintendent states that perhaps 10 per cent of the cases furnish no precise information and the data may be vitiated to that extent. Private agencies in the State have criticised the published statements of the public offices on the ground that since no fee is charged there is no bona fide business transaction, and the public employment offices can not guarantee the accuracy of their statements.

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BRIDGEPORT.

The Bridgeport office surpasses the others in satisfying the demand for domestics, shop hands, waitresses, cooks, and female help in general. It supplies a larger number of common laborers than either of the others, due possibly to the proximity of New York City. The superintendent says that when factory work is scarce the demand for domestics can be fairly well supplied; probably the only office in the United States that can say as much. At other times 90 per cent of the city demand and a somewhat smaller per cent of the country demand can be met.

There is never a scarcity of unskilled laborers. The superintendent can furnish them in large numbers at any time. Of the positions he fills 75 per cent call for unskilled and 25 per cent for skilled laborers. And yet he maintains that these figures could be reversed if there were an adequate supply of skilled men for all-round machinists and tool makers. The demand for this class is far in excess of the supply and will probably increase. Boys do not take time to become skilled machinists, because it means low wages to begin with and a long apprenticeship.

The superintendent has no clerk, but leaves the office to investigate openings of which he hears. That the standing of the office is good is seen in the uniform courtesy shown to the bureau by manufacturers and employers in general.

NEW HAVEN.

The population of New Haven is over 100,000, being nearly 30,000 in excess of Hartford, the next largest city in the State. Industrial conditions, however, are not so active as in the latter city. Largely for this reason the results obtained in the New Haven office are smaller than those in the Hartford office, though it is a matter of some surprise that there should be less than half as many positions secured in New Haven as in Hartford.

The superintendent receives all applications, even from "rounders" if there is anything for them to do, but does not file applications from those who can furnish no address. There is necessarily the same difficulty here as elsewhere in regard to securing precise information as to positions secured. The people who receive the most benefit from the office are those seeking domestics. The women placed in positions in 1905 outnumbered the men more than two to one.

The superintendent remains in the office during office hours, but makes it a point to see as many employers outside as possible during the luncheon hour.

The city officials find work, so far as this can be done conveniently, for men who hang around the city hall, and turn the remainder over

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to the free employment office. Since there is not much contract work to be found, a burden is thus thrown upon the latter which is hard to dispose of. Nevertheless, the city hall officials, the charity workers, the Young Men's Christian Association, and others speak well of the services of the employment office and the ability of its management.

WATERBURY.

There were 439 men and 1,212 women placed in positions by this office in 1905. Among the men the largest numbers were placed as farm hands, 94; shop hands, 155, and drivers, 50. Of women the largest numbers were for general housework, 429; day work, 170, and shop hands, 111.

This office, it is stated, "supplies a larger per cent of skilled labor than any other in the State." A strong demand exists for this class of labor in the shops, and a skilled workman has little difficulty in finding work.

The superintendent is able to see some employers, but feels the necessity for more work of this character to be done.

NORWICH.

The population of Norwich, according to the census of 1900, was 17,251. In the year 1905 the Norwich office succeeded in placing only 162 men and 252 women, a total of 414. Of the men, 92 were laborers, 17 farm hands, 8 miscellaneous occupations, and 4 boys. Of the women, 111 were classed as general houseworkers, 39 second girls, and 36 scrub women. That this was not an exceptional year is seen in the fact that during the first 53 months, previously referred to, the average per annum was 360. Supposing the entire appropriation of $2,000 per annum to have been expended upon this office, it would have cost the State $5.52 per position secured.

ILLINOIS.

On July 1, 1899, the original act creating free public employment offices in Illinois went into effect. The principal object of the act was to prevent the abuses practiced by the private employment agencies, but the legislature failed to provide an appropriation for its support. The law met with strong opposition from the private agencies and remained a dead letter until 1903, when the supreme court declared the whole act null and void, because of a section which aimed to prevent the public employment offices from being of any service to an employer in case of a strike. The legislature being in session at that time a new law was immediately passed, which omitted the disputed section, reduced the license fee for private agencies from $200 to $50 per annum, and placed the supervision of those agencies in the hands

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of the bureau of labor statistics. This act has been in operation since May 11, 1903, and has proved much more satisfactory than the one it supersedes. The earlier law apparently aimed to strangle or at least cripple the private agency by a high license fee. The later law recognized it as a legitimate business when properly conducted and sought to devise new methods of administration.

The Illinois law as administered has shown itself to be of exceptional efficiency in the prevention of the abuses practiced by private employment agencies. Since the accomplishment of this object is chiefly put forward as a reason for the establishment of the free public agency, it is in order to consider the difficulties of the problem and the method of treating it in Illinois.

The employment agency may be conducted as a private enterprise in such a way as to be an instrument of social and individual benefit as well as of personal profit, but it is susceptible of great abuse in the hands of the unscrupulous. Of the various schemes employed for obtaining fees from applicants some of the more common are as follows:

1. The applicant for work is sent to an accomplice, who gives him work as per contract, but discharges him shortly afterward on account of alleged inefficiency.

2. The applicant is told by the accomplice that the employer has left the city, but will return in a few days.

3. The applicant is sent to alleged employment some distance away whence it will be difficult to return or where work may be had only under unbearable conditions.

4. The applicant for help is cheated by having the accomplice sent to him as a laborer, the latter absconding as soon as the fee is forfeited.

5. The applicant for work pays for the mere privilege of being on the waiting list, nothing being promised in return.

The agency, seemingly keeping the contract by one of these methods or by others equally detestable, is often enabled to escape prosecution. The methods of perpetrating such frauds are so numerous and so devious that it is the despair of the legislator to cover them all. A study of the problem shows that its solution is more a matter of administration than of legislation.

In the Illinois system legislative provisions are made for license fee, bond, return of enrollment fee when work is not secured, etc. Other States have done as much. Illinois has also put the enforcement of this law into the hands of the bureau of labor statistics, thus practically making the private agencies a part of the State system. Again, other States have done as much. But in actual practice this latter line of development has worked out possibly further in Illinois than the law contemplated, for the bureau of labor statistics has found

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it expedient to delegate this control to the local public agencies. Thus, in Chicago a superintendent of one of the State offices issues the licenses, receives the bonds, and hears all complaints arising in connection with the private agencies in the city. This method differs from that adopted by most cities where there is any special provision by statute or ordinance to this end. Usually the enforcement is intrusted to the police in general, or to some special police officer in particular, or to the district attorney, the result being that there is no uniformity whatever as to enforcement. Police and other officers grow careless, and abuses multiply. It requires eternal vigilance as well as the services of a detective to ferret out the crooked ways of an unscrupulous employment agent. By giving the enforcement of the law into the hands of the superintendent of the free public agency, however, the official duty of the executive officer is reenforced by the industrial motive. Inasmuch as the superintendent is a business competitor he is not likely to forget his duty and become indifferent as to whether or not the private agencies live up to the law.

Objections to this system are sometimes made on the ground that such a motive ought not to be needed; that official responsibility is enough; that it is unfair to the private agencies to give a competitor such inquisitorial power; that it is further unfair to compel them to pay a license fee, while the one who enforces the law is exempt. As to the first objection, it may be stated that the best method available should be used for the protection of those in needy circumstances. In reply to the second it may be said that official responsibility ought to be sufficient, but it can not always be depended upon. The third objection would have more force if the superintendent were connected with a private instead of a public agency. The point raised in the last objection might be conceded, yet the license fee undoubtedly keeps some irresponsible individuals out of the business, and for this reason is not contested by the private agencies. Taking it all in all, Illinois seems to be the only State thus far, if we except Connecticut, that has succeeded by means of the State employment office in accomplishing the main purpose, and its system gives promise of permanent results in this particular.

As to the practical working of the system and the results it can show, the secretary of the bureau of labor statistics, in his report for the year ending October 1, 1904, has this to say:

Since the bureau obtained supervision over the private employment agencies they have been required to conduct their business in conformity with the letter of the statute. This work necessarily involves an examination at frequent intervals of the records kept by them, and of arrests and prosecutions instituted either to compel those operating without a license to comply with the law, or in the other numerous class of cases where the licensed agency had failed, whether purposely or not, to observe its provisions. For these and other causes 361 suits

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have been prosecuted and convictions in nearly every case obtained. Several licenses have been revoked where it appeared that the principal object in securing them was to use it as a shield in perpetrating fraud. Under the law, licensed employment agents are permitted to charge a registration fee not to exceed $2, which must be returned to the parties paying on failure to secure employment. By virtue of this provision, the licensed employment agencies of Chicago have been compelled to return registration fees amounting in the aggregate to $3,522. It is needless to say that this sum of money was returned to the poor and unsuccessful applicants only after the threat of a vigorous criminal prosecution. Among the more salutary effects of the law's enforcement has been the elimination of the padrone system. The accomplishment of this result, if nothing else had been done, confirms the wise and beneficent purpose of the law, and fully justifies and rewards the expenditure of time and money in its enforcement.

CHICAGO.

The law provides for the establishment of three offices in each city with a population of 1,000,000 or over, and one in each city of not less than 50,000, Chicago and Peoria, respectively, being the cities affected.

Of the three offices in the city of Chicago, one is on the north, one on the west, and one on the south side. The west side office is less than half a mile from a central point in the city, and the other two offices are each about a mile from the same point.

People are permitted to register in all three of the offices. It is the opinion of one of the superintendents that the number who do this is very limited and of another that it is considerable. While this does not increase the number of positions reported as secured, it affects the "number of applicants" for "work" or "help" reported, likewise the "number of applications for work or help unfilled."

If it may be assumed that the aforementioned facts furnish an argument in favor of uniting the three offices in one, it does not follow that there should be but the one public employment office in Chicago. The three offices are doing the same grade of work, and there appears to be a need of a differentiation in service.

Broadly speaking, the labor market may be divided into an inferior and a superior labor market, and an analysis of these two classes will serve to show the need of differentiation in service required in the employment business.

Inferior labor may be divided into two classes, those who are physically unable to do a man's work and those who though able are unwilling to do any work. A third class, comprising those who are both unable and unwilling to do a man's work, more properly requires the attention of humanitarian societies. The first class includes the innocent victims of misfortune, who are the most averse to anything like charity, the hardest to discover, and the most deserving of com-

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miseration. In this class also are included the crippled, the aged and infirm, and all those who, though willing and anxious to work, are physically disqualified. To provide employment for persons in this class is a hard problem for the employment agency.

The second class includes those who, though able-bodied, are shiftless, lazy, and incompetent. The vagrants of this class drift in toward centers of population as often as winter approaches, and frequent cheap lodging houses. They pretend to look for work, but are likely to be finical as to the kind they are willing to accept. Short jobs, because they require but little power of application and are apt to be well paid for, are what they most affect. Those who are willing to work for a longer time may find employment with railroad contractors, but usually a short season of activity makes them feel entitled to a long vacation, and when their means are gone it is not difficult to find work again. In times of depression, when work is hard to get, or when they become known as altogether unprofitable and hopeless, the vagrants may for a short season resort to the municipal lodging house, whence, eventually, in case of continued idleness, they are taken in custody by the police. A man out of means, out of work, and unwilling though able to better his condition, is scarcely less of a menace to society than is the criminal.

The superior labor market embraces all occupations requiring some degree of skill. In theory it may be difficult to say just what these occupations are, but it is easy to draw the line of demarcation in all but a few cases. Differentiation of the public employment offices ought not therefore to be difficult. The city of Chicago presents a large field for it, and the usefulness of the public offices to both employers and employees would seem to demand it, at least to the extent of the two classes indicated.

An argument for differentiation in service may be found in the extent to which it is carried in the private employment offices. There are now about 260 of these in Chicago, of the class sometimes called "pay agencies." They do not include the agencies conducted by large firms for their own private purposes, nor the "business agents" of the labor unions, nor the various charitable, philanthropic, and religious organizations, such as the United Hebrew Charities, the Associated Charities, and the Young Men's Christian Association, unless they charge a fee, nor the State employment offices. They deal not only with the different gradations in labor and the problems presented by the varying conditions of employment, but also with the peculiar requirements of the individual positions and the characteristics and whims, perhaps, of individual employers. They include agencies for teachers, engineers, stenographers, clerks, metal workers, domestics, Scandinavian domestics, etc. The indefinite continuance of a class of high-grade private employment agencies

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may be expected, since there will always be those who are willing to pay for a differentiation in service whether or not they get it. Nevertheless, the public offices should be maintained in the same field for the service of skilled labor that can not afford, or for any reason does not choose, to pay high fees.

Each labor union has its "business agent," whose duty it is to help its unemployed members to secure work. Manufacturing and mercantile establishments often have employment offices of their own, but are in many cases even by this means unable to supply their needs and are accustomed to leave standing orders for all the desirable help available with other employment agencies, including those supported by the State. Again, in the last two years there has been established an employers' bureau, the Citizens' Industrial Association, whose employment office, through its various branches in Chicago, St. Louis, Cleveland, New York, and elsewhere, aims to safeguard the interests of employers. Its officials state that it enrolls union and nonunion men alike, and that the purpose of the association is to protect the equality of labor, but giving to the nonunion man the right to work. Labor-union representatives claim that it is a strike-breaking organization; that it enrolls a disreputable set of men for that purpose. During a season of industrial tranquillity such a bureau may be of service to the employers who subscribe to it, but in a season of unrest, while a strike is on, it may be used as an agency of industrial warfare.

The following table shows detailed statistics for one of the Chicago free employment offices for the week ending November 11, 1905, and totals for sixteen weeks in 1905 and for the preceding six years:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH NORTH SIDE FREE PUBLIC EMPLOYMENT OFFICE, CHICAGO, WEEK ENDING NOVEMBER 11, 1905.

MALES.

Character of position.	Employment.			Help.	
	Number of applications.	Number of positions secured.	Number of applications unfilled.	Number of applications.	Number of applications unfilled.
Barn men	3	3		3	
Boys	12	12		13	1
Carpenters				1	1
Clerks	3	3		3	
Coachmen	1	1		1	
Cooks	1	1		1	
Dishwashers	2	2		3	1
Elevator men	1	1		1	
Factory work	3	3		3	
Farmers	7	6	1	6	
Firemen				1	1
Handy men	3	3		3	
House men	3	3		5	2
Janitors	6	6		7	1
Kitchen work	3	3		3	
Laborers	57	57		68	11
Machinists	1	1		1	
Nurses	1	1		1	

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APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH NORTH SIDE FREE PUBLIC EMPLOYMENT OFFICE, CHICAGO, WEEK ENDING NOVEMBER 11, 1905—Concluded.

MALES—Concluded.

Character of position.	Employment.			Help.	
	Number of applications.	Number of positions secured.	Number of applications unfilled.	Number of applications.	Number of applications unfilled.
Watchmen	1	1	....	1	....
Window washers	2	2	....	2	....
Total	110	109	1	127	18
Previous reports	2,041	2,036	5	2,081	45
Total	2,151	2,145	6	2,208	63
Positions secured—applications previously filed: Farmers	....	1	....	....	....
Total, 16 weeks, 7th year	2,151	2,146	5	2,208	62
Total, 6 years	30,227	25,929	4,298	34,650	8,721
Grand total	32,378	28,075	4,303	36,858	8,783

FEMALES.

Character of position.	Employment.			Help.	
	Number of applications.	Number of positions secured.	Number of applications unfilled.	Number of applications.	Number of applications unfilled.
Chambermaids	6	6	....	8	2
Cooks	7	7	....	12	5
Day work	5	5	....	5	....
Dining-room work	1	1	....	1	....
Dishwashers	3	3	....	6	3
Factory work	2	2	....	6	4
General work	34	34	....	38	4
Housekeepers	....	....	....	1	1
Kitchen work	1	1	....	2	1
Nurses	1	1	....	1	....
Office work	2	2	....	2	....
Seamstresses	1	....	1	....	....
Second work	8	8	....	9	1
Scrub women	6	6	....	6	....
Waitresses	1	1	....	1	....
Total	78	77	1	98	21
Previous reports	1,427	1,416	11	1,823	407
Total	1,505	1,493	12	1,921	428
Positions secured—applications previously filed: Seamstresses	....	1	....	....	....
Total, 16 weeks, 7th year	1,505	1,494	11	1,921	427
Total—6 years	23,710	23,085	625	28,949	5,864
Grand total	25,215	24,579	636	30,870	6,291

In the above report for males it will be observed that the number of positions secured for the week was 109, while the number of applications for work filed was 110. This close correspondence may strike one as singular, but when one glances at "Previous reports," and "Total, 16 weeks," and discovers a difference of only 5, an explanation of the report becomes necessary. This is to be found in the method of registration of the applicants for work. Applicants to the number of 20 to 50 are present in the morning when the office is opened. Applications for help are received mostly by telephone, sometimes by mail, and seldom in person, and are read to the applicants for employment or posted on the wall. As far as may be these are filled from those present, and only those getting employment

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are recorded as applicants. If any written applications are left on file during the week they are added to the total number of positions secured, and thus the total number of applicants for work is obtained. In the adjoining apartments allotted to women a similar scene takes place with slight modifications. This proceeding differs little from the reading of the "want ads" in the daily paper. One of the three offices claimed to register all the applications for employment, the other two stating that they did not.

There is something to be said in extenuation for these methods. The same persons may have been present on any number of mornings, and it is a useless repetition, if not a misrepresentation of facts, to consider each appearance a separate application. An arbitrary date must therefore be set at which such an application expires, the usual date being at the end of thirty days. This further point should be noticed, that many of these applicants have no address; they could not be found if wanted for employment, and if they can not be found, say the superintendents, it is useless to take their names.

It is sometimes asked by superintendents, what is the use of reporting those who come to the office and must go away without any work? To keep a record of all applications for employment would require considerable clerical work, but the justification of this extra work is seen in the necessity of accounting for the strength of the labor supply. In the instance given above, the demand for labor, so far as the office is concerned, is fully set forth, but practically nothing is known of the labor supply. Moreover, it is not in compliance with the requirements of the statutes.

In dealing with employers seeking help the Illinois statutes display foresight and solicitude. It is provided that each superintendent shall "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 said employment offices." It is further provided that he may advertise in the "newspapers, or other medium, for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publication as reach such employers." This is far more explicit than any other State has attempted to be in the matter of cultivating the demand side of the labor market. Moreover, the funds have been provided for the advertising, $400 annually for each Chicago office and $300 for the Peoria office.

The methods used are advertising in the daily papers, return postal cards, circular letters, reports, placards, and sometimes personal solicitation. One superintendent of a charitable employment office said that he aimed to see all employers in his neighborhood once in

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two months, and his main purpose was "to make a good impression on them," to convince them of his ability to select the help they were needing. This is the most vital part of the employment business, and, needless to say, it can not be done by mail or telephone.

Officials of all three of the offices state that they are able to reach out into the surrounding towns and the country districts and that many farmers have found help through them. In reply to the question as to whether there is a tendency for domestics to monopolize the advantages of the office for women, one office returned a negative and two an affirmative answer. When asked the same question as to common, unskilled labor among men an affirmative answer was returned from each office. Most of the orders for female help are received over the telephone, and practically all of such service is for a day's help only, though occasionally a longer engagement may ensue.

PEORIA.

Peoria is a city of over 56,000 population. Industrial conditions are generally favorable to those seeking employment, especially in unskilled labor. Such work as ditching, grading, excavating, etc., which can not be done so readily in winter, affects the unskilled labor demand very noticeably by its seasonal fluctuations. Domestics are in such demand that every woman who applies can find work in that capacity.

The employment office occupies a suite of seven rooms, two of which are set aside for the use of women. Applicants for work are not all registered and reported as such, consequently when the column showing the "applications for help" shows that the number of "bell boys" wanted is 2, the number of "factory hands" 4, and of laborers 70, we may expect to find the same numbers occurring in the columns showing the "positions filled" and the "number of applications for employment;" that is, unless the labor supply is short. In the latter case the determining factor will be the applications for labor, the other columns repeating the same number. The people who introduce the difficulty are those who are better satisfied with short jobs than with long ones, who continually haunt the free employment office as they would a free-lunch counter, and who by their persistent and repeated coming make it difficult for the superintendent to determine when their applications have expired. The Peoria office requires a notice whenever work has been secured, both employer and employee being requested to report on that point. Not more than 75 per cent of the positions secured by women, and a still smaller per cent of those secured by men, are verified. The office has $25 per month for advertising, which it uses in various ways. Its local reputation is good, various persons in public capacities speaking of its serviceableness with appreciation.

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The following combined report of the four offices in the State for the year 1904 shows the form of record adopted, the classification of occupations, the number of those securing work in the different occupations, and the percentage of positions secured of number of applicants for employment and for help, all according to the official returns:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FOUR FREE PUBLIC EMPLOYMENT OFFICES OF ILLINOIS, BY OCCUPATIONS AND SEX, 1904.

Sex and occupation.	Applications for—		Number of positions secured.	Per cent of positions secured of applications for employment.	Per cent of positions filled of applications for help.
	Employment.	Help.			
Males:					
Agents	32	20	16	50.00	80.00
Any light work	31				
Apprentices	47	12	12	25.53	100.00
Architects	1				
Artists	4	1	1	25.00	100.00
Bakers	54	28	28	51.85	100.00
Barbers	8	5	5	62.50	100.00
Barn men	302	275	269	89.07	97.82
Bartenders	39	17	15	38.46	88.24
Bench hands	23				
Blacksmiths	113	103	88	77.88	85.44
Blacksmith helpers	15	3	3	20.00	100.00
Boiler makers	7	5	5	71.43	100.00
Bookbinders	4				
Bookkeepers	66	12	12	18.18	100.00
Bootblacks	46	49	44	95.65	89.80
Box makers	38	31	31	81.58	100.00
Boys	358	343	264	73.74	76.97
Boys, bell	37	38	33	89.19	86.84
Boys, cash	23	23	21	91.30	91.30
Boys, delivery	133	127	122	91.73	96.06
Boys, elevator	6	5	5	83.33	100.00
Boys, errand	76	77	71	93.42	92.21
Boys, factory	28	31	26	92.86	83.87
Boys, office	55	45	40	72.73	88.89
Brakemen	10	6	6	60.00	100.00
Brass finishers	5				
Bricklayers	5	4	2	40.00	50.00
Bridge builders	1				
Butchers	38	28	27	71.05	96.43
Butlers	11	11	7	63.64	63.64
Cabinetmakers	22	7	4	18.18	57.14
Calciminers	2	2	2	100.00	100.00
Candy makers	2				
Canvassers	35	48	28	80.00	58.33
Carpet layers	4	3	3	75.00	100.00
Carpenters	193	146	120	62.18	82.19
Carriage and wagon washers	21	21	19	90.48	90.48
Cashiers	3	2	2	66.67	100.00
Checkers	5	3	3	60.00	100.00
Cigar makers	2	1	1	50.00	100.00
Circular distributers	1				
Cleaners, harness	2				
Clerks	3	1	1	33.33	100.00
Clerks, bill	2				
Clerks, drug	3	3	3	100.00	100.00
Clerks, dry goods	2	2	2	100.00	100.00
Clerks, general	55	11	11	20.00	100.00
Clerks, grocery	31	17	17	54.84	100.00
Clerks, hotel	4				
Clerks, office	20	10	10	50.00	100.00
Clerks, order	2	2	2	100.00	100.00
Clerks, not stated	286	41	40	13.99	97.56
Clerks, shipping	41	23	23	56.10	100.00
Coachmen	76	54	53	69.74	98.15
Coal heavers	1				
Coal miners	5	4	4	80.00	100.00
Coal weighers	2	2	2	100.00	100.00
Collectors	41	11	11	26.83	100.00
Compositors	2				
Cooks	435	353	330	75.86	93.48
Conductors	2	1	1	50.00	100.00

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APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FOUR FREE PUBLIC EMPLOYMENT OFFICES OF ILLINOIS, BY OCCUPATIONS AND SEX, 1904—Continued.

Sex and occupation.	Applications for—		Number of positions secured.	Per cent of positions secured of applications for employment.	Per cent of positions filled of applications for help.
	Employment.	Help.			
Males—Continued.					
Core makers	7				
Dairymen	14	13	13	92.86	100.00
Deck hands	2	2	2	100.00	100.00
Dishwashers	415	389	384	92.53	98.71
Distributers	2	2	2	100.00	100.00
Door men	3	3	3	100.00	100.00
Draftsmen	5				
Drill pressmen	50				
Drivers	348	280	246	70.69	87.86
Electricians	47	14	12	25.53	85.71
Elevator men	158	68	67	42.41	98.53
Engineers	109	37	33	30.28	89.19
Factory hands	1,758	1,407	1,271	72.30	90.33
Farmers	99	116	84	84.85	72.41
Farm hands	923	888	760	82.34	85.59
Firemen	171	53	53	30.99	100.00
Florists	11	6	6	54.55	100.00
Foremen	3				
Foundry men	3				
Furnace tenders	1				
Gardeners	44	41	35	79.55	85.37
Glass workers	1				
Guards, railroad	2	2	2	100.00	100.00
Harness makers	6	4	4	66.67	100.00
Harvest hands	40	53	40	100.00	75.47
Horseshoers	3	2	2	66.67	100.00
Hostlers	61	45	45	73.77	100.00
House men	825	704	687	83.27	97.59
Ice cutters	17	17	17	100.00	100.00
Interpreters	2	2	2	100.00	100.00
Ironworkers	23	7	7	30.43	100.00
Janitors	293	188	180	61.43	95.74
Kitchen work	168	155	154	91.67	99.35
Laborers	10,111	11,059	9,721	96.14	87.90
Laborers, railroad	351	357	351	100.00	98.32
Lathe hands	15	1	1	6.67	100.00
Lathers	1				
Laundrymen	44	30	28	63.64	93.33
Linemen, electrical	2				
Linemen, not stated	4	3	3	75.00	100.00
Locksmiths	5				
Machine hands	131	9	6	4.58	66.67
Machinists	240	90	76	31.67	84.44
Masons	1	1	1	100.00	100.00
Maltsters	1	2	1	100.00	50.00
Metal workers	11	1	1	9.09	100.00
Millers	1				
Millwrights	10	4	4	40.00	100.00
Miners	17	107	17	100.00	15.89
Models	1	1	1	100.00	100.00
Molders	18	20	12	66.67	60.00
Nurses	15	10	10	66.67	100.00
Office help	31	7	7	22.58	100.00
Oilers	7				
Packers	110	49	49	44.55	100.00
Painters	169	136	123	72.78	90.44
Paper hangers	7	3	3	42.86	100.00
Pantry men	3	1	1	33.33	100.00
Pan washers	3	3	3	100.00	100.00
Pattern makers	8	2	2	25.00	100.00
Pharmacists	1				
Photographers	2				
Pin setters	27	27	27	100.00	100.00
Pipe fitters	1				
Plasters	6	3	3	50.00	100.00
Plumbers	14	12	11	78.57	91.67
Polishers, metal	4	3	3	75.00	100.00
Polishers, not stated	3				
Porters	877	710	699	79.70	98.45
Pressers	3	1	1	33.33	100.00
Pressmen	8	4	4	50.00	100.00
Printers	16				
Punch-press hands	34				
Railroad men	5				
Roofers	2	2	2	100.00	100.00

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APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FOUR FREE PUBLIC EMPLOYMENT OFFICES OF ILLINOIS, BY OCCUPATIONS AND SEX, 1904—Continued.

Sex and occupation.	Applications for—		Number of positions secured.	Per cent of positions secured of applications for employment.	Per cent of positions filled of applications for help.
	Employment.	Help.			
Males—Concluded.					
Sailors	1				
Salesmen	89	37	27	30.34	72.97
Sawyers	5				
Shoemakers	9	3	3	33.33	100.00
Shovelers	34	34	34	100.00	100.00
Silver men	1				
Solicitors	33	59	29	87.88	49.15
Steam fitters	13	6	1	7.69	16.67
Stenographers	32	15	15	46.88	100.00
Stockmen	199	221	186	93.47	84.16
Stock keepers	67	52	50	74.63	96.15
Stone cutters	2				
Stove men	3	2	2	66.67	100.00
Tailors	8	2	2	25.00	100.00
Teachers, not stated	1				
Teamsters	585	513	469	80.17	91.42
Telegraphers	1				
Timekeepers	2				
Tinsmiths	27	18	13	48.15	72.22
Tool makers	6				
Truckmen	13				
Upholsterers	8	7	6	75.00	85.71
Vise hands	4				
Waiters	367	301	297	80.93	98.67
Watchmakers	1				
Watchmen	150	58	58	38.67	100.00
Wholesale men	22	1	1	4.55	100.00
Window washers	433	478	425	98.15	88.91
Wood finishers	7				
Woodworkers	16	2	2	12.50	100.00
Yard men	167	160	158	94.61	98.75
Miscellaneous, not classified	602	433	408	67.77	94.23
Total males	23,763	21,625	[a] 19,405	81.66	89.73
Females:					
Addressers	14	5	4	28.57	80.00
Agents	1	5			
Apprentices	1				
Attendants	4	5	4	100.00	80.00
Bookkeepers	39	6	5	12.82	83.33
Bottle labelers	8	3	3	37.50	100.00
Canvassers	18	27	15	83.33	55.56
Cashiers	34	5	5	14.71	100.00
Clerks	48	26	20	41.67	76.92
Collectors	1				
Chambermaids	964	954	876	90.87	91.82
Companions	13	6	6	46.15	100.00
Cooks	1,123	1,237	1,000	89.05	80.84
Copyists	1				
Day workers	859	665	647	75.32	97.29
Demonstrators	5	6	1	20.00	16.67
Dining-room help	318	332	304	95.60	91.57
Dishwashers	935	951	888	94.97	93.38
Distributers	2	2	2	100.00	100.00
Domestics	499	852	478	95.79	56.10
Factory work	744	1,087	632	84.95	58.14
Folders, circulars	12	10	7	58.33	70.00
General housework	2,503	2,985	2,434	97.24	81.54
Governesses	2				
Hotel help	9	4	4	44.44	100.00
Housekeepers	377	341	263	69.76	77.13
Housework	1,524	1,924	1,486	97.51	77.23
Janitresses	20	10	10	50.00	100.00
Kitchen help	755	756	702	92.98	92.86
Lady's maids	3	1	1	33.33	100.00
Laundresses	326	329	295	90.49	89.67
Mail-order help	2				
Matrons	1	1	1	100.00	100.00
Milliners	1				
Nurses	251	220	180	71.71	81.82
Nurse girls	31	28	28	90.32	100.00
Office work	217	88	87	40.09	98.86
Pantry work	121	113	102	84.30	90.27

[a] Including 92 applications filed the previous year.

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APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FOUR FREE PUBLIC EMPLOYMENT OFFICES OF ILLINOIS, BY OCCUPATIONS AND SEX, 1904—Concluded.

Sex and occupation.	Applications for— Employment.	Applications for— Help.	Number of positions secured.	Per cent of positions secured of applications for employment.	Per cent of positions filled of applications for help.
Females—Concluded.					
Proof readers	2				
Reception	2				
Saleswomen	2	6	2	100.00	33.33
Scrubwomen	656	683	620	94.51	90.78
Seamstresses	115	168	100	86.96	59.52
Second work	315	338	279	88.57	82.54
Silver girls	2	2	2	100.00	100.00
Solicitors	14	43	12	85.71	27.91
Stenographers	107	26	23	21.50	88.46
Teachers, not stated	1				
Typewriters	1				
Vegetable cleaners	6	7	6	100.00	85.71
Waitresses	673	775	621	92.27	80.13
Washerwomen	3	2	2	66.67	100.00
Wrappers	9	8	8	88.89	100.00
Miscellaneous, not classified	36	43	31	86.11	72.09
Total females	13,730	15,085	[a] 12,319	89.72	81.66
Grand total	37,493	36,710	[b] 31,724	84.61	86.42

[a] Including 123 applications filed the previous year.
[b] Including 215 applications filed the previous year.

From the same report the following table is taken, giving a summary of the work from the beginning:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FOUR FREE PUBLIC EMPLOYMENT OFFICES OF ILLINOIS, 1899 TO 1904.

Year.	Applications for employment.			Applications for help.	
	Number filed.	Number positions secured.	Number unfilled.	Number filed.	Number unfilled.
1899 ([a])	13,097	6,497	6,600	10,370	3,873
1900	37,285	31,218	6,067	35,542	4,324
1901	27,605	23,996	3,609	28,124	4,128
1902	44,900	40,181	4,719	47,497	7,316
1903	43,510	39,227	4,283	47,559	8,332
1904	37,493	31,724	5,769	36,710	4,986
Total	203,890	172,843	31,047	205,802	32,959

[a] Nine weeks.

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The following table shows the number of positions filled and the appropriations for salaries and expenses for the four offices for the year 1905:

POSITIONS FILLED AND APPROPRIATIONS FOR SALARIES AND EXPENSES OF THE FOUR FREE PUBLIC EMPLOYMENT OFFICES OF ILLINOIS, 1905.

Office.	Positions filled.			Appropriation for salaries and expenses.
	Males.	Females.	Total.	
Chicago:				
North side office	4,216	3,809	8,025	$8,495.00
South side office	8,622	4,083	12,705	9,240.00
West side office	10,010	2,030	12,040	8,020.00
Total	22,848	9,922	32,770	25,755.00
Peoria office	4,804	2,024	6,828	6,201.25
Total, 4 offices	27,652	11,946	39,598	31,956.25

Assuming that the entire appropriation for salaries and expenses was used in the operation of the offices, the average cost per position secured was a little less than 81 cents.

From what has been shown as to office methods it is evident that the figures given in the foregoing tables are not quite accurate. Nevertheless, it must be granted that the free employment offices of Illinois are performing a function which can not be safely intrusted to private agencies, and are doing so with credit to themselves. If one would be satisfied as to this point it is only necessary to contrast the private agencies of Chicago to-day with what they were before the law establishing free public employment offices went into effect, and to compare the enforcement of that law by the south side office with that of any city other than Chicago in the Union, or the experience of those railways running out of Chicago which secure their construction gangs from the State offices may be contrasted with the experience of those which turn the construction work over to contractors, the latter in turn patronizing the private agencies and sharing the registration fee. Again, granting that the greater part of the work furnished by the public office consists of short jobs, that the office deals largely with unskilled labor, and that a large percentage of the recipients are "floaters"—the incompetent, the shiftless, the criminals even—yet it must be remembered that there are many worthy persons seeking permanent employment, and that these exceptions, if in a defenseless condition, have a positive claim upon society for protection.

KANSAS.

The act creating the Kansas free-employment system was passed in 1901. As originally presented it provided for the work to be carried on as it is in other States, in connection with the office of the commissioner of labor. The act as it was passed created a new office,

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that of the "director of free employment," and appropriated $1,200 to the payment of his salary, and in addition $500 for postage and express charges.

The Kansas law as originally conceived was an attempt to carry the free employment system into smaller cities than are reached in other States. This was made necessary by the nature of the demand, which is predominantly agricultural. The cities mentioned in the act are those of the first class, with populations of 15,000 or upward, and those of the second class, of from 2,000 to 15,000 population. But it went further than this, for it attempted to carry out this programme without any appropriation. In the original bill the city clerk was required to assume these new duties under pain of dismissal from office. The act as passed, however (see sec. 6), provided that his refusal to discharge those duties should "not affect the tenure of his office as to its other duties." The proviso above quoted proved to be a most effectual measure for making the law inoperative, so far as the city clerks are concerned.

However, it is much to be doubted if any scheme can be devised for carrying the employment offices into towns of 2,000 to 15,000 population save by State appropriations and a salaried officer, involving a service altogether too expensive, or whether, on the other hand, a self-supporting system can be devised involving a small nominal fee, supplemented, if necessary, by a small appropriation or by the services of philanthropic people already in the employment business. With the above proviso omitted Kansas would have had a system forced upon a number of municipal officials who in all probability would not have welcomed it. Experience has shown that the duties of the employment office must not be performed perfunctorily if the office is to prosper, nor has it ever succeeded as a mere incident to some other business.

The Kansas system was begun in connection with the office of commissioner of labor some time before the above legislation was passed. Something was done in the way of correspondence with various persons throughout the State in the effort to learn the extent of the demand for harvest hands, and the same general plan is followed at present. In the main the demand is seasonal, though aside from the harvest needs there is a rather steady current of demand throughout the year, and it generally exceeds the supply.

It must not be supposed, however, that there is never any suffering from lack of work. Kansas has no permanent problem of the unemployed, but like every other part of the country, there is always the problem of unemployment; that is to say, finding the work that needs to be done for those who need to do it. Such a service may be more neglected, indeed, in a sparsely settled region than

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in a populous district, the cases being too infrequent and sporadic to tempt the private agency into the field.

The present law went into effect about the middle of May, 1901. The superintendent (director of employment) reports for the first season, ending December 31, 1901, a total of "2,822 applications for work and help, of which 2,591 were from men seeking work and from employers seeking male help, and 231 from women seeking work and from employers seeking female help. Of this number, 2,084 men and 110 women received employment." The number of harvest hands supplied was 1,698; of common laborers, 170; while "railroad work" was given to 140. The railroads operating in Kansas reported having carried at reduced harvest rates approximately 8,000 men. The next year the results were about half as large. Moreover, city clerks were growing more and more indifferent to an unwelcome duty which they had never before been obliged to perform, so that the superintendent (director) in his report for that year remarks: "I have discovered in the conduct of this department that most men need a financial stimulus in order to secure the best results." Only four cities of the first class and seven of the second class responded to the provisions of the law, and of these practically none continue to do so at present.

The chief function of the superintendent or director is in collecting estimates from different localities of the probable number of men wanted, and in keeping these estimates revised and the orders filled as promptly and equitably as possible. To estimate the magnitude of this demand various sources are appealed to. Some counties have attempted to do it through assessors, but the result has not been satisfactory. Railways are particularly interested in having a large crop to haul, and consequently railway agents have been quite active in rendering assistance. In addition to these a number of volunteer correspondents throughout the State have contributed materially to the total results.

Having determined the demand the next problem is to meet it. The free labor available throughout the State can easily find employment without the assistance of any employment office, hence the extra labor needed must come from the outside, and free employment offices outside of the State are appealed to. Kansas City, Mo., is the great distributing point for labor in the Southwest, as is Minneapolis in the Northwest, and most of the outside harvest labor in Kansas is supplied by the office in that city, and not through the Topeka office. The latter, therefore, can register no applications from that source, and can merely take account of the numbers distributed from Kansas City, Mo., which office counts them as positions filled by it. In the annual report for 1903 the harvest help is classified as sent through the offices at Kansas City and at

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St. Joseph, Mo., and the Kansas (Topeka) bureau, the numbers being, respectively, 2,140, 549, and 1,192.

The question might be raised whether Kansas needs a public employment system at all, since the harvest hands are so largely supplied through the Missouri offices. Two observations must be made hereupon. In the first place the experience of the city clerk's office in Kansas City, Kans., is in point. This is a city of 70,000 population, while the Missouri city of the same name has 220,000. Since the Kansas office is financially unprovided for, the superintendent of that office frequently sends applicants for employment to the Missouri office across the river, where they can be much better taken care of, because the superintendent there makes it his sole business to fit men to places. The advantage which this gives to the Missouri office throws the credit for such work toward that office. Moreover, the railroads grant favorable harvest rates throughout Kansas from the Missouri office, but not from the Kansas City, Kans., office. The point of interest to the State in this experience is that the Missouri farmers are provided for before the Kansas farmers get any help, and it often happens in harvest time that there are not enough laborers to go around.

The second observation is that the harvest work is not the whole of the matter. According to the figures given for 1903, after deducting 2,045 "farm hands" we have 1,064 positions secured, for males and females, throughout the State. With a series of offices better provided for financially the results could undoubtedly be greatly increased.

MARYLAND.

The free public employment office of Maryland was created in 1902 by an act which reads as follows:

> The chief of the bureau of industrial statistics shall cause to be organized and operated a free State employment agency for the free use of the citizens of the State of Maryland, for the purpose of securing employment for unemployed persons who may register in said bureau or agency, and for the purpose of securing help or labor for persons registering as applicants for help or labor, and to advertise and maintain such office.

This legislation was principally the outcome of a recommendation in the report of the bureau of industrial statistics for the preceding year. The report described at some length the abuses of which the private agencies in Maryland and elsewhere had been guilty, cited the investigation into the subject which had been begun in that State in 1894, and recommended the free employment agency as a remedy for the existing evils.

The argument used in support of the measure was not primarily economic, the finding of work for unemployed laborers or of laborers

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for the work, but rather what may be called the argument of social utility and police protection. The economic demand was being met in some fashion by the existing private agencies; but the question was whether such a vital function as the finding of employment for the unemployed could safely be intrusted to private agencies, inasmuch as their motive is personal gain and the applicants for employment are so helplessly dependent.

It is not clear that the conditions in Baltimore, the only city where an office was opened, demanded, on economic grounds, the establishment of public agencies. The first annual report thereafter states that "the general public had to be educated up to the point of applying to the bureau for help," that "this work has been pursued by advertisement in the daily papers, by circular letters sent out to the various manufacturing firms and employers of labor generally, and by the distribution of card signs to be displayed in the various offices and factories of the city and State." Further, "this work in itself has been extensive and costly, and the work of education has been slow." It would appear, then, that though subsequent experience is far more encouraging, the inception of the movement was scarcely justifiable on economic grounds; that is to say, from the standpoint of productivity. The point might then be raised, whether the main purpose, the prevention of the abuses of the private agencies, might not have been accomplished directly by legislation instead of indirectly by competition. This is a question which calls for general and extended consideration, and will be treated elsewhere.

The report for the first year, 1902, closes with a very hopeful note as to the outlook. Moreover, it mentions the fact that in the six months of its operation it had "referred upward of 500 persons to places where they could secure work, but a large number of them failed to return, and therefore we presume they did get work, though our records as printed will not show this number, we only recording those who notified the agency after going to work." The office still follows this method of recording results. The subsequent history of the employment office to the end of the year 1904 is summed up in the following table:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE BALTIMORE FREE PUBLIC EMPLOYMENT OFFICE, 1903 AND 1904.

	1903.			1904.		
	Male.	Female.	Total	Male.	Female.	Total.
Applications for employment	543	109	652	1,078	234	1,312
Applications for help	490	256	746	202	160	362
Positions secured	185	71	256	378	151	529

The above table shows that the total number of applicants for employment increased fully 100 per cent in one year. It should be

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observed, too, that this increase took place without adequate means of advertising. Moreover, the location of the employment office in one of the finest office buildings in the city, in conjunction with the office of the chief of the bureau of statistics and information of Maryland, might be such as to discourage some applicants for employment from applying. There was a large preponderance of male over female applicants, both in the aggregate number applying and in the increase from 1903 to 1904. While the available supply of labor rose from 652 to 1,312 the demand fell from 746 to 362. In spite of the latter phenomenon the number of positions secured rose from 256 to 529. ([a])

The data of only two years would be insufficient as a basis for generalization, but certain facts may be cited as contributing to the above results without maintaining that they are typical or likely to be continuous.

The decline in the number of applications for help is a very common experience with the free public employment offices. By some this is attributed to the character of the help that applies to the free offices; by others to the lack of funds for advertising, whereby employers may be reached; by others to the general proposition that the salaried officer in charge of the State office will not succeed in competing with the private offices even when his services are free, for the reason that in the latter case the living depends upon it while the salaried officer may remain in his office and take care of only such business as comes to him. The private office which gets out and solicits business can successfully compete with a free office which does not.

The free public employment office of Maryland was created as a constituent part of the bureau of statistics and information. At about the same time the functions of the bureau were enlarged in other ways, especially by the addition to its force of several factory inspectors. The appropriation was increased from $5,000 per annum to $10,000, leaving the amount to be devoted to the employment office undetermined. Just how much has been so devoted, or is being so devoted, can not be learned from the financial reports of the bureau. Neither were the officers of the bureau, when questioned, willing to make any statement. It is impossible, therefore, to arrive at any definite conclusion as to the average cost to the State per position secured, except that it must be considerably more than $1.

In the report for 1903 (p. 95) it is stated that "the great need of the bureau (i. e., employment bureau) is advertising and making known to the people of the State, and especially in the industrial

[a] The fact that the positions secured in 1904 (529) are in excess of the applications for help (362) is easily understood when it is recalled that one application for help may cover several positions secured.

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centers, the fact that the bureau is doing business." It is not clear, however, that this decline is due to a lack of funds for advertising, since we are not told how much is available or has been used for that purpose. This much, at least, is evident, that the employers of Baltimore as a class have not yet been reached. The principal demand is for berry pickers, farm laborers, and domestics. Advertising, necessary though it may be, can not compensate for the lack of personal interviews between the superintendent of the office and the employers. If the office is to be trusted by the employer to act as his agent, the latter must be convinced that the superintendent has the capacity to select men according to his needs. This personal contact between the superintendent and the employer has not been attempted in Baltimore. The office is in charge of a female clerk, who assists in the other work of the office and is assisted by the other office help.

Those engaged in social service speak well of what has been done and of the opportunities for usefulness still to be realized. Labor union leaders consulted manifested indifference toward it. Though by no means hostile to it, they were not the sponsors of the movement as in most of the other States.

The ostensible purpose for which the free public employment office was founded in Maryland, namely, the control of the private agencies by State competition, has not been accomplished. It is doubtful, indeed, whether simple competition ever will do so for any length of time.

The private employment agency in the hands of unscrupulous persons is an extremely difficult thing to reach. There are at present about thirty-five such agencies—good, bad, and indifferent—in the city of Baltimore, and the police department testifies that the free employment office has had no effect in correcting their abuses. Whatever else may be said of the free public employment office, it has helped to demonstrate the need of further legislation directed toward the control of the private agencies, and has begun the demonstration of what might be done for industrial ends in the establishment of a labor exchange.

MICHIGAN.

The law establishing the Michigan free employment offices was approved March 30, 1905.

The law owes its origin to the State bureau of labor, and more particularly to the commissioner. The reports of other State bureaus had impressed him with the utility of the service rendered by these bureaus and he desired a similar establishment for the State of Michigan. Accordingly, the measure was passed without carrying any

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appropriation. It was believed that a short trial would demonstrate the need of such an office, and appropriations for it would be forthcoming. The demand was considered to be primarily an economic one, the need of a public intermediary in the labor market, though protection from the exactions of the private agencies was also desired. The labor unions were not active in support of the measure, but were not inimical to it.

Two offices have been organized thus far, namely, at Grand Rapids and at Detroit. In both cities the office is conducted in connection with that of factory inspection. In the first-named place the assistant inspector has charge; in the latter a superintendent, selected from the force of inspectors and still having duties connected with the factory inspection, is appointed. Thus it is estimated that the support of the system as at present organized has made a demand upon the bureau to the extent of only $500 for advertising and the services of one factory inspector. The offices make reports every month, giving number of applicants for employment and for help, the number of positions secured, and the number unfilled. These reports are not published, but they show a gratifying record of work done, and that, too, with only one person in charge of each office—an arrangement which permits very little personal work with employers.

The office at Grand Rapids is the only one in the United States which is solely in charge of a woman. The superintendent states that factory inspection takes about half of her time, that she has no opportunity to see employers, and that she could enlarge the work of the office considerably if she had more time. All kinds of help are supplied—factory workmen, machinists, domestics, etc.—though unskilled labor largely predominates.

All applications must be filed, and none are considered otherwise. Perhaps half of the applications for help are by telephone. Records of applications are kept in two books, one for employment and the other for help. The office requires that all positions shall be reported as filled or unfilled, and none are counted in its reports unless definite information has been received. An advertisement is kept running three days of the week in two local papers. A weekly announcement is made after the following manner: "I have waiting on my list —— machinists, domestics, laborers," etc., an advertisement that appeals to both sides of the labor market.

Other agencies at work in Grand Rapids are the Charities Association, the Young Men's Christian Association, the Manufacturers' Association, which is an antiunion organization, and various private pay agencies.

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The offices at Detroit and Grand Rapids were opened on June 1, 1905, and the business transacted during the first seven months shows the following results:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE DETROIT AND GRAND RAPIDS FREE PUBLIC EMPLOYMENT OFFICES, JUNE 1 TO DECEMBER 31, 1905.

DETROIT.

	Number of applications for employment.			Number of applications for help.		
	Male.	Female.	Total.	Male.	Female.	Total.
Applications—						
Filed	3,199	789	3,988	3,284	1,225	4,509
Not filled	165	25	190	250	461	711
Positions secured	3,034	764	3,798	....	....	....

GRAND RAPIDS.

	Number of applications for employment.			Number of applications for help.		
	Male.	Female.	Total.	Male.	Female.	Total.
Applications—						
Filed	1,063	493	1,556	1,218	521	1,739
Not filled	330	174	504	485	202	687
Positions secured	733	319	1,052	....	....	....

This shows for Detroit a monthly average of 542 positions secured, which would place a year's estimate at 6,500. Not all applications for employment are taken. The superintendent estimates that there were probably as many as 20,000, all told. The lack of office force makes it physically impossible to take all of these, hence few are filed except those that secure positions, and hence the small number of "applications for labor unfilled." The justice of the claim that the work can not all be done is quite admissible; nevertheless, the data offered under "applications for employment" are invalidated.

Before sending a laborer to an employer the superintendent usually telephones to the latter to find out if the position is still open. In case it is open and the candidate does not return to the employment office, the superintendent assumes that the position was secured. While in a few cases this assumption may be erroneous, it may be assumed that the figures relating to positions filled may be accepted as approximately accurate and the net results may be taken as satisfactory.

As to the nature of the positions filled and the class of people applying, the positions showing the largest numbers are as follows: For men, 753 laborers, 265 factory workers, 296 farm hands, 241 lumber handlers, and 197 beet-field workers; for women, 160 domestics, 102 day workers, and 77 waitresses. As indicative of the skilled labor dealt with, there were 29 carpenters, 17 blacksmiths, 14 cabinetmakers, 42 machinists, 23 molders, 52 painters, besides several printers, plumbers, pattern makers, milling machine hands, lathe hands, demonstrators, cap makers, etc. The number and variety of skilled

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occupations served by the Detroit office is even more gratifying than the total results. The class of applicants for employment is far above the average—good, clean, capable-looking people for the most part—and upon this point the superintendent stated that the class of applicants had been steadily improving from the beginning. This is to be attributed largely to the discriminating service which is being rendered, for the superintendent does not send out even unskilled labor without carefully considering the ability of the laborer to perform the duties of the position to be filled. In case of a strike the superintendent, on request of the employer, will send men without regard to whether a man is a unionist or a nonunionist, merely informing them of the situation.

The superintendent can not get away from the office to interview employers, and the latter do not liked to be called up by telephone; hence, the only recourse is occasionally to send a postal inquiry, to offer a placard advertisement to be hung in employers' offices, and to use the columns of the daily press. Factory inspectors, moreover, frequently report where there is an opportunity for placing employees. The telephone is almost constantly in use.

A city ordinance in Detroit compels private agencies to pay a license fee of $15 per year and to give bond in the sum of $500. It limits the the registration fee to 50 cents for women and $1 for men when the wage is less than $30 per month. Above that sum the agency may charge not to exceed 10 per cent of one month's wage for either men or women. If a position is not secured within six days the registration fee must be returned. All misrepresentations are to be severely punished.

MINNESOTA.

The free employment movement began in Minnesota, as it did in Wisconsin, with a municipal office. This office was opened in Duluth in 1901, and it owed its inception in part to the one previously organized in the adjacent city of Superior, Wis. Its reports receive no more than local publication, which, so far as the general public is concerned, is one of the disadvantages of the municipal type.

The demand for the office, it is said, came from laboring men, voiced by the unions, which still give it their undivided support. There was the usual and well-grounded complaint that the laborers were "fleeced by the unscrupulous employment agents" in collusion with foremen in the lumbering camps and on the railways.

The superintendent states that perhaps 70 per cent of the positions secured for men are for unskilled labor. The supply and demand are fairly equal numerically the year round, though the nature of the work to be done varies with the season. With the close of navigation in the fall the work in the woods begins, and in the spring it is "from woods to river driving and then back to dock work and railroading."

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In the summer season 85 per cent of the jobs are of long duration, but in the winter a majority only are long. The superintendent states also that, being alone in the office and his time fully taken up with the work for men, he has not been able to pay much attention to the demand for female help, but while he has made no record of such work he has done what he could to fill all such orders.

Quarterly and annual reports made to the city council give the names of all men hired and where sent. All applications for work are recorded, and some discrimination is shown in placing men where they belong.

The following table shows for the year 1905 an interesting classification of the number of places found for workers in the city of Duluth, in the State, and outside the State:

POSITIONS SECURED THROUGH THE DULUTH FREE PUBLIC EMPLOYMENT OFFICE, 1905.

Month.	In the city of Duluth.	In the State outside of Duluth.	Outside the State.	Total for the month.
January	261	201	210	672
February	205	171	143	519
March	207	147	99	453
April	364	121	50	535
May	235	104	60	399
June	263	99	66	428
July	269	99	83	451
August	482	168	129	779
September	273	98	77	448
October	252	103	85	440
November	350	130	103	583
December	327	198	127	652
Total	3,488	1,639	1,232	6,359

The expense of maintaining the office for the year was $1,499.88, the items being as follows:

Salary	$900.00
Rent	400.00
Janitor	60.00
Printing	15.00
Stamps and stationery	6.88
Light and water	6.00
Telephone	90.00
Directory	6.00
Signs	6.00
Cards	10.00
Total	1,499.88

Thus the cost to the city was only 23.6 cents per position secured.

At the time the present article was written the only State office in Minnesota was in Minneapolis. In 1905 a bill was presented in the State assembly providing for the establishment of the free employment system throughout the State. The bill met with vigorous opposition, but was finally passed. The appropriation,

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however, was cut down to $1,750 per annum, which is not enough to support one office in a city like Minneapolis, even when rent is not included. The bill did not settle the matter as to location. After some little controversy among the three leading cities—St. Paul, Minneapolis, and Duluth—the last named was eliminated, because it had a municipal office, and Minneapolis won by giving free quarters in the city hall, thus disposing of the question of rent. The office furniture was provided by the Commercial Club of Minneapolis.

The office in Minneapolis was opened July 1, 1905, and up to December 7 of the same year it had secured 4,359 positions. This means an average cost to the State of only 17.5 cents per position secured. The success of the office has been so pronounced that its friends feel confident that an appeal to the legislature for stronger support and for the extension of the system to other parts of the State will be granted.

Minneapolis is centrally located with reference to a periodic demand for labor. The pineries to the eastward in Wisconsin and Michigan call for a great many laborers during the winter, and the wheat fields to the westward make a corresponding demand in the summer. The two combined have virtually called into existence a supply of vagrant labor, which centralizes about Minneapolis and at times overstocks the local labor market. Minneapolis is therefore a clearing house, with the free employment office for its center. As the lumber regions southward are depleted and the iron ore and ship-building interests of Duluth are developed, a portion of this market is gradually passing northward to that city, but that the bulk of it still remains is a fact of fundamental consequence in understanding the local labor situation.

The superintendent states that the demand and supply for skilled labor remains about equal. A good man, whether skilled or unskilled, can nearly always find work, but the "floaters" can not. The latter are too uncertain to be depended upon by an industry that requires continuous effort. In a growing city there is always more or less work for unskilled labor; hence there is some work all the time, but not enough for all the men all of the time.

Compared with other offices of its kind, the free employment office of Minneapolis seems to enjoy the public confidence and respect to a rather unusual degree. Many speak with enthusiasm of its work, especially as a labor exchange. Applications of all sorts are received, including even matrimonial propositions and inquiries. With such a volume of work on hand it is impossible for the office to give the closest attention to individual cases. There are only two officials provided for—the superintendent and a female assistant, the latter having charge of the employment of women.

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At present the office methods in the matter of records are similar to those noted elsewhere. Applications for employment are not always recorded. From 25 to 50 persons, and often a still larger number, may be seen in the office almost any morning. Some of these come every morning until they receive work, others become discouraged or leave the city. The filling of the application blank is merely the initial part of the work, for the transfer is afterward to be made to the two record books.

In sending out laborers to the applicants for help the Minneapolis office, like most other free employment offices, formerly sent a circular letter. Following is a copy of this circular:

MINNEAPOLIS, ——, *190—*.

I have to-day sent to you —— ——, Registered No. ——, who has applied at this office for a position as ——.

Please notify this office immediately if you do or do not give employment to the applicant, that your order may be canceled or another applicant sent to you.

—— ——,
Superintendent.

The superintendent has discontinued sending such requests for information, except for skilled labor. Employers may be very grateful for the prompt fulfillment of their orders for labor, but are not likely to be punctual in furnishing information upon this point unless the help was not secured or more help is wanted. Wherever employers can be reached by telephone the information is usually secured.

The point of particular excellence about the situation in Minneapolis is the fact that the office is located in the city hall, and thus works in cooperation with other phases of social service. The Wisconsin offices, with one exception, are located in quarters provided by the cities, but in Minneapolis the integration has proceeded further, and therefore offers a much better illustration of what may be gained thereby. The significance of this is shown in the following considerations:

1. A city should provide the office room, rent free, when the State expends enough upon the locality to support the office. There is in such case less reason for discontent throughout the remainder of the State.

2. This assumption of responsibility by the city adds to the local interest in the office.

3. The housing of the employment office in the city hall puts it where it properly belongs as a part of the social service. In the first place, it is removed from the position of being a mere competitor with all the private agencies, good, bad, or indifferent; secondly, it is dignified as a public function by being placed along with municipal offices, where it has a right to be; thirdly, it is within convenient reach of the offices of the various inspectors of factories, buildings,

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streets, highways, etc., and is thus enabled to learn of improvements to be undertaken, and consequently of the demands for labor for public contracts, and, fourthly, it thus becomes a valuable adjunct to the municipal courts. To illustrate, the superintendent of the office at Minneapolis was once called upon to see if work could be found for a gang of about 25 stranded men, under sentence for vagrancy. He succeeded in finding work for them, and sentence was suspended upon condition that they accept the work and report to him. This they did, some of them gladly, and only three or four proved recreant. These facts illustrate what is meant by the cooperation of the employment office with other social functions. It might be added that to be within convenient reach of the office of the poor relief, the associated charities, and the chief of police tends in the same direction.

4. The city hall being usually a source of news for the daily papers, the employment office gains public notice along with other branches of the public service. If put in rented quarters it is apt to be treated by the press as a private enterprise and, notwithstanding its public function, be obliged to pay for every notice, as if it were a money-making scheme.

The above reasons would seem to be conclusive as to the relevance of the free employment office to other public functions, and to suggest a line of demarcation between the responsibility of the State and of the locality, respectively, in support of the same. The reasons are just as cogent for other States.

For the regulation of private agencies a State law was passed as early as 1885, which, with several amendments, is still on the statute books. It requires a license fee of $100 per annum and a bond to the State in the sum of $10,000, but it does not require a refund of the registration fee in case of nonemployment. The bond is "conditioned for the payment of any damage which any person secured or engaged to labor for others by the obligor may sustain by reason of any unauthorized act, fraud, or misrepresentation on the part of such agent for such hiring." Notwithstanding the threatening provisions of this act, together with the competition afforded by a successful State employment office, there are as many as 10 private agencies in St. Paul and 30 in Minneapolis, some of which are of a very questionable character. In this we have an added proof, if proof is needed, that legislation and free competition can not be relied upon to control the abuses practiced by the unscrupulous private agency. In the end it is an administrative problem for which ordinary methods will not suffice.

As stated above, the number of positions secured, from the opening of the free employment office July 1, 1905, to December 7 following,

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was 4,359. Of this number 3,039 were men and 1,320 were women. The applications for help, counting each application and not the number wanted, were, men, 2,214; women, 1,172.

With regard to the matter of records the management feels that it is better economy of time to get the business, to see employers, to study their needs, and to adapt the applicants for work to the various positions than it is to register every transaction carefully and to transfer the items from application blanks to record books, and from these to the monthly reports.

MISSOURI.

The free employment system was established in Missouri in 1898, without sanction of the law. It proved a satisfactory experiment, and the next year a law was enacted providing for the establishment of offices in cities containing 100,000 or more inhabitants. The labor unions were not the sponsors of the movement, but since the passage of the law they have adopted resolutions favoring the extension of the system to cities of 50,000. There was no popular demand for the office, the movement having its inception with the commissioner, the object being to combat the abuses practiced by the private agencies.

"Cities of 100,000 or more" includes only the cities of St. Louis, St. Joseph, and Kansas City. The selection as well as the dismissal of superintendents and clerks is in the hands of the commissioner of labor statistics, making each office an integral part of the bureau of labor. They are thus able to be of considerable service to the bureau, the aim in this particular following the lines adopted in Illinois, Wisconsin, Michigan, and Connecticut.

Among the duties of the superintendent is the usual one requiring him to "record, in a book kept for that purpose, the names of all persons applying for employment or for help," etc. The law states that every application for employment or for help "shall be void after thirty days." It is necessary, therefore, for the superintendent to inquire, "Have you registered?" If the applicant has not done so within thirty days he must register or reregister, as the case may be, before any further business can be transacted. The fact that the Missouri offices carry out this provision of the law is attested by the excess of applications for employment over positions secured, and consequently over the number of positions unfilled. For purposes of study the entire published results of the Missouri offices are given below for the year 1905:

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APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE ST. LOUIS FREE EMPLOYMENT DEPARTMENT, BY OCCUPATIONS AND SEX, YEAR ENDING SEPTEMBER 30, 1905.

Occupation.	Males.						Females.					
	Applications for employment.			Applications for help.			Applications for employment.			Applications for help.		
	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.
Bakers	8		8									
Barbers	1		1									
Bartenders and brewers	26	5	21	7	5	2						
Blacksmiths	5	2	3	3	2	1						
Bricklayers	3	1	2	15	1	14						
Boys	85	84	1	277	178	99						
Butchers	4	1	3	3	1	2						
Carpenters	55	27	28	38	27	11						
Coachmen	5		5									
Collectors	16	1	15	1	1							
Cooks	180	98	82	98	98		49	42	7	115	42	73
Copyists							3		3			
Dairymen	13	12	1	44	12	32						
Druggists	1		1									
Engineers and firemen	111	27	84	27	27							
Electrical workers	14	1	13	1	1							
Farm help	62	55	7	101	55	46	10	1	9	3	1	2
Factory workers	623	253	370	127	126	1	8	5	3	323	5	318
Gardeners	16	7	9	17	7	10						
Grocery clerks	38	2	36	2	2							
Hotel and restaurant help	440	270	170	295	270	25	212	171	41	294	171	123
Housework	155	72	83	77	72	5	130	112	18	262	112	150
Harvest hands	3	2	1	20	2	18						
Janitors, porters, and watchmen	287	169	118	191	186	5						
Laborers—inside and ordinary	2,406	1,347	1,059	1,490	1,353	137						
Laundry workers	6		6				11	10	1	40	10	30
Ladies' maids							1		1	2		2
Mechanics	36	2	34	2	2							
Molders (iron and brass)	4	1	3	1	1							
Miners				2		2						
Nurses	8	5	3	6	5	1	11	2	9	5	2	3
Office help	280	32	248	10	9	1	36	7	29	17	7	10
Painters and paper hangers	25	14	11	37	14	23						
Printing trades	2	2		5	2	3				1		1
Plumbers	3		3									
Planing and saw mills	1		1									
Private place	62	27	35	28	27	1	14	2	12	2	2	
Quarrymen	1	1		66	1	65						
Sales people and solicitors	92	13	79	15	13	2	8	1	7	4	1	3
Seamstresses							2		2			
Street-car employees	3		3									
Stenographers	12		12	1		1	7		7			
Stone masons and cutters	2	1	1	13	1	12						
Shoemakers	33	17	16	50	50							
Special	91	50	41	85	50	35	17	4	13	7	4	3
Teamsters	144	33	111	33	33							
Tie makers and timber cutters	51	49	2	49	49							
Waitresses and waiters	50	14	36	19	14	5	63	46	17	123	46	77
Washerwomen							8	6	2	48	6	42
Total	5,463	2,697	2,766	3,256	2,697	559	590	409	181	1,246	409	837

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APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE KANSAS CITY FREE EMPLOYMENT DEPARTMENT, BY OCCUPATIONS AND SEX, YEAR ENDING SEPTEMBER 30, 1905.

Occupation.	Males.						Females.					
	Applications for employment.			Applications for help.			Applications for employment.			Applications for help.		
	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.
Bakers	9	2	7	6	2	4				1		1
Blacksmiths	4	1	3	6	1	5						
Bricklayers	4	2	2	5	2	3						
Boys	24	9	15	30	9	21						
Butchers	2		2									
Carpenters	39	14	25	64	14	50						
Coachmen	7		7	4		4						
Collectors	8	1	7	1	1							
Cooks	63	13	50	47	13	34	86	35	51	254	35	219
Copyists							1		1			
Cigar makers										1		1
Dairymen	11	8	3	19	8	11	1	1		4	1	3
Engineers and firemen	104	14	90	32	14	18						
Electrical workers	6		6									
Farm help	279	108	171	281	108	173	106	26	80	80	26	54
Factory workers	4	2	2	7	2	5	165	148	17	242	148	94
Gardeners	14	8	6	27	8	19				4		4
Grocery clerks	22	1	21	4	1	3						
Hotel and restaurant help	108	35	73	118	35	83	124	53	71	205	53	152
Housework	2	2		8	2	6	266	109	157	821	109	712
Harvest hands	2,098	2,098		2,110	2,098	12	7	7		7	7	
Janitors, porters, and watchmen	143	27	116	75	27	48						
Laborers—inside and ordinary	1,249	878	371	2,130	878	1,252						
Laundry workers				3		3	3	1	2	19	1	18
Mechanics	73	19	54	62	19	43						
Milliners										1		1
Nurses	3		3	3		3	18	1	17	26	1	25
Office help	77	2	75	7	2	5	38	6	32	9	6	3
Painters and paper hangers	18	1	17	3	1	2						
Printing trades	5	1	4	19	1	18	9	7	2	20	7	13
Plumbers	3		3									
Planing and saw mills	1		1									
Private place	78	21	57	74	21	53	16	5	11	19	5	14
Quarrymen	4	3	1	8	3	5						
Railway employees	29	28	1	109	28	81						
Sales people and solicitors	82	2	80	146	2	144	13	1	12	11	1	10
Seamstresses							6		6	1		1
Stenographers	14		14				22		22	2		2
Stone masons and cutters	1		1	2		2						
Shoemakers	3		3									
Special	28	19	9	59	19	40	4	2	2	3	2	1
Tailors				2		2						
Teamsters	82	25	57	98	25	73						
Waitresses and waiters	13	4	9	22	4	18	74	26	48	205	26	179
Washerwomen							55	36	19	87	36	51
Total	4,714	3,348	1,366	5,591	3,348	2,243	1,014	464	550	2,022	464	1,558

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APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE ST. JOSEPH FREE EMPLOYMENT DEPARTMENT, BY OCCUPATIONS AND SEX, YEAR ENDING SEPTEMBER 30, 1905.

Occupation.	Males.						Females.					
	Applications for employment.			Applications for help.			Applications for employment.			Applications for help.		
	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.	Total.	Filled.	Unfilled.
Bakers	3	1	2	2	1	1						
Blacksmiths	4	2	2	3	2	1						
Bricklayers	1		1									
Boys	60	22	38	22	22							
Butchers	4	1	3	2	1	1						
Carpenters	22	9	13	9	9							
Coachmen	31	14	17	14	14							
Collectors	11	4	7	4	4							
Cooks	62	30	32	33	30	3	33	25	8	62	25	37
Dairymen	23	18	5	23	18	5						
Druggists	1		1									
Engineers and firemen	10		10									
Electrical workers	5	1	4	1	1							
Farm help	162	107	55	107	107							
Factory workers	20	14	6	23	14	9	2	2		23	2	21
Gardeners	3	3		6	3	3						
Grocery clerks	20		20									
Hotel and restaurant help	67	46	21	65	46	19	70	59	11	77	59	18
Housework	1	1		6	1	5	133	97	36	142	97	45
Harvest hands	275	271	4	500	271	229						
Janitors, porters, and watchmen	66	19	47	19	19							
Laborers—inside and ordinary	798	604	194	751	604	147						
Laundry workers	3		3									
Ladies' maids										1		1
Mechanics	10	3	7	3	3							
Miners	2		2									
Nurses							4	2	2	5	2	3
Office help	47	8	39	8	8		4		4			
Painters and paper hangers	1		1									
Private place	22	13	9	13	13							
Quarrymen	19	19		31	19	12						
Railway employees	9	5	4	5	5							
Sales people and solicitors	10	10		29	10	19	3	3		16	3	13
Seamstresses							1		1			
Stenographers	6		6	1		1	4		4			
Stone masons and cutters	5	3	2	3	3							
Special	16	15	1	22	15	7	1		1	2		2
Teamsters	51	18	33	18	18							
Waitresses and waiters	25	16	9	16	16		16	16		20	16	4
Washerwomen							1	1		1	1	
Total	1,875	1,277	598	1,739	1,277	462	272	205	67	349	205	144

In the matter of obtaining correct returns as to positions secured, the Missouri offices are not so successful as they are with applications, about 75 per cent of the cases being verified. It is doubtful, indeed, if any free office can succeed in this particular, and the only remedy thus far discovered is a fee.

Another noticeable feature of the Missouri offices is that no loafing is permitted about them. Applicants for employment are encouraged to come again and to come often, but not to remain standing or sitting about the office. This is considered a good policy for several reasons. When an office becomes a rendezvous for the unemployed, such a condition of despondency and discontent is bred that no healthy minded man can afford to enter it, and the

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office soon acquires an unfavorable reputation. Again, if the office has no work for a man he should be out looking for it himself and should never be encouraged to hang around for short jobs, because this cultivates shiftlessness.

The expense of maintaining the free employment offices of Missouri can not be precisely stated, because it is not separated from that of the remainder of the bureau of labor. The entire expense of the bureau of labor, including the central office at Jefferson City and the three employment offices mentioned, is $16,000. Each employment office assists in collecting statistics upon manufactures and industrial conditions, trade unions, surplus products, etc. The superintendents receive $1,200 each and the clerks not more than $900 each per annum. Monthly reports are sent in by the three offices as required by law, and a compilation is made and published in the annual report of the commissioner of labor.

ST. LOUIS.

Common unskilled labor in St. Louis is considerably in excess of the demand, the city being overrun with a floating population from November until March of each year. Yet common laborers receive about $1.75 per day, sometimes as low as $1.50. For street work, in which as a rule, here and elsewhere, the wages are higher than other common labor, $2 per day is paid.

The St. Louis office endeavors to win the attention and patronage of employers by sending out circulars to them, and this plan is said to have been very successful, but there is the active competition of dependable private agencies to meet, to say nothing of the insidious methods of the dishonest ones. The latter, for instance, have a practical monopoly of the railroad construction work through collusion with the contractor, and this decreases greatly the numerical showing the State office would otherwise make. There is a field for work outside of the offices, to be done with employers, not only in soliciting their patronage, but also in becoming familiar with their wants and the qualifications required in employees.

Difficulty is experienced in regard to advertising. The State has appropriated the sum of $2,000 for this purpose. In many cities the press has generally pursued a liberal policy toward the free employment agency, often giving free space to its advertising matter. The St. Louis papers, on the contrary, take the ground that such advertising is in competition with their "want-ad." pages, maintained for the same purpose. Hence, they charge the highest rate if they accept it at all. One paper even refused to carry out a contract already made for nearly $100 worth of advertising.

The legislature in 1905, amended the law governing private agencies so as to compel them to furnish employment within three days after

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accepting the fee or return the same upon demand. It is reported that there are two or three such agencies in St. Louis which are doing a straightforward business; about twice as many are "sharks," and the remainder are of doubtful character.

The policy of the office in regard to strikes is to answer requests of employers for men as at other times, merely informing the men of the conditions. No applicant is asked whether or not he belongs to a union, and no discrimination is made on this score. The unions here as elsewhere prefer to act through their own business agents. The local reputation of the St. Louis office is good. The charities association sometimes sends able-bodied men to the free employment office, and sometimes sends to the office for men to help fill woodyard contracts, and has met with uniform satisfaction. Other humanitarian organizations speak well of the office.

KANSAS CITY.

The Kansas City office was opened January 15, 1900, and has built up a good reputation for efficiency. Geographically it is most fortunately located, being the central distributing point for labor in the Southwest. For the same reason the field is an attractive one for private agencies, and neither the State law nor State competition are a sufficient restraint upon them. The popular scheme of dividing the registration fee with the contractor is worked here with hotel chefs.

All applicants for employment are required to fill out an application blank, and are not considered without this formal proceeding. Moreover, testimonials are required, even for contract work, as the superintendent says that contractors must be protected. This is setting a high standard and it is a question whether the contractor will appreciate it enough to give the State employment office his patronage.

The superintendent has evolved a simple and convenient card system for filing applications for help and employment, also an improved letter file which enables him to keep track of all correspondence, and to assemble the different items of information upon a given topic at a moment's notice. A ticket is issued to every applicant for employment, showing the date of issue and the occupation desired. The applicant presents this ticket at the office. By this means the superintendent learns at once whether he has already registered. By referring to the classification number he can turn at once to his card catalogue of applications for help and find out whether there is anything to offer among the 52 classified occupations. The card catalogue of applicants for help contains a separate card for each employer, and these cards are grouped according to the occupations, so that the superintendent can see at a glance just what may be called for in any one line of work. The specially prepared letter file is made to fit a drawer

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of the superintendent's desk. In one end of this the letters are filed under the date they are received. On the same date application blanks are sent out to be filled by the applicant. Thus, it is easy to keep track of such correspondence, a very necessary thing to do considering the amount of mail business this office is compelled to transact in the sending of harvest hands, etc.

More than any other one thing the furnishing of harvest hands to the farmers of Missouri, Oklahoma, Kansas, and Nebraska has brought this office into public notice. The superintendent receives a schedule from the director of employment at Topeka, stating the number of men wanted and the destination. He then makes arrangements with the railways for reduced rates, generally 1 cent per mile. The method is as follows: Men in companies of five or more pay their transportation charges to the superintendent of the free employment office, and each is given an identification card as follows:

FREE EMPLOYMENT BUREAU OF THE STATE DEPARTMENT OF LABOR.

HARVESTER'S IDENTIFICATION CARD.

NOT GOOD FOR PASSAGE.

AGENT:

The bearer is destined to ——— on ——— Rwy. Leaving ——— at ——— m., ———, 190–.

——— ———,
Deputy Commissioner of Labor.

The identification cards are presented to the local railway agent by the harvest hands and the transportation charges are turned over to the agent by the superintendent, whereupon regular tickets are issued to the harvest hands to the point of destination, or perhaps a "party ticket" for the entire group.

Arrangements are also made whereby men returning from the Kansas harvest fields may obtain the same rates from Kansas City to Nebraska and the Dakotas, but full fare must be paid from the Kansas destination back to Kansas City. In 1905 there were 2,098 men sent to the Kansas harvest fields by the Kansas City office.

Humanitarian societies describe the work of this office as "decidedly beneficial."

ST. JOSEPH.

This office was opened January 1, 1901. The city contains a population of 110,000. As in most other cities, there is an excess of common labor in the winter time, while in summer the reverse is the case. Domestic help is quite inadequate to the demand. Skilled labor is pretty thoroughly organized, only about 10 per cent of the applications being of this class. No question is asked whether or not an applicant belongs to a union. In case of a strike the employer's order would be filled as at any other time.

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The same methods are employed as at the other offices in general. The published reports do not show much work to the credit of this office, but it has recently changed hands, and the work has more than trebled in the past year. The office has a good reputation locally. The following is the form of application for employment, the same being used in all three of the offices:

Classification —

APPLICATION FOR EMPLOYMENT.

App. No. — Date —
Name ——— Address ——

Nationality? Married or single? Age? Number of dependent children? Occupation? Kind of work desired? Name and address of last employer? How long idle? How long employed at last place? How long a resident of this State? Cause of idleness? Wages desired? Can you read and write? Remarks.

Signature.

References.

NOTE.—The bureau does not warrant to find you employment. If it can place your labor, you will be notified by postal card. No application for employment will be registered where references are omitted. All applications expire after thirty days. Renewals may be made every thirty days until employment is secured. Every applicant for employment must notify the superintendent within ten days after employment has been secured. Failure to so notify may bar said applicant from all future rights and privileges of this bureau. Address all applications to ——.

MONTANA.

Montana's first experience with the free employment office was under an act passed in 1895, an act which remained in force about two years. It was realized in framing the measure that it would be difficult to get an appropriation; hence the Ohio system of State-supported offices with salaried officials in charge was rejected, and the Montana statute was modeled upon a bill presented the year before in the Iowa legislature.

The chief characteristic of the act of 1895 was its aim to secure the advantages of the Ohio system with little or no expense to the State. The method involved the creation of one employment office to be located in the State capitol at Helena, the work to be carried on by a clerk in connection with the bureau of agriculture, labor, and industry. It was supposed that persons wishing employment or help would write to the bureau of agriculture, labor, and industry and that this office would do a sort of mail-order business in bringing the two together. The employer was simply given the names and addresses of those who had informed the office that they wanted his kind of work. He was then expected to select from this list as best he could and let the office know how he had succeeded, in order that it might know whether to give itself credit or not. The act also authorized the larger cities to establish municipal offices, but none of them did so.

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The results in positions secured under this law were as follows:

POSITIONS SECURED THROUGH HELENA FREE PUBLIC EMPLOYMENT OFFICE, APRIL 1, 1895, TO MARCH 6, 1897.

Period.	Males.	Females.	Total.
April 1 to December 31, 1895	167	263	430
December 1, 1895, to November 30, 1896	305	302	607
December 1, 1896, to March 6, 1897	14	79	93

The expenses were limited to $1,200 per annum, but the expense account rendered for the year December 1, 1895, to November 30, 1896, shows a total of $1,481.88. The attempt was a failure. The employer could not afford to wait upon the slow and unsatisfactory process involved in an exchange of letters. The commissioner judged from the number of letters received from applicants for both employment and help that there was an undoubted need of such an office under more adequate financial provision. The act of 1895 was repealed and a new law enacted in lieu thereof.

This law is still upon the statute books. It imposes no obligation on the State, simply permitting each city to establish an office for itself. It requires a detailed account of the management of such offices in the annual report of the commissioner upon stated topics, but it does not compel municipal offices to furnish such data to the commissioner. It follows, therefore, that the free employment offices of Montana are virtually municipal offices, their expenses borne locally, their data such as the local ordinance may require, and their reports to the commissioner such as the superintendents may feel constrained by courtesy to give.

There are two such offices in the State, namely, at Butte and at Great Falls. The cities of Helena and Kalispell have passed ordinances establishing such offices, but the councils have failed to provide the necessary appropriation, and hence the offices have not materialized. The labor unions are the sponsors for the movement in Montana, and legislation on the subject has been in deference to them, but in at least two instances it is evident that the opponents of the movement have succeeded pretty well in thwarting any effective legislation and in preventing the passage of a municipal appropriation.

BUTTE.

Butte has a population of upward of 30,000. Its free employment office dates from January 23, 1902, and the substance of the ordinance is as follows:

The office of employment agent is created, to be filled by the mayor's appointment, subject to the approval of the council. His duties include the receipt of applications both for employment and

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for help. The application for employment must state the sex, present address, and character of work desired. Applications for help must contain the address of the employer and nature of the work to be done. Monthly reports, which must show the number of applications of both kinds and the number of positions secured, are required to be made to the city council.

The reason put forward in support of the public employment office in Butte was the necessity of controlling the exactions of the private agencies. The latter, however, are still doing business in pretty much the same way that they did before.

Butte is distinctly a mining town; every other industry is subsidiary to mining. It follows almost as a necessary corollary that prices and wages are high. It is a typical "union town," dominated by union labor as completely, perhaps, as any other American city. Not only are all the ordinary trades unionized, but there is a union for common unskilled laborers. Moreover, there is a Women's Protective Union, comprising several subordinate unions, such as cooks, chambermaids, and waitresses, and several boy's unions, such as the newsboys, elevator boys, and bootblacks.

Local employers have made little use of the free public employment office, except in securing help for short jobs. Mine operators never use it. Its chief function is found in placing some of the surplus labor of Butte in surrounding towns. Calls come from various points along the railway for men for ranching, railroad labor, wood chopping, and hotel and restaurant help, and for women for hotel help. Most of the orders from out of town are for men, and they are practically all for long jobs, while over 75 per cent of the work in town is for short jobs.

In 1904 there were 7,540 positions secured, 3,547 for women and 3,993 for men. This was effected at a cost to the city of $3,000, or nearly 40 cents per position filled.

In the matter of office methods it is to be observed first, that as a rule, applications for employment are not recorded except as the job is taken. A group of men is usually to be found about the office waiting for an application for help.

Care is shown in requiring definite and positive information about positions secured, for none are recorded without such information. Monthly reports are sent both to the city and to the State officials, but no annual report is sent.

The office is able to show good results. People generally speak well of it and no one talks of giving it up. It is performing a function for that part of the State which citizens in and out of the city think necessary and highly beneficial. Those who receive the most advantage from it are employers who have odd jobs to be done, for the applicants for work belong principally to the floating population.

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GREAT FALLS.

This is a town of about 15,000 people. The free employment office was opened in November, 1905. The office is combined with that of city weigher, with no additional salary, no assistant, and practically no additional cost. Its report for the month of November is as follows:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH GREAT FALLS FREE PUBLIC EMPLOYMENT OFFICE, NOVEMBER, 1905.

	Males.	Females.	Total.
Applications for employment	65	23	88
Applications for help	22	19	41
Positions secured	12	5	17

NEBRASKA.

The Nebraska statute, which was ostensibly designed to create a free public employment office, was enacted in 1897. The demand arose among the agricultural classes, the labor unions taking no conspicuous part in the movement. This act has been allowed to remain on the statute books ever since, a dead letter from its enactment.

It will be observed that according to the law it is assumed that the employment business can be transacted by mail. The office is in the State capitol at Lincoln, where the public would hardly be likely to apply either for employment or for help. The responsibility for the management of this office is placed in the hands of the bureau of labor, but no appropriation is made to cover expenses. The law is inoperative except for the part played by the bureau of labor in procuring harvest hands.

In 1905, as shown by the bureau of labor, 3,645 harvest hands were sent to 72 towns in 36 counties. The methods of estimating the demand and securing the supply do not differ materially from those described in the State of Kansas, being somewhat less difficult, however, for the reason that the hands in Kansas have but to migrate northward as the season progresses. To facilitate this migration and the wisest distribution of the labor supply was a problem that appealed to the Nebraska bureau of labor as one demanding cooperation among the like bureaus of the several States interested. Accordingly, at the instance of the bureau a meeting of the commissioners of labor in the States of the wheat belt, comprising Nebraska, Iowa, Missouri, Kansas, Minnesota, South Dakota, and Oklahoma was called at Kansas City, Mo., January 5, 1904. These commissioners met at the time and place appointed and organized The Western Association of State Free Employment Bureaus.

This association is interesting in the light of what it sought to accomplish, being the only attempt at an interstate federation of

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free employment offices on record. However, it must be observed that the object was already in part accomplished, in that the Kansas City, Mo., office had for several years been doing the thing it was now delegated to do by the new association. Though no annual meeting was held in 1905, this office continued to exercise the same functions.

The plan, according to a statement prepared by the president of the association, was in brief that the superintendent of the Kansas City, Mo., office should "maintain the permanent headquarters of the association in that city," and that "that office will act as a sort of clearing house for the association. That is, each State bureau will report weekly to the Kansas City headquarters regarding the number of men needed in the respective States, and as the harvest ends will report regarding the number of men available for transferring." Continuing, he states:

When the harvest season begins in Oklahoma, the Kansas City office will secure and ship all the men available into that territory to the points where it has been informed that they are needed. While the harvest continues in Oklahoma the Oklahoma bureau will have charge of the local shifting of men and as the harvest proceeds northward the Oklahoma bureau will ship all available men to points in Kansas and Missouri, such shipments to be governed by information furnished from headquarters. This plan will be in force throughout the entire territory as the harvest proceeds northward into the Dakotas and Minnesota.

Necessary for the success of this system is the cooperation of the railroads through satisfactory uniform low rates. The association desires a uniform flat mileage rate of 1 cent per mile for harvest hands shipped by this association. It is desired and requested that this rate apply to bodies of five or more men. The association desires that this rate be given by all roads operating in and between the several States of the association. We further desire that the rate be in existence all over the territory where the harvest is progressing and that it continue to be good from the time the harvest begins until it is entirely ended in each section.

It has been carefully estimated that should the harvest occur in these seven States at the same time there would be needed approximately 90,000 nonresident laborers, but since it occurs at different seasons, beginning in June in Oklahoma and ending in October in Dakota and Minnesota, about one-half of that number, or 45,000 men, will be necessary to harvest the small-grain crop.

NEW YORK.

The act providing for the free public employment offices in New York became a law May 28, 1896, and was repealed in 1906. The chief cause for the failure of the offices provided for by this law was inadequate financial support. A study of the situation may afford some light on similar problems elsewhere.

The control of the private agency has been the chief objective in New York, for the especial reason that the helplessness of immigrants

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has made New York City a most favorable field for the development of the worst types of private agencies. As far back as 1888, before Ohio began the agitation for free employment offices, the New York assembly enacted a law requiring, or permitting municipalities to require, of private agencies a license, a bond, a return of transportation expenses incurred by the applicant under misrepresentation, a copy of the law to be printed on the back of the receipt, and that the street address of the place of business should appear in the license. A comparison of this with the act of April 27, 1904, shows that the same lines have been followed in the later act as were laid down in the earlier one, with two additional features, a register to be kept by the agency and the creation of the office of commissioner of licenses charged with the enforcement of this law. Thus the history of New York's attempt to control these private agencies may be epitomized as, first, an attempt by means of direct legislation, which failed; second, an attempt by indirect means—i. e., State competition—which also failed; third, a return to the earlier method, supplemented by provision for administration and financial support for the same. This is now on trial, with fair prospects of becoming a permanent success.

Judged in the light of what it has persistently attempted to do—namely, to control the private agencies—New York's legislative experience corroborates rather than contradicts that of other States. The first attempt failed because no special provision was made for its enforcement. The second attempt undoubtedly would have failed for the same reason, just as it has done in other States under like conditions, even if the appropriation had been adequate.

In Illinois the enforcement of the law is delegated to the free employment office, together with something like adequate financial support. Whatever may have been the motives for the course pursued in New York, whether a consideration for the interests of private agencies, a disbelief in the possibilities of the Illinois method, or a hostility to the public employment office, the sole object aimed at in the act of April 27, 1904, was improved administration. Both New York and Illinois have succeeded to a considerable degree, but the success of Illinois includes also the establishment of the free employment system which has other purposes to serve than merely to control private agencies. Thus it is evident that New York's rejection of her free employment system can not be taken as an indictment of such system in general, however much it may have been quoted to that effect. The cost to the city of New York of the office of commissioner of licenses from May, 1904, to September, 1905, inclusive, was: Amount expended, $26,695.85; outstanding liabilities, $500; total, $27,195.85. The cost to the State of Illinois for maintaining the free public employment offices of Chicago for the year 1905 was $25,755.

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It is worth while in this connection, though aside from the main purpose, to mention a movement among the better class of private agencies which deserves the widest imitation. This movement, under the name of "The Employment Agents' Society," was incorporated under the laws of the State of New York in January, 1906. Its purposes as stated in the certificate of incorporation are—

To cooperate with the duly constituted authorities charged with the enforcement of all laws relating to employment agencies, to the unemployed and to wage-workers in general, to effect a union of all reputable persons interested in or engaged in the employment agency business, to bring about a better acquaintance among employment agents in the State, to investigate frauds alleged to have been committed by employment agents in this State and to aid in bringing to justice those agents who practice dishonesty; to procure the enactment of laws necessary to the welfare of the unemployed, the employers and employment agents.

Such an association can lend the most valuable assistance in the enforcement of the law and at the same time secure to itself the confidence of the public.

The State commissioner of labor of New York in 1905 "secured the volunteer assistance" of a commission of five men interested in charitable work to investigate and report upon the condition of the free employment office. On July 24 this commission reported the following conclusions:

1. That the bureau is in effect an intelligence office for women domestic servants.
2. That the sum appropriated for the maintenance of the bureau ($5,000) is entirely inadequate to conduct a bureau which might have an effect upon the labor situation in the State in general.
3. That the energy represented by the expenditure of $5,000 annually, or any larger sum, will at this time produce the best results by dealing with the problem of factory inspection and child labor.
4. That, for the reasons set forth above, the free employment bureau should be discontinued at the end of the present fiscal year.

These conclusions, manifestly, are purely local in their application, and do not affect the general proposition for or against the State employment office.

The year ending September 30, 1905, shows the following results of the New York employment office:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE NEW YORK FREE PUBLIC EMPLOYMENT OFFICE, YEAR ENDING SEPTEMBER 30, 1905

	Males.	Females.	Total.
Applications for help	784	3,288	4,072
Applications for work	3,530	2,502	6,032
Situations secured	858	3,526	4,384
Number of reemployments	80	602	682
Number placed third time	30	313	343
Number of situations obtained outside New York City	310	285	595
Number of situations obtained outside New York State	97	53	150

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The average cost per position secured was $1.18. Following is a statement in detail of the positions secured:

SITUATIONS SECURED BY THE NEW YORK FREE PUBLIC EMPLOYMENT OFFICE, BY OCCUPATIONS AND SEX, YEAR ENDING SEPTEMBER 30, 1905.

Occupation.	Number.	Occupation.	Number.
Males:		Males—Concluded.	
Attendants	2	Nurses	4
Bakers	1	Orderlies	6
Bartenders	2	Pin boys	21
Blacksmiths	1	Porters	71
Clerks	4	Stablemen	9
Coachmen	4	Useful men	226
Cooks	11	Waiters	45
Dishwashers	18	Yard men	3
Door men	3	Females:	
Drillers	1	Chambermaids and waitresses	338
Drivers	16	Cleaners	1,850
Elevator runners	14	Cooks	296
Farmers	195	Day workers	310
Firemen	2	General house workers	335
Gardeners	36	Kitchenmaids	94
Hall boys	9	Laundresses	177
House men	34	Nurses	23
Janitors	13	Pantry maids	65
Kitchen men	68	Seamstresses	5
Laborers	35	Ward maids	33
Laundrymen	4		

It is the testimony of the commissioner of immigration at the port of New York that his office can not supply more than 20 per cent of the demand for help which is received from all over the United States. The South alone would take the entire supply. This statement is corroborated by the free "labor bureau" maintained at the United States barge office, Battery Park, New York, by the German Society of the City of New York, and by the Irish Emigrant Society. And yet in the above report the applications for work by men were 3,530 while the applications for male help were only 784. How to reach employers, which is always the difficult part of the employment business, is a task the difficulty of which is greatly augmented by the magnitude of the city. Advertising alone will fail; so that here, as elsewhere, it is a matter of canvassing, and this has not been done.

As regards the office methods, not only are references required, but they are investigated, and the reports therefrom are compared with answers to the same questions by the applicant. Moreover, the office has undertaken a detailed social study of the applicants, involving much data and bookkeeping. It involves the necessity for a large office force to do it, and a considerable increase in the appropriation. A description of the methods used is here appended.

In the record book provision is made for entries from the application form filled by the one wishing employment or at his dictation, and from the reference slip when returned from the last employer. Upon the applicant's securing employment a further record is made, to serve for future guidance. Upon the return of the reference slips the answers of both employer and employee are set down in adjacent

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columns, so that the correspondence or the lack of it may be readily observed. The resulting record form is as follows:

Former occupation as given by—		Cause of idleness as given by—		Length of time in last position as given by—		Answers from former employer as to applicant's qualifications.				Remarks or references.	
Applicant.	Former employer.	Applicant.	Former employer	Applicant.	Former employer.	Competent.	Sober.	Honest.	Willing and obliging.	Not sent, proper address unknown.	Returned, not found, other reasons.

The reference slip sent out to the last employer reads as follows:

We take the liberty of inquiring about the character and ability of the within-named applicant for employment who has given your name as that of the last employer.

This form of inquiry is made to obtain reliable information of the various applicants' fitness for work before introducing them to employers. Your reply will be considered strictly confidential. How long was ——— ——— in your employ? ——. At what kind of work? Was applicant competent? Sober? Honest? Willing? Remarks.

An early answer will be appreciated, while failure to answer or delay in so doing may prevent a worthy applicant from obtaining employment.

Should you at any time require help we will be pleased to place the service of this bureau at your disposal.

Respectfully,

——— ———,

Superintendent.

OHIO.

Ohio was the first State to undertake the establishment of free public employment offices. Where Ohio got the idea seems to be a matter of some debate, for while there are those who say that it was borrowed from France, where similar services had been performed under the office du travail, it is claimed by those who were closely identified with the movement as an "Ohio idea," suggested altogether by local conditions. It is known that the municipal labor congress of Cincinnati drafted the original bill, that a hard fight over it ensued in the State legislature, and that when the law was finally passed it had been seriously crippled by the senate. Its inception was largely due to a desire to curb the abuses of private agencies, and it was necessarily experimental in some degree. The development of the Ohio system has been tentative and halting, undergoing frequent amendment and much unfriendly criticism. It is studied in this connection because

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the formative influence of the Ohio system in other States has been considerable.

The leading argument in the advocacy of the system has already been mentioned—namely, the desire to curb the private agencies. Further than this, the commissioner's report for 1890 urges the greater reliability of the public offices, inasmuch as their services are disinterested and not affected by the desire to make money. Again, "the duty of the State to lessen as much as possible the number of the unemployed is the strongest reason for the establishment of free employment agencies." However, if the private agencies had conducted their business irreproachably, without fraud or extortion, or if their control had been effected by the ordinary police methods, it is doubtful if economic or any other considerations would have been strong enough to have procured the passage of the bill.

It may be asked why the same object was not attempted by direct legislation, aimed specifically at the fraudulent practices of these agencies, rather than indirectly by the influence of State competition. The answer is that the supporters of the measure were impressed with the extreme difficulty of fastening the guilt upon the malefactor. The shifts of unscrupulous men in complying with or violating their contracts, the fraudulence of their advertising, the helplessness of their victims, and the consequent difficulty of obtaining incriminating evidence—all these things were matters of common experience or observation among the working people. So prevalent were these fraudulent practices that no discrimination could be made between good and bad agencies. It was thought that the only way to correct the evil practice was to meet and drive the whole business from the field by State competition. With the passage of the law State competition diminished but did not remove the evil. It was discovered that something more than competition was necessary to regulate the private agencies, and hence, in 1904, a law was enacted containing the following provisions:

1. A license fee of from $50 to $100 per annum in cities, and $10 to $25 in villages.

2. A bond in the sum of $500.

3. Agency required to keep a register of applicants for labor or for help, such register to be open to inspection.

4. Registration fee limited to $2, returnable at the end of thirty days if employment is not secured.

5. Agencies forbidden to send female help or servants to places of bad repute.

6. Agencies forbidden to publish fraudulent advertising, give false information, make false promises concerning work, or make false entries in their registers.

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7. A fine of from $50 to $100 with imprisonment not exceeding six months for any violation of the above and license to be revoked at the discretion of the State commissioner of labor.

The commissioner in his report for 1904 states that since this law went into effect 21 private agencies have taken out licenses, namely, 9 in Cleveland, 7 in Cincinnati, 2 in Columbus, and 1 each in Dayton, Toledo, and Canton. "Of the prosecutions instituted against alleged violations, numbering 11 in all, there are 5 cases still pending * * * 5 others have pleaded guilty." Thus it would appear that with the adoption of this law the idea of regulation by simple unassisted State competition has been given up.

The feature introduced in the original bill by the senate, providing that the salaries of the superintendents shall be paid by the cities where they are located, has since been repealed. Such cities are more immediately benefited by the law than other parts of the State, and it may be argued that they should bear the burden of the expense. Upon the request of the commissioner of labor, the five cities designated complied with the spirit of the law, but experience soon showed that the law was impracticable. Accordingly an amendment has recently been passed whereby the State assumes the entire financial responsibility, thus conforming to the purpose of the original bill before the senate amendment was attached. This makes the law more consistent with its purpose, for a mandatory act involving expenditure should carry with it the means of meeting that expenditure.

In his twenty-eighth annual report the Ohio commissioner of labor, referring to the free public employment offices, says:

> There is a growing belief among a great many observing, well-meaning people that, so far as it is possible to bring it about, politics and political environments should be sufficiently removed from those offices to enable the superintendents in charge to devote their whole time to the duties of their office. With this sentiment the bureau [of labor] has no quarrel whatever, and it is hoped that all others who are interested in the success of those agencies will agree that upon this question there is no room for differences. From the nature of the duties of those offices, the closest personal attention is required, and as attention to duty is one of the first requisites to success in any line of business activity, this quality is no less essential on the part of those who find employment for 15,000 to 20,000 people annually than on the part of employers who utilize this vast army of labor to advantage. In either case, strict business rules and principles must apply if the highest and best results are to be obtained.

The scope of the free employment office of Ohio has not changed greatly in the fifteen years of its operation. In each of the five cities its work is almost exclusively concerned with the inferior labor market. That it has not developed the higher or skilled labor

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employment business is not to be charged wholly to the offices. The greater part of skilled labor, trades, etc., is unionized, and each union prefers to handle the employment business in its own line through its own business agent. Again, skilled labor, whether unionized or not, has less difficulty in finding employment, and hence has less need of the employment office. In the third place and chiefly in this connection, skilled and unskilled labor can not successfully be brought together into the same labor market, or rather, skilled labor feels it a degradation to go into the same employment office to look for an opening along with unskilled labor.

As the law stands to-day it presents the following features:

1. The commissioner of labor is authorized to appoint a superintendent for each of the five offices, namely, at Columbus, Cleveland, Toledo, Dayton, and Cincinnati. Appointments and removals, however, must be sanctioned by the governor; and as the commissioner of labor is himself appointed by the governor, the selection of superintendents is likely also to belong to the latter as a matter of fact.

2. Each of the superintendents is provided with a clerk. This position is always held by a woman, who has her desk in a separate room for the accommodation of female applicants.

3. The superintendent is required to receive all applications for labor of those desiring employment, and all applications for help of those desiring to employ labor, and to record in a book kept for that purpose the name, address, and character of labor or help desired.

4. No fee may be charged for the services of the office, directly or indirectly, and a heavy penalty is fixed for the violation of the law in this particular.

5. Each superintendent reports to the commissioner of labor on Thursday of each week, giving a list of all applications for labor during the week just closed, likewise a list of all applications for help wanted, as domestic, clerk, mason, carpenter, etc., and also a list of positions secured, showing what kinds of positions were secured. The names of all applicants are withheld. The commissioner then causes these reports to be printed on large sheets of paper, suitable for posting on walls, and copies are sent to the several offices by Monday of the following week. Thus, each office is informed of what the other offices are doing and the public is informed of any unsatisfied demand.

6. The commissioner of labor is given power to remove any superintendent or clerk for good and sufficient reason, subject to the consent of the governor.

7. The superintendent receives a salary of $1,500 per annum and is allowed $720 for clerk hire.

The expenses of the five offices for salaries of superintendents and clerks for the year 1904 amounted to $11,100, and the contingent expenses, including rent, to $2,410, making a total of $13,510, or an average of $2,702 per office. The total number of positions secured

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in the same year, according to the annual report, was 15,975.[a] Hence, the average cost to the State per position secured was 84.6 cents.

It is very difficult to determine accurately the number of positions secured. The opportunities for error are numerous and hard to overcome. The superintendents of the Ohio offices require that applicants notify them whether or not the positions to which they are sent were secured by them. This is asked of the employer also, and if the employer has a telephone the information is usually easily secured, but sometimes frequent and insistent inquiries are required. Even after all efforts have been exhausted there is usually a considerable number of careless and indifferent employers who fail to make reply. It is safe to say that this number does not exceed 10 per cent of the whole number of positions filled. While, therefore, we may take this as an element of uncertainty in the result, it is probably counterbalanced by the number of unreported positions secured through the offices. This is the contention of the superintendents, and it may be assumed that the number given is approximately correct.

The data afford little assistance in answering the question whether the price is too high for the service, yet it is a question that should be answered. Of the nearly 16,000 positions secured, a large number, perhaps a majority of them, were short jobs lasting but a day or only an hour or two. If all were of this class the expenditure of 84.6 cents for each position secured might be regarded as unjustifiable. This lack of uniformity of data, since short jobs count as much as long ones in the reports, vitiates all statistical calculations which assume such a uniformity. Thus there is small satisfaction in determining the amount saved to the working classes by the use of such averages.

But in the face of all this it is not difficult to maintain that the expense is justifiable. It could be shown that even with the relatively small number of permanent positions secured, the economic gain to the State in getting men into positions of greater productivity more than counterbalances the expense. There is an abundant demand for labor in many parts of the country simply because the right men have not been found to do the work, and many instances of this condition could be pointed out in Ohio. Again, from another point of view, the expense could be justified in that as a result of unemployment one man by committing some crimi-

[a] Since the above was written the report for 1905 has come to hand. By this it appears that the total number of positions secured during the year was 21,203, a rather remarkable increase over that of the preceding year. The numbers for the several offices are as follows: Cleveland, 3,931; Columbus, 4,143; Cincinnati, 4,509; Dayton, 5,159; Toledo, 3,461.

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nal act might easily cost the State the entire sum expended upon the employment office.

CLEVELAND.

Of the five cities where the offices are already established Cleveland has had an overstocked labor market. True, there has been a strong local demand; but this demand has served as a stronger attraction to outside labor than the local market has justified, and consequently there has often been a number of unemployed in the city. Employers, both in manufacturing and mercantile pursuits, say that they have been besieged with applications for work and have had no trouble in securing all the help wanted without recourse to the public employment office. Perhaps it is for this reason, added to the lack of funds for advertising, that the office itself seems to be so little known. It is in one of the best office buildings in the city, centrally located, and apparently should be well known. There are nine private agencies in Cleveland, each paying a State license for the privilege of doing business. Besides there are numerous agencies conducted for charitable purposes or otherwise. The bureau of associated charities maintains a free employment office at considerable expense, and the Young Men's Christian Association also conducts an excellent employment office for the benefit of its members.

The following table shows the amount of work done by the free public employment office from the time of its establishment to December 31, 1905:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FREE PUBLIC EMPLOYMENT OFFICE OF CLEVELAND 1890 TO 1905.

Year.	Males.			Females.			Per cent of positions secured of applications for employment.	Per cent of employees secured of applications for help.
	Applications for—		Positions secured.	Applications for—		Positions secured.		
	Employment.	Help.		Employment.	Help.			
1890 (a)	2,532	3,189	1,333	1,277	1,231	847	57.2	49.3
1891	6,308	925	886	3,830	3,471	2,508	33.5	77.2
1892	3,645	1,162	920	3,539	4,577	2,664	49.9	62.4
1893	2,964	935	768	4,157	2,671	2,825	50.5	99.6
1894	2,942	283	273	3,517	2,065	1,846	32.8	90.2
1895	1,980	450	444	2,732	2,963	2,009	52.1	71.9
1896	1,290	323	323	3,479	3,720	2,688	63.1	74.5
1897	2,684	919	855	3,244	3,320	2,608	58.4	81.7
1898	3,725	1,269	1,084	3,870	3,361	2,562	48.0	78.7
1899	3,173	1,037	657	1,350	1,640	1,051	37.8	63.8
1900	2,253	312	298	1,606	2,379	1,464	45.7	65.5
1901	3,384	3,264	2,108	2,765	3,069	1,947	65.9	64.0
1902	3,411	4,586	2,606	2,390	2,819	1,933	78.2	61.3
1903	3,238	4,141	2,566	2,324	2,852	2,131	84.4	67.2
1904	1,728	1,453	1,051	2,082	2,280	1,790	74.6	76.1
1905, first quarter	417	371	272	564	610	473	75.9	75.9
1905, second quarter	549	622	469	642	853	599	89.7	72.4
1905, third quarter	688	853	600	813	961	730	88.6	73.3
1905, fourth quarter	394	587	329	504	647	459	87.8	63.9
Total	47,305	26,681	17,842	44,685	45,489	33,134	55.4	70.6

a July 1 to December 31.

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COLUMBUS.

The labor conditions in Columbus as between demand and supply seem to be fairly even in most occupations. There is everywhere a demand for more skilled labor of various kinds, and the Columbus office has not always been able to furnish it. A specialized bureau is not provided for handling skilled labor, and the public does not yet realize that the employment-office business is a diversified industry. When one considers what a diversified commodity labor is, it should seem strange that one could go to the same office and get a carpenter, a hod carrier, a domestic, a teacher, or a common unskilled laborer. In some large cities this specialization of bureaus is being carried out to a considerable degree. Following is a report of the work done by the free public employment office of Columbus since its organization:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FREE PUBLIC EMPLOYMENT OFFICE OF COLUMBUS, 1890 TO 1905.

Year.	Males.			Females.			Per cent of positions secured of applications for employment.	Per cent of employees secured of applications for help.
	Applications for—		Positions secured.	Applications for—		Positions secured.		
	Employment.	Help.		Employment.	Help.			
1890 (a)	1,965	1,192	684	710	722	525	45.2	63.2
1891	3,128	1,534	915	1,739	2,268	1,481	49.2	63.0
1892	2,907	2,013	1,244	1,658	2,162	1,152	52.5	57.4
1893	3,219	1,142	1,165	2,060	1,879	1,165	44.1	77.1
1894	2,672	605	456	2,226	1,852	1,343	36.7	73.2
1895	2,887	725	499	2,187	2,358	1,590	41.2	67.8
1896	3,422	700	585	2,476	2,350	1,928	42.6	82.4
1897	3,725	798	610	1,192	2,635	2,424	61.7	88.4
1898	3,872	746	593	652	3,135	2,889	77.0	89.7
1899	3,161	982	564	1,891	3,642	2,140	53.5	58.5
1900	1,217	1,270	499	1,895	2,985	1,581	66.8	48.9
1901	1,181	1,022	828	1,586	2,919	1,592	87.5	61.4
1902	1,616	2,439	1,447	1,443	2,855	1,417	93.6	54.1
1903	1,875	2,145	1,760	1,493	2,735	1,355	92.5	63.8
1904	1,469	1,652	1,422	2,061	2,888	1,885	93.7	72.8
1905, first quarter	253	305	248	563	839	523	94.5	67.4
1905, second quarter	467	516	458	589	1,035	558	96.2	65.5
1905, third quarter	718	815	642	787	1,126	700	89.2	69.1
1905, fourth quarter	665	753	524	647	735	490	77.3	68.1
Total	40,419	21,354	15,143	27,855	41,120	26,738	61.3	67.0

a September 2 to December 31.

CINCINNATI.

Cincinnati presents no features differing essentially from the other cities. There is not the excess of labor that was noted in the case of Cleveland; indeed, a shortage is of frequent occurrence, and in some occupations, as that of domestics, this is the usual condition. There is the feeling on the part of contractors in Ohio that the office is a helpful institution to them and a very beneficial one to the common laborers. Other employers are not unanimous upon that point, partly

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no doubt from their inability to find just what they want through it. The table given below shows the work from 1890 to 1905:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FREE PUBLIC EMPLOYMENT OFFICE OF CINCINNATI, 1890 TO 1905.

Year	Males.			Females.			Per cent of positions secured of applications for employment.	Per cent of employees secured of applications for help.
	Applications for—		Positions secured.	Applications for—		Positions secured.		
	Employment.	Help.		Employment.	Help.			
1890 (a)	4,763	2,803	1,830	1,818	2,787	1,126	44.9	52.9
1891	4,811	3,369	2,312	3,428	3,291	2,129	53.9	66.7
1892	3,139	1,980	1,497	2,789	2,782	1,613	52.5	65.3
1893	2,740	1,344	933	2,536	2,531	1,541	46.9	63.8
1894	2,778	297	267	3,162	1,383	1,144	23.8	84.0
1895	2,442	326	319	2,774	1,995	1,592	36.6	82.3
1896	1,821	262	237	2,180	1,568	1,230	36.7	80.2
1897	1,399	163	160	1,606	905	764	30.7	86.5
1898	1,620	178	173	1,760	1,081	871	30.9	82.9
1899	2,249	433	409	1,835	1,888	1,149	38.1	67.1
1900	2,552	1,323	1,246	1,463	2,018	1,033	56.8	68.2
1901	2,423	1,527	1,305	2,101	2,802	1,646	65.2	68.2
1902	3,204	2,564	2,410	2,115	2,845	1,767	78.5	77.2
1903	3,528	3,020	2,871	1,970	3,024	1,631	81.9	74.5
1904	1,898	1,621	1,397	2,411	2,778	2,071	80.5	78.8
1905, first quarter	550	428	428	512	588	445	82.2	85.9
1905, second quarter	1,002	917	911	479	629	418	89.7	86.0
1905, third quarter	915	843	834	491	566	408	88.3	88.1
1905, fourth quarter	686	622	621	513	553	444	88.8	90.6
Total	44,520	24,020	20,160	35,943	36,014	23,022	53.7	71.9

a July 25 to December 31.

DAYTON.

Dayton is a thriving manufacturing center in the midst of an agricultural region, and has a population less than one-fourth that of Cleveland, yet the Dayton office surpasses each of the other four offices in the number of applications for employment and for help, and the number of positions secured. In the year 1905 the applications for male help kept pace with the applications for employment, while for female help the former were double the latter. There is much difficulty in getting all the skilled labor required under such conditions, and in this the office can assist only to a limited degree, simply because the labor is not to be had. Organized efforts are made by certain local establishments to satisfy their own needs, as in the establishment of employment bureaus of their own, and even these are quite inadequate to secure a sufficient number of brass molders, foundry men, high-grade salesmen, and others.

A systematic effort has been contemplated by the Dayton office for realizing the possibilities of the labor market in its own district. Thus, Dayton is a central point for a number of electric car lines. Young men are continually applying to the employment office for indoor work as the winter approaches and the work of the farm slackens. Many of these farmer boys have the making of good

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mechanics in them, and are pretty sure to be ambitious and diligent in habits. With a suitable fund for advertising in the villages along the trolley lines the working force at Dayton could undoubtedly be greatly increased.

The Dayton free employment office has worked in cordial cooperation with the charities organization. This is of great advantage, as much duplication of work is saved on both sides by a clear and definite understanding as to the scope of each other's duties.

Following is a statement of the work of the Dayton office since its organization:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FREE PUBLIC EMPLOYMENT OFFICE OF DAYTON, 1890 TO 1905.

Year.	Males.			Females.			Per cent of positions secured of applications for employment.	Per cent of employees secured of applications for help.
	Applications for—		Positions secured.	Applications for—		Positions secured.		
	Employment.	Help.		Employment.	Help.			
1890 (a)	2,944	1,384	399	1,083	878	418	20.3	36.1
1891	3,351	1,386	790	2,118	2,004	1,119	34.9	56.3
1892	2,671	1,282	883	1,474	1,770	989	45.2	61.3
1893	3,052	1,613	1,121	1,833	2,290	1,627	56.3	70.4
1894	3,657	800	777	3,761	2,447	1,934	36.5	83.5
1895	3,689	905	868	4,451	3,197	2,621	42.9	85.1
1896	3,578	884	780	4,957	3,109	2,696	40.7	87.1
1897	2,870	759	806	3,729	2,731	3,015	57.9	(b) 109.5
1898	2,475	927	930	3,138	3,038	2,937	68.9	97.7
1899	4,114	2,192	2,030	3,065	5,360	2,193	58.8	55.9
1900	3,113	2,507	1,701	2,691	4,385	1,954	63.0	53.0
1901	3,221	2,684	1,931	2,887	5,792	2,135	66.6	48.0
1902	3,931	4,472	3,147	2,491	7,194	2,080	81.4	44.8
1903	3,449	3,793	2,982	2,185	7,163	2,026	88.9	45.7
1904	2,322	2,170	2,035	2,234	4,732	2,119	91.2	60.2
1905, first quarter	453	403	379	512	1,233	488	89.8	53.0
1905, second quarter	1,041	998	957	426	1,561	413	93.4	53.5
1905, third quarter	929	1,012	862	533	1,331	512	94.0	58.6
1905, fourth quarter	1,077	1,186	1,019	543	1,236	529	95.6	63.9
Total	51,937	31,357	24,397	44,111	61,451	31,805	58.5	60.6

(a) June 30 to December 31.

(b) As shown here the number of positions filled exceeded the number of applications for help, indicating that employers who had not applied for help gave positions to some of the applicants for employment.

TOLEDO.

Toledo has no great problem of the unemployed, yet the supply of unskilled labor is somewhat in excess of the demand. A larger per cent of the total applications for employment (in 1905) were filled than of those for help, indicating that it was easier to find work than to find help. This is doubtless the case in the summer and autumn. Winter drives many vagrants to the city, and as the weather at this season interferes with the only work they can do, such as ditching, excavating, grading, etc., the labor supply becomes overabundant.

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The report of the work of the Toledo office since its organization is as follows:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE FREE PUBLIC EMPLOYMENT OFFICE OF TOLEDO. 1890 TO 1905.

Year.	Males.			Females.			Per cent of positions secured of applications for employment.	Per cent of employees secured of applications for help.
	Applications for—		Positions secured.	Applications for—		Positions secured.		
	Employment.	Help.		Employment.	Help.			
1890 (a)	2,334	2,885	1,329	719	1,083	497	59.8	46.0
1891	3,859	2,481	2,064	1,799	2,479	1,391	61.1	69.7
1892	3,160	1,790	1,361	1,964	2,654	1,422	54.3	62.6
1893	2,194	792	579	2,099	2,032	1,477	47.9	72.8
1894	2,472	441	367	1,950	1,693	1,359	39.0	80.9
1895	3,167	645	547	1,649	1,659	1,236	37.0	77.4
1896	2,557	879	836	1,937	1,885	1,616	54.5	88.7
1897	2,481	1,650	1,481	3,527	5,233	4,324	96.6	84.3
1898	2,426	1,378	1,249	3,471	5,532	4,407	95.9	81.9
1899	2,562	1,572	1,398	2,745	5,151	3,398	90.4	71.3
1900	1,944	1,196	970	2,121	4,062	2,598	87.8	67.9
1901	2,426	3,230	1,983	1,349	1,965	1,362	88.7	64.4
1902	3,995	3,913	2,704	2,372	2,926	1,917	72.6	67.6
1903	3,777	3,950	2,726	1,832	2,315	1,639	77.8	69.7
1904	2,006	1,869	1,365	1,122	1,623	840	70.5	63.1
1905, first quarter	360	209	178	278	338	214	61.4	71.6
1905, second quarter	726	789	594	360	499	308	83.1	70.0
1905, third quarter	1,106	1,356	1,024	328	433	279	90.9	72.8
1905, fourth quarter	798	855	662	254	295	202	82.1	75.1
Total	44,350	31,880	23,417	31,876	43,857	30,486	70.7	71.1

a June 26 to December 31.

The following summary needs no comment unless it be that numbers, though gratifying to those who wish the movement success, are of less importance than efficiency in placing men and women where they can do the best work. A low per cent of applications filled may be a favorable rather than an unfavorable comment upon the work of the office, since it may mean a corresponding carefulness on the part of the superintendent in rejecting unfit applicants. There are three guiding principles from which the superintendent may choose in placing a man:

First, the general rule, fit the man to the job.

Second, in all charities cases, "first come, first served," or the greatest need preferred.

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Third, in case of short jobs, take the man in the office at the time of the call, or the one who can go first.

SUMMARY OF APPLICATIONS FOR EMPLOYMENT AND FOR HELP, AND POSITIONS SECURED THROUGH THE FIVE FREE PUBLIC EMPLOYMENT OFFICES OF OHIO, FOR THE PERIOD 1890 TO 1905.

Cities.	Population.	Males and females.			Per cent of positions secured of applications for employment.	Per cent of employees secured of applications for help.
		Applications for—		Positions secured.		
		Employment.	Help.			
Cleveland	381,768	91,990	72,170	50,976	55.4	70.6
Columbus	125,560	68,274	62,474	41,881	61.3	67.0
Cincinnati	325,902	80,463	60,034	43,182	53.7	71.9
Dayton	85,333	96,018	92,808	56,202	58.5	60.6
Toledo	131,822	76,226	75,736	53,903	70.7	71.2
Grand total	1,050,385	413,001	363,222	246,144	59.6	67.8

WASHINGTON.

The State of Washington has no statutory provision for free employment offices, neither is there any legislation directed against the evils of the private agency. Everything of this nature in the State is founded upon city ordinances, or, as in the case of Seattle, an amendment to the city charter. There are three cities that have undertaken such measures, namely, Seattle, Tacoma, and Spokane. The study of the situation in this State is therefore a study of the three municipal offices of these cities.

SEATTLE.

The first municipal employment office in the United States was opened in Seattle in April, 1894. It was "inaugurated as the result of the almost unanimous vote of the people in amendment to the city charter" in that year, and its immediate justification was found in the prevailing business depression which threw so many men out of work. The demand was therefore economic, arising from the side of the labor supply, and the control of the private agencies had nothing to do with it. By a separate ordinance the city undertakes the control of the private agencies, of which there are about twenty. The enforcement of this ordinance is placed in the hands of the city commissioner of labor. Generally speaking, the private agencies of Seattle are well conducted and employers speak in high terms of the services rendered by some of them. For this result the commissioner's control must be credited in some measure, and the success and popularity of the public office has had a salutary effect upon their business methods. While the ordinance in question requires no bond to be given, it will be observed that this method of control resembles that of Illinois.

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The success of the Seattle office in the number of positions secured is extraordinary, far surpassing that of any other office in the United States. An examination of the following table shows the results accomplished from the organization of the office up to 1904:

STATISTICS OF SEATTLE FREE PUBLIC EMPLOYMENT OFFICE, 1894 TO 1904.

Year.	Male help supplied.	Female help supplied.	Hop pickers.	Total.	Average per month.	Total expense.	Cost of each position (cents).
1894 (a)	1,580	1,243	1,144	3,967	441	$909.65	22.93
1895	1,831	1,898	2,050	5,779	482	1,120.00	19.38
1896	(b) 1,647	(b) 1,756	(c) 135	3,403	284	727.50	21.38
1897	6,163	2,573	2,890	11,626	969	724.08	6.23
1898	18,154	3,794	2,235	24,183	2,015	1,377.13	5.69
1899	16,082	4,082	2,682	22,846	1,904	1,132.61	4.96
1900	20,852	5,468	1,285	27,605	2,300	1,239.41	4.49
1901	19,411	5,684	1,465	26,560	2,213	1,276.69	4.81
1902	19,242	5,183	1,480	25,905	2,159	1,320.91	5.10
1903	23,302	5,539	1,465	30,306	2,526	1,479.70	4.88
1904	15,669	3,785	1,105	20,559	1,713	1,308.35	6.36

(a) April to December. (b) Including hop pickers. (c) Included in male and female help supplied.

The maximum record is that of the year 1903, when 30,306 positions were secured, a monthly average of 2,526, at a cost to the city of 4.88 cents per position. The cost per position for the whole period amounted to only 6.22 cents. In the report for 1901 it was estimated that the cost through private agencies was about $1.25 per position. Considering this estimate true for the whole period, 1894 to 1904, the saving to laborers by the Seattle public employment office has been $240,812 on the 202,738 positions secured. Such a record is satisfactory even if every position secured has been a short job and the labor unskilled.

Seattle, like Minneapolis, is the center of a labor market which fluctuates periodically. The demand begins to increase along in March, and by the month of July amounts to about three times that of the winter. During July and the following two months it continues high, then gradually declines as the rainy season approaches and outdoor work becomes disagreeable. The labor supply, on the contrary, is more abundant in the winter, as the "floaters" come down from the more inclement mountain regions to the eastward, and a great many come from Alaska, hoping to pick up sufficient odd jobs to pay expenses. The net result is very brisk business for the employment office in the summer, when the demand is in excess of the supply, and comparatively dull times during the winter, when ditching, grading, and excavating are impossible because of the rain.

The variety and numerical importance of the positions filled will be seen from the following list of positions secured for males in 1904:

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POSITIONS SECURED THROUGH THE SEATTLE FREE PUBLIC EMPLOYMENT OFFICE BY MALE APPLICANTS IN EACH OCCUPATION, BY MONTHS, 1904.

Occupation.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Bakers		2		3	2		2						9
Bakers' helpers	1		2			1	1					1	6
Berry pickers						2	25						27
Blacksmiths	2	3	2	6	2	2	1	6	3	3	1	1	32
Bolt cutters	2	1							1				4
Boys	3	2	6	12	43	6	24	18	31	16	8	5	174
Brick masons		1	1		1	1	1	1	1	6	3		16
Bushelmen		1					2						3
Butchers	1								1				2
Calkers						2							2
Carpenters	5	5	29	7	29	33	36	76	57	36	17	8	338
Cement finishers								3	2	4			9
Chainmen						2							2
Chippers							1	1	2				4
Clerks	1								1				2
Coal handlers	6	26	40	57	20	70	71	53	81	19	7	2	452
Coal miners	10								30				40
Cooks	8	3	4	5	14	11	14	10	14	4	3	6	96
Cord wood	14	14	8	20	10	3	35	23	12	8	5	2	154
Core and flask makers					1	1			1				3
Deck hands								1			18		19
Electrical wiremen					2								2
Engineers				2		2	1	1	2	1			9
Farmers	9	16	26	40	30	34	39	31	26	13	9	4	277
Firemen	1		1	1		1	1		4	3			12
Hod carriers				1				2	3				6
Housemen	77	85	80	147	115	91	90	90	108	122	84	70	1,159
Iron workers				2				1					3
Kitchen help	20	6	14	37	26	20	27	28	23	17	14	8	240
Laborers	244	236	371	582	501	628	1,453	1,738	1,541	1,139	670	405	9,508
Lathers					3								3
Laundrymen					1		1	1				1	4
Loggers	7	1		13	16	11	55	83	34	7	21	5	253
Lumber	5	8	8	78	54	71	191	226	148	17	5	7	818
Miners						8	5	4	13	4	1		35
Motormen				10			1						11
Painters	4		9	7	2	1	1	2	9	4		3	42
Paper hangers	1	1	2		4	2	3	3	1			1	18
Pattern makers					1	1							2
Pipe fitters					2								2
Plasterers		2			1		1	1	5				10
Plumbers					1			1					2
Porters			2	3	1	4	2						12
Railroad laborers	8		96	202	160	185	121	201	104	61	33	20	1,191
Shingles	25	2		6	1	1	7	20	9	3	1		75
Shoemakers			1	2		1	1	1	1	1			8
Solicitors	7	16	9	8	9	11	5	2	22	5	10	10	114
Stenographers		1											1
Stock cutters							2						2
Teamsters	10	3	18	27	11	12	68	59	52	21	9	6	296
Upholsterers		1				2		1					4
Wagon makers				3	1								4
Waiters	1			7	19	12	5	13	26	1	12		96
Watchmen		1				1	1						3
Weavers					2								2
Wheelwrights								1		1			2
Wood turners				1	1					2			4
Miscellaneous			1		1	3	9	13	13	5			45
Total	472	437	730	1,289	1,087	1,236	2,303	2,715	2,381	1,523	931	565	15,669

It is estimated that as high as 40 per cent of the positions are long jobs, or at least several days in length, many of them, especially those requiring more skill, being of much longer duration. The positions filled were those requiring unskilled labor mainly, as an examination of the table will show. They were filled by American labor almost exclusively, not Asiatic. When it comes to hard physical labor, neither Japanese nor Chinese can command as high wages as whites.

In the foregoing the work of men only has been considered. The positions furnished to women for each month of the year 1904 are

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shown in the following table. The results achieved will be seen to compare favorably with those for men, especially when it is remembered that a large number of Chinese and Japanese are employed as domestics.

POSITIONS SECURED THROUGH THE SEATTLE FREE PUBLIC EMPLOYMENT OFFICE BY FEMALE APPLICANTS IN EACH OCCUPATION, BY MONTHS, 1904.

Occupation.	Jan.	Feb.	Mar.	Apr.	May.	June.	July.	Aug.	Sept.	Oct.	Nov.	Dec.	Total.
Chamber work	8	10	14	13	13	7	8	6	4	4	11	4	102
Cooks	12	14	17	8	18	17	12	17	12	15	12	10	164
Day work	70	74	91	86	101	90	127	142	137	100	69	76	1,163
Housekeepers	8	6	7	5	6	11	10	5	10	5	7	2	82
House work	130	101	161	151	163	128	142	159	215	170	130	141	1,791
Laundresses	3	......	1	......	1	2	......	1	......	......	......	......	8
Nurses	5	6	8	4	11	11	7	6	11	2	5	1	77
Second girls	6	4	3	1	1	......	......	3	5	1	1	......	25
Solicitors	15	12	2	......	6	5	10	6	1	......	......	34	91
Waitresses	7	2	7	10	7	10	11	10	16	11	11	2	104
Miscellaneous	7	6	6	11	14	14	13	11	33	26	30	7	178
Total	271	235	317	289	341	295	340	366	444	334	276	277	3,785

The Seattle free employment office differs from every other one in the United States in the manner of the appointment of its personnel. The commissioner of labor of Seattle is secretary of the civil service commission of the city. His assistant, who has charge of the free employment office, is selected according to civil service methods, as is also the clerk. In efficiency of management the office compares favorably with any in the country.

The office makes no record of applicants for employment except for skilled positions. These are registered by card and renewal is required every two weeks. When a man is sent to a position he is given a slip which is a means of identification to the employer. If the employer is within the city this slip must be signed by him in case of engagement, and returned within three hours. If outside the city city a postal card is sent to the employer to be returned with a similar statement. No positions are recorded without positive and definite information. A copy of the slip is shown below:

THE CITY OF SEATTLE PUBLIC EMPLOYMENT OFFICE.

SEATTLE, WASH.,———.

To ———:

The bearer,——, has been sent from this office as an applicant for the position of —— in your employ. Please state in the space below, over your signature, whether you engage this person, and the bearer will return this notice, that I may know whether to keep your name on the list of wants.

Yours, respectfully,

—— ——, *Labor Commissioner.*

By —— ——, *Ass't.*

I (have or have not) employed the bearer.

(Sign here) ———.

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All persons sent from this office for positions in the city must within three hours (office hours) return and report the results of their mission, or forfeit their right to further consideration by the labor commissioner.

To the employer.—Please do not recognize applicants claiming to be sent from this office unless they present this blank, properly signed.

In regard to the fact that the office omits the registration of unskilled labor the commissioner has the following to say in his report for 1902:

In this western country the registration of each applicant for employment would be of comparatively little value, because so many persons seeking work have no permanent abode. The better plan, as it seems, would be to register those who are permanently located and who seem to be especially qualified along any given line, and request others to make frequent calls at the office when seeking employment. We have found that by this means we can obtain the desired result as satisfactorily and much more promptly than by other methods. For the above reasons it is practically impossible to keep track of the applicants for employment. It would require two additional clerks to do this work together with the sending of necessary notices to appear for employment. Our records, as shown by the printed report for 1901, give the number of positions supplied; that is, the total number of persons called for by various employers. This is practically the same as the number of positions filled, although it is impossible to keep an exact record of places filled, because where the employment is at a distance from the city we are not able in all cases to receive word to that effect.

The expense for the year 1904 was $8,507.79, about $5 per month being allowed for postage, stationery, and advertising. The work for the first eleven months of the year 1905 shows the following results:

POSITIONS SECURED THROUGH THE SEATTLE FREE PUBLIC EMPLOYMENT OFFICE BY APPLICANTS OF EACH SEX FOR ELEVEN MONTHS IN 1905.

Month.	Males.	Females.	Total.	Month.	Males.	Females.	Total.
January	502	215	717	July	2,790	402	3,192
February	520	224	744	August	2,256	310	2,566
March	807	236	1,043	September	2,538	353	2,891
April	936	279	1,215	October	2,294	253	2,547
May	1,295	325	1,620	November	1,303	245	1,548
June	1,812	338	2,150				

TACOMA.

Tacoma is a city of upward of 37,000 population, with industrial conditions similar to those of Seattle. The free employment office was established June 26, 1904, and during its first year secured 6,000 positions, at a cost to the city of $900. This does not include rent, since the office was located in the city hall.

The cooperation of the employment office with other branches of the public service is of interest here. The superintendent has observed that when he "has a good month the police department has a poor month," and vice versa. The police department has noticed the

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same thing. Also, the superintendent says that the judge of the municipal court usually steps into his office in the morning to inquire if work is to be had, and governs his sentences upon the "vags" accordingly. The floating population, however, according to the same source, is very small.

Being a municipal office it makes no report to the State commissioner of labor, but a monthly and an annual report are sent to the city council. A record is kept of the applicants for help, but none of the applicants for employment. Of the positions filled about 20 per cent are skilled—a rather high proportion. The superintendent says he has supplied every kind of labor, up to that of master of a ship. Each applicant for employment must take to the employer a blank on which the latter is requested to state whether applicant was engaged. About 75 per cent of the blanks are returned to the office; information from the remaining employers is secured by telephone.

The origin of the Tacoma office is found in the agitation excited because of the private agencies. The labor unions went to both political parties and secured their sanction of an ordinance establishing the office. Not being a charter office it can be discontinued at any time. The superintendent, or clerk as he is called locally, is appointed by the mayor upon recommendation of a commission consisting of a member of the city council, who is president; one member of the trades council, and one from the chamber of commerce, the mayor selecting the entire commission.

SPOKANE.

This office has been in existence but a short time, having been opened in January, 1905. The reasons given for its organization are "to secure employment free of cost to the working classes," also "to find good help for the employer." At the same time "there are a number of private agencies" in the city, though this fact is treated secondarily. During its first eleven months this agency found positions for 1,820 males and 400 females, a total of 2,220 positions secured. There are applications from all sorts of workmen but the office seldom secures anything but common labor for men and domestic for women, about 98 per cent being of this class. Skilled labor is usually supplied by the labor unions.

The superintendent (agent) is appointed by the mayor and confirmed by the council. Monthly reports are sent to the latter showing the number of applications made and the positions secured. Only skilled labor and female applicants for labor are registered.

When an applicant for employment is sent to a position he carries a slip which the employer signs. It must then be returned before it becomes a matter of record. Confirmation is sometimes obtained by telephone and record made accordingly, hence the record upon positions secured is authentic.

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The local reputation of the office and the attitude of the general public, the labor unions, employers in general, and the associated charities toward it are said to be favorable.

WEST VIRGINIA.

The free public employment office of West Virginia originated as an attempt to regulate the abuses practiced by private employment bureaus. There was no legislation to prevent their extortionate practices, and would-be employees and employers alike were defrauded repeatedly. Seeing this, the State commissioner of labor, in 1900, opened a free employment agency at his office in Wheeling without authorization by the State or municipality. In three months, he states, the private agencies were out of business. The State legislature, promptly recognizing the movement as a good one, gave it legal sanction and voted the sum of $500 for the support of the office. Thus West Virginia presents one of the few instances where State competition has succeeded as a means of regulating the abuses of the private bureaus.

A further demand for the office is seen in the fact that it was utilized from the first both by employers and employees. There was thus a labor demand, a genuine economic demand, and the bureau enjoyed the public favor and confidence from the beginning. The full significance of this is not seen until it is remembered that the cities of West Virginia have no permanent problem of the unemployed, such as is to be found in the large cities of other States. Generally speaking, there is work for all and more left over for the right sort of people. There is often a demand for classes of labor which can not be met locally, especially for strong able-bodied men to work in the lumber camps, on the farms, and in the factories. The demand for domestics is likewise unsatisfied. On the other hand, labor, especially skilled labor, is often called for from cities outside the State. The local demand for labor in the lumber camps is especially noteworthy, wages running from $1.75 per day for unskilled to $5 per day for skilled labor. Thus in a State where fairly equal conditions exist, as between the demand and the supply of labor, the free public employment office has found a place as a labor exchange.

The attitude of the labor unions toward the office is altogether cordial. Labor leaders, even though they do not use the office themselves, express their hearty approval of any efficient means of securing employment for men out of work. One of the largest unions in the State requested the bureau to act as its business agent and offered to pay for its services—an offer, which, of course, was declined, as the services are free. The policy of the office in case of a strike would be one of "noninterference." It would find work, if possible, for men thus thrown out of employment, but would not furnish strike

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breakers. "The union sentiment is strong enough in West Virginia to make it evident to employers generally that this is the only course the office could successfully pursue."

There is still but one office in the State, namely, the one at Wheeling. This office is conducted, as it has been from the first, by the State commissioner of labor, assisted by a woman clerk. Its needs have far outrun the original appropriation, later increased to $800 per annum.

The office receives free advertising in at least two prominent newspapers in the State. Further, a bulletin board is kept at a central point in the city where demands for labor are posted almost daily. Moreover, the bureau has a good business directory of the State which is used as a mailing list, and from time to time it sends out a circular letter inclosing a copy of the law providing for the establishment of the office and calling attention to the facilities of the office.

Another form of advertising is a card of convenient size to be mailed or passed about from hand to hand. On the one side it reads as follows:

FREE EMPLOYMENT BUREAU, WHEELING, W. VA.

Office hours, 9 to 12 a. m. 1 to 4 p. m.

The State requires that after assistance is given this office be notified as to results. Advertisements for help or situations will be continued two weeks from date of application.

On the other side it reads as follows:

Name of person or firm making application for help: ———.
Name of applicant for employment: ———.
Remarks: ———.

Opinion seems to be pretty well agreed in Wheeling that it would pay to advertise the office more. Even with the advertising generously given by the local papers there are well-informed people in the city, to say nothing of the remainder of the State, who know nothing of the free public employment office.

As to methods and aims, it is the primary purpose of the office to fit the man to the job. For short jobs when no special fitness is required the rule is to take the man on the spot or the one who can be most readily secured. Employers are not deluged with a number of applicants for work who are manifestly unfitted therefor. The superintendent aims by means of a personal interview to determine the fitness or unfitness of a man. In this, no set questions are employed, as the situations are too diverse to permit uniformity of treatment. Indeed, the data asked for are very meager, as will be seen from the appended application blank, since the commissioner finds that people will refuse to apply rather than fill out a printed blank with what they consider irrelevant information.

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The following sample forms are used:

APPLICATION FOR HELP.

Date of application: ———.
Name of applicant: ———.
Address: ———.
Character of help wanted: ———.
Number wanted: ———.
Remarks: ———.

APPLICATION FOR EMPLOYMENT.

Date of application: ———.
Name of applicant: ———.
Address: ———.
Occupation: ———.
Kind of work desired: ———.
Remarks: ———.

Moreover, the office does not ask for testimonials for any kind of position, and assumes no responsibility whatever for the character of the applicant. This is a matter which is left entirely with the principals in the transaction, the office considering its functions limited to that of an intermediary in a labor exchange.

The work of the office is shown in the following summary taken from the biennial report of 1903 and 1904:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE WEST VIRGINIA FREE PUBLIC EMPLOYMENT OFFICE, YEARS ENDING MAY 15, 1903 AND 1904.

Items.	1903.			1904.		
	Males.	Females.	Total.	Males.	Females.	Total.
Applicants for situations	1,952	188	2,140	2,009	230	2,239
Applicants for help	3,468	501	3,969	1,560	448	2,008
Positions filled	1,875	165	2,040	1,504	207	1,711
Per cent of applications for situations filled	96.1	87.7	95.3	74.8	90.0	76.4
Per cent of applications for help filled	54.1	32.9	51.4	96.4	46.2	85.2

The proportion of male to female applicants for employment was about 10 to 1 in both years, a ratio unusually large. The number of applicants for female help for the two years was more than double the number of female applicants for employment, yet 11 per cent of the applications for employment were unfilled.

The increase of the total number of applicants for employment was by no means extraordinary, while on the contrary the total number of applicants for help declined materially. The net result was a decrease in the aggregate number of positions filled, the per cent of the applicants who secured positions declining from 95.3 to 76.4 per cent, while the per cent of applications for help filled increased from 51.4 to 85.2. The commissioner states that many applications for help might be filled if the applicants for employment were willing to

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accept unskilled labor, for which there is continually an unsatisfied demand. Hence, the fact that 23.6 per cent of those who applied for work in 1904 failed to get it, does not betoken any hardship or destitution.

The expense per position filled in 1904 was 46.1 cents. Taking it all in all, the labor situation in West Virginia presents no distressing features of enforced idleness for great masses of men and women and employers find their demands for labor fairly well met. Yet even here, as was said before, the free public employment office finds its place and has justified the purposes of those who created it, as a labor exchange and as a means for abolishing the abuses of which the private bureaus were guilty.

WISCONSIN.

The Wisconsin free public employment offices date from March 3, 1899, at which time the city of Superior opened a municipal employment office. In 1901 the statute was passed authorizing the establishment of the State system, and the change was made to the latter by the Superior office on July 5 of that year. This law was copied, with the necessary modifications, from the early Illinois statute, including the section forbidding the services of the employment offices in case of strikes and lockouts. The present law differs from that of 1901 chiefly in the omission of the section relating to strikes and lockouts. An analysis of the law now in operation is given below:

Free employment offices not to exceed four in number, each to be known as a Wisconsin Free Employment Office. Number and location to be determined by a commission consisting of the governor, secretary of state, and attorney-general.

A superintendent for each office to be recommended by the commissioner of labor and appointed by the governor. Tenure of office two years, unless sooner removed for cause. Salary not to exceed $1,200 per annum. Office expenses, including equipping, running, and maintaining the respective offices, to be paid out of the State treasury; rent not to exceed $500 per annum.

Free employment offices shall be occupied in conjunction with the bureau of labor and industrial statistics when such bureau has an office in the city where located. In case such bureau has no office in that city, then the city is required to furnish and equip office rooms for the free employment office without cost to the State. Such office rooms shall provide a separate apartment for the use of women registering for help or employment. Such offices shall be advertised by a street sign, which shall read in the English language, "Wisconsin Free Employment Office," and the same shall appear upon the out-

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side windows in such other languages as the location renders advisable. Separate registers shall be kept for applicants for employment and for help showing the age, sex, nativity, trade, or occupation of applicants, cause and duration of nonemployment, married or single, number of dependent children, and other such data as may be required. These registers are not open to the public, and no such personal data may be revealed together with the applicant's name. Any applicant refusing to give the data shall not thereby forfeit his right to the services of the office.

Each superintendent must report on Thursday of each week to the bureau of labor and industrial statistics the number of applications for help, for employment, applications unfilled, and number and character of positions filled. Not later than the following Saturday the commissioner shall have these reports printed and two copies mailed to each of the offices, one to be filed and the other posted. A copy shall also be mailed to the State inspector of factories. Such inspector is required to assist in securing situations and enlisting the cooperation of employers.

The superintendent is required to put himself in communication with the principal manufacturers, merchants, and other employers of labor.

An annual report is required from each superintendent not later than December 1 of each year of the work done during the year ending October 1 preceding.

No fee may be charged. Penalty for doing so, from $25 to $50 and imprisonment not more than thirty days.

The term "applicant for employment" 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."

Private employment offices in cities where a State office is established must obtain from the secretary of state a license, for which the sum of $100 must be paid annually. They are forbidden to adopt any firm name similar to that of the Wisconsin free employment offices.

Sufficient cause being shown, the superintendent may be removed from office by the governor upon recommendation of the commissioner.

Printing, postage, and stationery shall be furnished by the secretary of state upon requisition.

In the tenth biennial report of the Wisconsin commissioner of labor—the report for 1901–1902—is to be found an able and extended exposition of the methods pursued by fraudulent private agencies. This follows the same line of argument used in so many States in support of the free employment offices, namely, the police protection argument, and

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this was chiefly instrumental in establishing the system in Wisconsin. In accomplishing this purpose, however, the law has not been so successful as the Illinois law, for the reason that it lacks the administrative feature which distinguishes the latter. The evil is much abated, but unscrupulous methods are still used by some private agencies. Through connivance between the contractor and the agency the abuse in charges and manner of supplying men for railway construction work is very commonly practiced.

The labor unions were active in the advocacy of the free employment offices, and officers of the federated trades express confidence in the present management of them. The labor unions, however, aim to market their labor through their own business agents, and hence have comparatively little use for the State employment offices. For the same reason they are not willing, at least many individuals are not, that the employment offices should develop along higher lines, and thus be able to act as intermediaries in the skilled-labor market. Covert opposition is sometimes encountered by the superintendents in an attempt to serve a higher labor market. Some of the labor leaders of Wisconsin have admitted that this is inconsistent with the welfare of the offices; some see no reasonable objection to such development, and others frankly admit their fears that it would be hostile to their own interests. The superintendents are instructed at the time of appointment that they are not to become so active in politics as to lay themselves open to criticism.

The four offices are located at Superior, Milwaukee, Oshkosh, and La Crosse, respectively. The fire in the State capitol at Madison destroyed the statistics for the year 1904 before they were published, and the State commissioner's report for that year contains but a half page upon this subject. Some facts gained from the several offices, however, are herewith presented.

MILWAUKEE.

The Milwaukee office is the most important in the State, though it surpasses the one in Superior by only a small margin. It is in rented quarters, along with the office of the factory inspector, the space being somewhat limited. It is the custom when the office is opened in the morning for a crowd of applicants for employment to be on hand ready to hear the news. When the office was visited by the writer a call came for four men to serve as masons' helpers at 35 cents an hour. After some solicitation, the superintendent succeeded in inducing three out of a crowd of over twenty idle men to accept this work. Most of these men were of the class known locally as "hoboes." Some were men whose delicate health or lack of physical strength made it impossible for them to take everything that offered. The blank is required to be filled out only when the

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applicant agrees to apply. He is held by the office not to be an applicant for labor unless there is labor for him to do. A copy of the application blank is given below:

APPLICATION FOR EMPLOYMENT.

WISCONSIN FREE EMPLOYMENT OFFICE.

No. — Date. —
Name ——— Address ———
Work wanted ———
Where last employed ——— When ———
Work performed ——— Length of service ———
Wages received ——— Cause of leaving ———
Date and place of birth ———
How long have you lived in United States ——— In Wisconsin ———
Married or single ——— Number in family ———
Health ——— Read ——— Write ———

Definite and positive information that the applicant was employed is obtained before the office records the fact to its own credit. If the employer fails to report, an inquiry is sent to him in about a week as to whether he still desires help.

Of the women placed in positions about 90 per cent are in domestic and hotel service, and of men the same per cent holds for common unskilled labor.

The Milwaukee office bears a good local reputation. The relation between its work and that of the charities organization is cordial and helpful. The labor unions are friendly, and no doubt will continue so, as long as the services of the office are practically confined to the unskilled labor market. If the employment office should succeed in reaching and serving a higher market there would undoubtedly be a loss of support from union sources. This, however, should not necessarily result, since, regarded from the union point of view, there need be no concern as to who acts as the intermediary as long as the unions control the labor supply.

The Milwaukee office reports for the years 1904 and 1905 as follows:

APPLICATIONS FOR EMPLOYMENT AND FOR HELP AND POSITIONS SECURED THROUGH THE MILWAUKEE FREE PUBLIC EMPLOYMENT OFFICE, 1904 AND 1905.

Items.	1904.			1905.		
	Males.	Females.	Total.	Males.	Females.	Total.
Applications for employment	2,775	990	3,765	5,917	1,319	7,236
Applications for help	2,871	1,126	3,997	6,005	1,443	7,448
Positions secured	2,773	990	3,763	5,909	1,315	7,224

This office costs the State somewhat less than $2,500 per annum. The average cost to the State per position secured was, therefore, less than 35 cents in the year 1905. It was the creditable showing made by this and the Superior office which gave the incentive for starting the offices at Oshkosh and La Crosse.

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The policy pursued by the office in case of a strike is the same as at other times, save to warn men of the conditions.

SUPERIOR.

The origin of the Superior office is due to local enterprise, since it began as a municipal office before the State system was established. The demand for it arose out of the fraudulent practices of private agencies, and the evils thereof have been much abated since the public agency began.

There is a strong demand for unskilled labor, and to meet it there are a great many "floaters," who come and go, having no permanent address and unwilling to leave an application for work unless there is work to be had at once. Employment, however, is apt to be of some continuance, not one position in a hundred, it is thought, being only a one-day job. The average length of time is thought to be as much as four months. As to the ratio between skilled and unskilled positions, about 1 in 30 is reported for men and 1 in 12 for women.

The office is satisfied that from 90 to 95 per cent of those sent out secure the work as reported.

LA CROSSE.

The office at La Crosse began operations about July 1, 1904. Its experience, therefore, is rather limited, and leaves still undemonstrated whether the public utility of the office justifies the expense of maintaining it.

The labor demand is mainly for lumbermen and contract laborers on streets and railways. The labor supply is considerably in excess of the demand, and a great many men may be found, almost any time, looking for work. With women the reverse is the case, so far as domestic help is concerned.

Applicants for work are not all recorded, the practice in this respect being the same as in all the other Wisconsin offices. The superintendent takes Saturday afternoon to call upon employers and solicit their patronage.

OSHKOSH.

This office was opened November, 1904, and, like the office at La Crosse, it must still be regarded as an experiment, giving some promise of permanence. The report for the period closing September 30, 1905, shows the following:

Applications for employment, males 723, females 447; applications for help, males 723, females 447; positions secured, males 723, females 447.

No data are given as to number of applications for employment and for help unfilled. The exact coincidence of the numbers given above, both for "males" and for "females," points to the conclusion

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that the only record kept by the Oshkosh office is the number of positions secured.

Out of a total of 723 positions filled for men, 67 per cent come under the two captions "laborers" and "factory hands." As to women, over 78 per cent of the positions filled are "domestics," "dining-room girls," "kitchen girls," or "washwomen." There were 1,170 positions filled, at a cost to the State of $1,149.16.

The above review of the work of the Wisconsin offices may be supplemented by the following statements:

1. All the offices except that at Milwaukee are furnished rooms rent free by the municipalities, and hence there is the combination of a State and a municipal system which has many points in its favor.

2. The entire expense to the State for the partial year ending September 30, 1905 (the Oshkosh office having been in existence only since November 21, 1904), was $5,265.16.

3. As to the results the summary for the different offices is as follows:

SUMMARY OF POSITIONS FILLED BY THE WISCONSIN FREE PUBLIC EMPLOYMENT OFFICES.

City.	Year ending—	Positions secured.		
		Males.	Females.	Total.
Milwaukee	December 31, 1904	2,773	990	3,763
Superior	do	2,633	576	3,209
Oshkosh	September 30, 1905 [a]	723	447	1,170
La Crosse	December 31, 1904 [b]	[c]	[c]	868

[a] 10 months. [b] 6 months. [c] Not reported.

This would give an average cost to the State per position secured of 58 cents.

4. The same, or nearly the same, methods as are found at the Oshkosh office, especially in regard to the registration of applicants for work, are to be found in the other Wisconsin employment offices. Section 8 broadly defines the term "applicant for employment" as "any person seeking work of any lawful character." Any person, therefore, who comes into an employment office and inquires for work is presumably an applicant and there would seem to be no occasion for uncertainty in the matter. One of the superintendents puts the cause of uncertainty thus: "Many call seeking work, but do not care to make written application, but will call again; consequently no record can be had. I undertook to note all who called seeking employment, but found I could not remember all comers and would count the same parties two or more times. Indeed, many so-called applicants for work were not looking for it—simply killing time." To this the answer is not far to seek. The first question to be asked of every man who inquires for work is, "Have you registered?" If

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he has not registered within, say, thirty days he should be required to register again, but in no case should he be considered without registration.

Again, as to applications for help, to quote from the same superintendent, "A large number of our orders for help are indefinite as to the number wanted, simply 'send me all the help you can.' A hundred might be needed and we might only get a dozen, so when the order is canceled we have to consider it a twelve-men order filled. I know of no other way to fill indefinite orders." In reply, it may be said that it is easy to defend the position taken by this superintendent, and it is the view usually taken by other superintendents. But it is necessary to ask, first, why should the list of applications for either employment or help be taken? Primarily, it is to learn the numerical strength of the demand or the supply. This is necessary for the guidance of the offices, and it is also of interest as a matter of statistical information. Superintendents naturally dislike to see a long list of applications for either employment or help, and at the same time a short list of positions secured. Added to this natural dislike is another incentive for which the law is largely responsible. In section 10 we read: "In considering such a case" (i. e., the removal of a superintendent from office), "a low percentage of positions secured to applicants for situations and help registered," etc., "may be deemed by said commissioner" (i. e., commissioner of labor) "sufficient to recommend a removal." This, which is supposed to gauge the industry and efficiency of the superintendent, really puts a premium on the reduction of the list of applications. It would be inadvisable for a commissioner to be guided by it.

HISTORICAL SUMMARY.

The growth of the movement for free employment offices in the United States is to be considered primarily as an attempt to prevent the abuses of the private agencies. Whether this object has been the strongest incentive is a statement that can not be confidently made; for the motive of social utility has also been powerful in the minds of its promoters. But social utility is not so clearly apprehended, nor is it capable of such efficient use in support of the movement as the motive of police protection. Everyone may be assumed to be familiar with the latter motive, but the former requires analysis and order in its presentation. While police protection has everywhere been urged most strenuously, and has been a most effective argument, the other is backed by a depth of conviction that is altogether independent of the more superficial motive. It finds expression in such statements as these: "A man who wants to work should not be compelled to pay a high price for the privilege." "The world owes no man a living but it owes every man a chance to get a living," etc.

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Taking the movement historically as a measure of police protection, it is necessary to go back at least five years prior to the first enactment. In 1885 the State of Minnesota passed a law aiming to curb the abuses of the private agencies by specific prohibition. In 1888 New York did the same. Neither of these laws accomplished the desired result, because of a lack of adequate provision for administration.

If direct legislation, specifically aiming to check the fraudulent and harmful practices, had failed it is no wonder that the indirect method of control should occur as the next most certain and effective step to be taken. If we can not regulate the vicious agencies we can go into the same business, charge nothing for it, and so drive them out; such was the logic back of the first free employment experiment, and such it has been in nearly every subsequent case.

The Ohio law in 1890 had been in operation but a short time when it began to receive flattering attention from the labor commissioners in other States. At a national convention of labor commissioners held in Denver, in June, 1892, the following resolutions were passed:

Resolved, That the commissioners of labor of the different States recommend to the legislatures of their different States the consideration of the advisability of creating free public employment offices under State control and supervision; and be it further

Resolved, That the secretary of this association be requested to send a copy of this resolution to the commissioner of each State that is not represented in this convention.

In November of the same year the Knights of Labor in general assembly at St. Louis, Mo., strongly indorsed free public employment offices, and this action has probably been influential with labor unions throughout the country, the strongest and most efficient advocates of the movement.

During the ensuing period of business depression there were but few attempts made to follow the example of Ohio, and most of these proved ineffectual. Between 1890, the date of the Ohio statute, and 1899, the date of the Illinois and Missouri statutes, which were the next serious attempts by legislatures, municipal offices were successfully established at Los Angeles and Seattle. In this same period three States had passed inefficient laws; namely, Montana, New York, and Nebraska, and in two others, namely, Iowa and California, bills equally inefficient in method were defeated in the State assemblies. All of these tentative measures have been described elsewhere, except that of Iowa, which because of its priority and influence deserves some notice at this point.

The commissioner of labor of Iowa in his fourth biennial report, 1890-1891, with the new system just beginning in Ohio evidently in mind, recommended that the bureau of labor "should be authorized by law to maintain a free employment agency in connection with its

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statistical work." "Nearly all kinds of labor," he said, "is in a transitional state caused by the rapid evolution in the mechanical methods of production, and the practice of many manufacturers to control the output by closing factories and otherwise limiting the supply, which is usually done without notice to the employees and without considering their welfare. The first duty of a government is to make it easy for its citizens to do right, and accord them the broadest opportunity to earn a livelihood by industrial avocations. Therefore, the need of free public employment agencies where both labor and capital may make their wants known and receive information beneficial to both." Whatever may be said as to the conclusiveness of the argument, the recommendation appealed to the governor of the State, who gave it warm indorsement in his annual message. In the next assembly a bill was presented in accordance with this recommendation, but it failed to pass. The commissioner, therefore, undertook to carry out the provisions of the bill upon his own responsibility, satisfied that as the free employment office was working so well in Ohio it would not fail to do as well in Iowa, and would promptly win legislative recognition. The result was a total disappointment, and after five months' trial the attempt was given up. The commissioner's successor in office, in the report for 1894–1895, states that "although applications for situations were numerous, the commissioner was unable to secure work for a single applicant." He points to the continued success of the Ohio system, and is unable to see whether the failure in his State "was due to the hard times or to the indifference or distrust of employers who may have suspected that it was similar to the numerous private employment agencies, which subsist upon the credulity and misfortunes of working people." "Perhaps," he adds, "if such an office were to be established by law the result might be different."

Neither of the above reasons is sufficient. As a matter of fact, aside from the object to be accomplished, there is scarcely anything in common between the Ohio statute and the bill as presented in the Iowa legislature. The former may, for convenience, be characterized as a strong system, the work being mapped out and the funds provided for carrying it into effect. The latter is what, for convenience herein, has been termed a mail-order system. All of these tentative State experiments in the period under consideration, from 1890 to 1899, except that of New York, were of this character. The Iowa measure was the first of these, and though it failed to become a law it served as a model for the first Montana statute, and its influence is further seen in the experiment by the commissioner of labor of California, in 1895, and in the Kansas and Nebraska statutes of a later date.

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The object of the mail-order system is to extend the operation thereof to all points practicable within the State, while the strong system, on the contrary, aims to reach only a few main points. The latter contemplates primarily the needs of a manufacturing State, the former an agricultural. In the bill under consideration it was proposed to extend the services of the system to villages of 500 population. A central correspondence office was to be maintained in the bureau of labor at the State capitol, and the burden of acting as local agent and correspondent was to fall upon the county auditor. Applications for employment, as well as for help, were to be left with him and reported by him to the central office, and the parties put in communication with each other.

It is evident that to satisfy the needs of an agricultural community it is necessary to have a multiplication of offices. Moreover, in a State with a number of towns of from 15,000 to 50,000, and none of any supereminent magnitude, the case is the same. The difficulty in passing any measure carrying an appropriation, as contrasted with one that does not, has caused the mail-order scheme to appeal to its promoters as the only one that an agricultural State may choose.

The New York statute of 1896, creating the one free employment office in New York City, while not primarily designed upon the mail-order plan, was scarcely less parsimonious in relation to the field it occupied. In the light of experience in New York City and elsewhere, the attempt to counteract the abuses of the private agencies by the competition of one State office set down in the midst of the city without sufficient advertising, assistance, or anything else, could hardly be expected to succeed. The act of 1888, requiring private agencies to be licensed and to give bonds, etc., had failed in its purpose of correcting existing conditions; the act of 1896, establishing a competitive free agency also failed, and the event in either case is equally inconclusive as to the control of the private agencies.

The second period of this movement extends from 1899 to the present writing, and is marked by a return to the strong system begun in Ohio, the only exception being that of Kansas. This, indeed, is the only feasible method anywhere as long as the office is free. But it was not yet realized at the above-mentioned date that unassisted State competition could not be relied upon indefinitely to accomplish the ends of police control. In Connecticut, Wisconsin, and West Virginia, in 1901, and in Maryland, in 1902, the same argument was still advanced in support of their respective measures. The Illinois amended act, in 1903, was not the first to give the oversight of private agencies into the hands of the commissioner of labor, but it was there that the details of control were worked out, and thus the last step in the pursuit of this object by means of the

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public agency was taken. Whether other States will choose to accomplish this result in the same way or revert to the method employed in Boston and New York City remains to be seen. Some measure of oversight is already granted to the bureaus of labor in California, Connecticut, and Wisconsin, and further development may be expected along the same line in these and other States. If the results as to police control have been disappointing in the aggregate, the way to secure the necessary control has been discovered, and therefore the situation is full of promise as to the ultimate result.

Though it is only incidental to the main subject of this report, it seems advisable to mention the status of the legislation in the several States relative to private agencies, the control of which has been the ostensible object of the movement for the free public agencies. We may, therefore, consider the following:

Classification of States with Respect to Legislative Attempts to Prevent the Abuses Practiced by Private Agencies.

1. States having specific legislation aiming to secure adequate control of the private agencies and some method of enforcement thereof, either through the free employment offices or by some other means especially designed to that end: Illinois, Connecticut, Ohio, New York.

2. States with some satisfactory degree of specific legislation, but with insufficient provision for administration: California, Colorado, Idaho, Louisiana, Maine, Massachusetts, Minnesota, Wisconsin.

3. States with elementary legislation, sometimes only for a fiscal purpose: Kentucky, Missouri, Montana, Nevada, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Tennessee, Virginia; also District of Columbia.

4. States having no provision whatever except the free public employment office: Kansas, Maryland, Michigan, Nebraska, Washington, West Virginia.

5. States, Territories, and dependencies having no specific legislation directed against the abuses of these agencies: Alabama, Arkansas, Delaware, Florida, Georgia, Indiana, Iowa, Mississippi, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Texas, Utah, Vermont, Wyoming, Alaska, Guam, Hawaii, Philippines, Porto Rico.

In some States there is an adequate degree of control in the larger municipalities, secured through city ordinances, hence the situation is not so discouraging as is represented by the above showing. States reporting to that effect are as follows: Alabama, Massachusetts, New Jersey, Michigan, Utah, and Rhode Island.

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Present Status in States without Free Public Employment Offices.

At the beginning of this investigation inquiries were sent to the commissioners of labor of the various States, or if there was no such officer, to the secretary of state, and replies were received with more or less fullness in all instances except the following, which failed to report: Alaska, Hawaii, Georgia, Nevada, North Dakota, South Carolina.

Among the questions asked were the following:

1. Are there any free municipal employment offices to your knowledge within your State?

Only three States, viz, California, Minnesota, and Washington report such offices.

2. Is there any legislation pending in regard to the establishment of free public employment offices in your State?

To this question two States replied in the affirmative, viz, Iowa and Massachusetts, while Colorado reported that a bill to that effect would be presented in the next assembly. Subsequently it has been learned that as many as five separate bills were presented in the Massachusetts assembly. It is said the Iowa measure was defeated through the activity of the Iowa Manufacturers' Association.

3. Are the private agencies guilty of extortionate charges? Do they charge a fee before the position is secured? Are they required to refund the fee if position is not secured? Are they guilty of fraudulent advertising?

To these questions the answers were unsatisfactory for the most part, showing that the subject had not been investigated.

4. Do you keep a record of such agencies, and is any officer charged with the supervision of the agencies?

There were no affirmative replies to this except those already mentioned in connection with the free public employment offices.

5. Have you ever had a law establishing free public employment offices? If so, give dates; also, reasons why passed and why repealed. Has any such measure ever been introduced and defeated?

The only State that can give an affirmative answer to the first question is New York, and the history of that legislation is related elsewhere. Repeated attempts to establish free public employment offices have been made in California, Iowa, and Massachusetts.

6. Do you think that the situation in your State would be helped by the passage of such a law?

To this question affirmative replies were received from Alabama, California, Colorado, Delaware, Iowa, Massachusetts, Mississippi, Oregon, Pennsylvania, Utah, Wyoming. Doubtful, noncommittal, or negative answers were received from Arkansas, Arizona, Florida,

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Idaho, Indiana, Kentucky, Maine, New Hampshire, New Jersey, New Mexico, North Carolina, Oklahoma, South Dakota, Tennessee, Texas, Vermont, Philippines, Porto Rico.

It appears that in four States, California, Colorado, Iowa, and Massachusetts, there has been considerable agitation in favor of the establishment of public employment offices. In some cases the agitation has been carried to the point of attempted legislation, in others it has gone no further than the recommendation of the comissioner of labor, repeated perhaps from year to year, or merely the action of bodies of laborers praying for such laws to be passed. In spite of the discouraging experiences of the period from 1890 to 1899 and the mistakes and lameness of subsequent attempts, the lessons that have been learned and the progress already made give quite sufficient ground to predict a further growth as well as an increased efficiency.

THE ACTIVE SUPPORTERS AND OPPONENTS OF THE FREE PUBLIC EMPLOYMENT OFFICE.

The active supporters of this movement are the labor unions; the active opponents are such antiunion organizations as the Citizens' Industrial Association, the Employers' Association, the Manufacturers' Association, and in addition, of course, the private employment agencies. It is not to be implied that the "active" supporters and opponents include all who have convictions upon the subject either way. It need not be assumed that the majority of opinion is represented by either of these organizations, or that the general public is clear enough in its own mind to make a decision. But certain considerations of a public nature arise from this championship on the one side and hostility on the other which call for an inquiry. In any event, a movement so thoroughly based on social utility is independent in the long run of the championship of its friends and is not likely to fail because of the opposition of its enemies.

ATTITUDE OF THE LABOR UNIONS.

The labor unions have been the sponsors of the movement from its inception. The Municipal Labor Congress, of Cincinnati, it will be remembered, drafted the bill which, with some modifications, became the first statute of the kind in America. The Knights of Labor, assembled at St. Louis in 1892, indorsed the movement, and State branches of the Federation of Labor have done so in a number of instances since then, and have instructed their legislative committees to use every influence for the enactment of such laws. Local branches of the Federation of Labor and union labor leaders generally are supporters of the movement as a whole and of the local offices in particular. The support sometimes assumes the warmth of partisanship,

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and on the contrary there are a very few who oppose it altogether on the ground that it may menace their control of the labor market. It is safe to say that without this strong and united support, or without some such organized body of opinion back of the movement it never could have attained to anything like its present development, if indeed it could have had a beginning.

Back of this championship there are motives altruistic, and others which from the union point of view are concerned only with the union's welfare. As to the first, union men when asked the question why they favor the free public employment office, sometimes reply that they "have been there themselves." That is to say, they have been victimized by private agencies, or they have been without work and without funds, when the whole world seemed against them, and they felt though they could not have explained that correlative to society's duty to protect the rights of private property was its unrecognized duty to find work for the unemployed if work was to be found at all. There is no reason to question the genuineness of this sympathy with the lot of the unemployed. Those who have faced the situation, or who have mingled with friends, relatives, and others in the like predicament, may well be supposed to have the warmest degree of fellow-feeling, even though by passing on to the ranks of skilled labor they rely for employment upon their business agent, and consequently have little use for any other employment agencies. Union men sometimes make use of the public employment offices, but pride in their own organization usually restrains them from doing so if it can be avoided. It follows then that their altruistic motives are in behalf of unskilled labor, intermingled also with a desire to aid the small percentage of their own number who make use of the public offices.

Few union men would resent or deny the statement, probably, that they consider themselves the guardians of the interests of unskilled labor, the latter being in the main unorganized. When this assumption involves only leadership there is small danger of a conflict of interests between organized and unorganized labor. But when the full relationship of guardian and ward is aimed at, involving an assumption of the guardian to act for the ward, it is then that the danger begins. The force of this observation will be more fully realized after the other motives of the unions shall have been considered.

A further conflict of interests between employer and employee introduces motives which are confessedly not altruistic. As late as 1899 the first Illinois statute expressly denied the use of the free public employment offices to employers with a strike on their hands. This ex parte feature was condemned at the hands of the supreme court, and many union men, as well as their opponents, now express satisfaction with the result. The same fate befell the identical section in

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the Wisconsin statute modeled upon that of Illinois. A considerable majority of the superintendents of the free public employment offices, perhaps as many as 75 per cent, are union labor men. When asked the question as to what would be their policy in case of a strike all of the superintendents except three or four replied to the effect that they would send men just the same as at other times, only warning them against possible personal danger. When asked if any discrimination was made in placing union as against nonunion men, a denial was entered in every case. There is undoubtedly a strong desire upon the part of union labor to control the free public employment offices. It can not be proved, neither can it be fairly maintained, that they wish to do so as a means of advancing the interests of union labor, except in the way of preventing the free public employment offices from becoming purely "strike-breaking" instruments. They feel that as sponsors and chief promoters of the movement they are its truest friends. They believe that as between the employer and the employee it should remain neutral just as all other agencies of the State should be neutral; and they are frank enough to say that they believe this neutrality is safest in their own hands.

In one respect, at least, this position can not at present be admitted. The majority of union men consulted upon the feasibility of the development of the free public employment office in the higher grades of service, for the purpose of handling skilled labor, manifested indifference or opposition or a total rejection of the system of free employment offices if it involves such a possibility. Now, while it may be readily granted that the chief field of usefulness of these offices is found in caring for the unskilled labor market, such a function alone must forfeit the confidence of employers in the long run because of the inferiority of the help supplied, and the result is bound to be gradual deterioration. In justice to its own ends, and necessary to its very existence, the public employment office must show some differentiation of function. In this respect also, it may well be believed, more liberal counsels will at length prevail. Already, indeed, a great many are ready to grant that it matters little to them who acts as the intermediary in the labor market so long as they control the supply in their own trade.

OPPONENTS OF PUBLIC EMPLOYMENT OFFICES.

Among the opponents of the free public employment office the motives of the private agencies do not demand explanation. With them it is a simple business proposition and the question of social utility scarcely figures in the calculation. Many injustices have been done to the better class of private agencies in the zeal to restrict the unscrupulous ones. On the other hand, the courts have not always recognized the dangerous nature of the business and have rendered decisions thereupon which subsequent experience and other decisions

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have not sustained. A case in point is that of the California statute of 1903 fixing a maximum fee at 10 per cent of the first month's wages. The adverse decision was rendered "on the ex parte ground that such an enactment would tend to impair the obligation of contracts and could not stand except as a police measure. Inasmuch as the occupation of employment agent is highly beneficial and tends in nowise to affect the health or safety of the people, it is not subject to police supervision."([a]) A broader view of the subject is shown in a more recent decision by the supreme court of New York. "It may be laid down as a general principle," says the court, "that legislation is valid which has for its object the promotion of the public health, safety, morals, convenience, and general welfare, or the suppression of fraud or immorality. We think that such is the character of the statute in question. It is intended to regulate employment agencies in cities. The legislature had the right to take notice of the fact that such agencies are places where immigrants and ignorant people frequently resort to obtain employment and to procure information. The relations of a person so consulting an agency of this character with the managers or persons conducting it are such as to afford great opportunities for fraud and oppression, and the statute in question was for the purpose of preventing such frauds, and, probably, for the suppression of immorality." ([b])

The opposition shown by the Manufacturers' Association is seen in their successful efforts against a bill recently presented in the Iowa legislature. The bill provides for the charge of a small fee for each position secured, throws the responsibility of furnishing office room upon the locality, and enlists as far as possible the cooperation of philanthropic organizations. In many respects it deserves to be taken as a model. It is as follows:

SECTION 1. The commissioner of the bureau of labor statistics is hereby empowered and authorized to establish in any city of the first class a State employment office under the supervision of the bureau of labor statistics for the purpose of receiving applications of persons seeking employment, and applications of persons wishing to employ labor. Such office shall be designated and known as a "State employment office."

SEC. 2. Before establishing a State employment office in any city, a suitable room, properly furnished, shall be provided by the county, city or by some philanthropic organization which shall maintain the same without expense to the State. Superintendents of State employment offices shall be appointed by the commissioner of the bureau of labor statistics. Such superintendents shall give bonds in the sum of five hundred dollars, with surety to be approved by the commissioner of the bureau of labor statistics.

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[a] C. E. Dikey on Habeas Corpus; p. 132 of Eleventh Biennial Labor Report of California.

[b] People *v.* Beattie, quoted from L. C. Keating in Charities, February 10, 1906.

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SEC. 3. The system of registration, records and accounts and the general conduct of the State employment offices shall be uniform and after a general plan to be recommended by the commissioner of the bureau of labor statistics and approved by the executive council. All printing, blank books, stationery, postage and office supplies shall be furnished by the executive council on requisition of the commissioner of the bureau of labor statistics.

SEC. 4. It shall be the duty of each superintendent of each State employment office to record in proper form the names of all persons applying for employment or for help, designating opposite the name and address of each applicant the character of employment or help desired. Each superintendent shall not later than Monday of each week mail to the office of the bureau of labor statistics, and to each other State employment office in the State a report of the number of applications for employment and for help received during the preceding week. All such lists shall, when received, be conspicuously posted in each of the several State employment offices for the inspection of all persons desiring employment or to employ labor.

SEC. 5. It shall be the duty of each superintendent to make report to the commissioner of the bureau of labor statistics annually, not later than August 31st of each year, concerning the work of his office for the year ending June 30th of the same year with a statement of the receipts and expenses of the same, and such report shall be published by the commissioner of the bureau of labor statistics in his biennial report.

SEC. 6. Each applicant for permanent employment shall pay to the superintendent the sum of fifty (50) cents. In case no employment is secured all of the fee except ten (10) cents shall be refunded, providing that application is made not more than fifteen days from date of registering. Where temporary employment is secured for applicants they shall pay a fee of ten (10) cents. Any applicant who is unable to pay registration fee shall make a signed statement to that effect agreeing to pay the same out of his first wages and shall then be registered.

SEC. 7. Moneys received from the registration of applicants for labor, and from donations for the support of the office, shall be used in payment for advertising and for the compensation of the superintendent at the office where collected. Salaries of superintendents, or amounts allowed them as compensation for services, where no regular salary is allowed, shall be fixed by the commissioner of the bureau of labor statistics, subject to the approval of the executive council. The amount paid for advertising and for compensation of superintendents shall not exceed the receipts of the office. Any excess of fees collected, over and above the amounts needed for the payment of advertising and compensation of superintendents shall be turned into the State treasury.

SEC. 8. The provisions of chapter seven of the acts of the thirtieth general assembly shall not apply to State employment offices.

The following circular letter, distributed "by order of the legislative committee" of a manufacturers' association, shows the trend of the argument:

GENTLEMEN: When I last sent you a circular letter, pertaining to legislative matters in which our members are interested, I thought

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there would hardly be an occasion for writing again during the present session.

A bill recently introduced in the house, House File No. 241, a copy of which I inclose you herewith, has in it several provisions, which, if it becomes a law, would come strictly within the limit of class legislation, when shorn of its apparent innocence and viewed from a practical standpoint. It is hardly necessary to point out to you, as an employer of labor, the weakness of the bill and the possibility of these proposed "labor bureaus" becoming the mere recruiting stations for the labor organizations, as each superintendent would, without question, be a member of some local labor organization, as the appointment would, of necessity, be made by the labor commissioner, who at the present time and for the future will be a union labor man.

We do not believe you will care to have a system of union labor organizations in practically every city of the State, established by legislative enactment. You will readily see what would be the consequences in the event that a nonunion man made application to one of these bureaus for employment. The rule of the unions, as heretofore interpreted, that "No scab need apply," would hold good, and it would practically force every person who made application to one of the "State institutions" to join the labor organizations or else seek employment in the usual way.

We believe that there is a great deal of iniquity practiced in the employment bureau of the cities, but they can be regulated by law, it would seem, much better than to endeavor to legalize the labor unions to control matters of this kind.

If there were no such organizations as labor unions, and if there had never been any attempt on their part to dominate honest and respectable labor, and if it was not almost an absolute certainty that these several State labor offices would be dominated by labor organizations, the bill in itself would "look good," but when you consider it from the standpoint of one who is familiar with such organizations and their desire to become "legalized" by legislative act, you will readily see the injustice of such a piece of legislation. The labor organizations of the State have at least one representative every day of the sessions, and it stands our association in hand to occasionally protest against some of the proposed laws that emanate from them. The members of the labor committee in the senate are given below. You know that it has been recommended out of the house committee on "labor."

Kindly use the means at hand to inform your representatives in the State legislature your wish in the premises.

* * * * * * *

Act on the proposition that "the outcome of this matter will depend on your individual effort."

Very truly, yours,

——— ———,

Secretary.

By order of legislative committee.

It is one of the declared objects of the Employers' Association, an organization whose attitude toward the public employment agencies is similar to the above, "to protect its members and associates in such

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manner as may be deemed expedient and proper against legislative, municipal, and other political encroachments."

The Citizens' Industrial Association has been noticed in the study of the Chicago situation, and nothing further need be said thereupon. What is common to all three of these is their hostility to the unions and their opposition to the free public employment office on that ground.

A further ground of opposition is discernible in that these associations have employment offices of their own. Union men claim that such offices are for the enrollment of "strike breakers." If the free public employment offices were to be conducted in the interests of the unions, such associations would probably employ such tactics in their own defense. It has already been shown that this was in a measure undoubtedly the case under the early Illinois and Wisconsin laws, and that it is still the practice in the three or four offices previously noticed where help would be refused to an employer in case of a strike. But it can be confidently affirmed of the remainder that they are in no wise prejudiced against the interests of the employers.

It is more to be regretted that the fortunes of the free public employment offices should be in the least jeopardized by this conflict of opposing interests. The question is one of general concern, and this general concern is steadily asserting itself. Already the unions in some States are asking themselves whether as a propaganda it is advisable to continue their support, and it is noticeable that some of the latter systems began at the instance of a commissioner of labor. Apparently the time is approaching when the movement must stand upon its own record as a social institution, rather than upon the propaganda of an industrial class. This is a hopeful sign, and the result is not to be dreaded by those who base their support of the movement upon the social utility of the offices.

THE SUPERINTENDENT.

The appointment of the superintendent is usually lodged in the hands of the commissioner of labor, subject to the approval of the governor or the executive council. In some cases he is appointed by the governor upon recommendations made by the commissioner of labor. In one office, Seattle, he is selected by a civil-service examination, and in another, Tacoma, he is appointed by the mayor upon recommendation of a commission representing the city council, the trades council, and the chamber of commerce. Such a method as the last named tends to avoid the clash of interests between employer and employee. The same may be said of the civil service method. The political methods are open to the imputation of political influence, both in the choice of the man and in his conduct of the office. One improvement upon this method is that offered by the Wisconsin

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system, wherein the superintendents are warned to refrain from active participation in politics.

Supervision of the several offices by the bureau of labor is found to work beneficially for all concerned. It unifies the work of the State, distributes any profitable information gained by one office among the others, tends to prevent the isolation that otherwise would result, and furnishes a healthful stimulus to diligence and activity. Weekly reports increase the utility of the service, and where the management has time and opportunity for soliciting the cooperation of employers, the results are valuable. The statistical work which the offices are required to do in Connecticut, Illinois, Missouri, and Michigan necessitates cooperation tending toward unification. Municipal offices are manifestly subject to no such State supervision. Their reports are made to the city council, and unless the local papers take up the report as a news item it gets no further. Thus the State commissioner of labor has no means of knowing whether there are any municipal employment offices within the State or of the substance of such municipal reports. Two such commissioners consequently were not informed in this particular, and the discovery of municipal offices within their respective States was purely a matter of accident.

No official should be permitted to consider his position a sinecure, but that his tenure of office is dependent upon the faithful discharge of duty, removal from office the certain alternative. It is to be said to the credit of the service that such removals sometimes occur, though a commissioner, like any other officer, may sometimes wait beyond the point of prudence, lest the discharge of such a duty might work a personal injustice.

The efficiency of a superintendent's work can not be measured by the proportion of positions filled to applicants for employment. Such a criterion is fallacious, because it disregards the fact that a careful superintendent will reject applicants for work which is evidently beyond their capacity or qualifications, and thus present a lower record than a less discriminating superintendent; and, secondly, the knowledge that this criterion is to be used adds to the inducement to shirk the duty of recording all the applicants for employment.

Obviously the problems of the employment of women are best handled by a woman, and, as in several instances the largest part of the business done by the office was with them, the office assistant, if there be but one, should by all means be a woman. The following description of the difficulties of this part of the work, furnished by Mrs. Etta L. Holmes, of Minneapolis, who is actively engaged in the work of that office, illustrates additionally the responsibility thrown upon the employment office by the 'phone orders:

In the commercial world there is no difference in a man's or woman's work—the bookkeeper, the clerk, the musician, the artist—all the

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requirements are identical, except the wages, in which feature the woman gets the worst of it. In the world of hard labor, women can not compete, nor can a man take a woman's place, to any great extent, in the art of housekeeping. The last two conditions figure more conspicuously in a free employment bureau, than do any of the others.

Let us view the men's side first. Any person who requires the services of a workingman, whether it be common or skilled labor, leaves an order at the bureau for so many men to be sent to a certain place. Now what does the employer require of these men? Simply this: If it is common labor, they must be strong and able-bodied; if skilled labor is required, they must be skilled in the various professions as required. Outside of the work actually performed by these men, they are independent. They come and go at regular hours, they receive so much per hour or day, as the case may be, and the employer has nothing to do with them, other than the hiring and "firing." He is not associated with them, and in most cases he never sees them. Should parties be hired, and the wages include board, the personnel of such parties hired, does not effect any particular disarrangement of his employer's affairs. It is one or more persons added to the household to cook and wash for. Under such conditions it is a fairly easy matter to dispose of a large number of men in a day. John Jones wants 20 laborers at $1.75 per day. There may be 50 men in the office waiting for work; good, bad, and indifferent, dirty and clean, married and single, large and small, old and young. The first 20 men who step up to the rail and ask for the work get it; neither the superintendent nor the employer recognizes any of the conditions mentioned. All that is required of these men is the ability to do the work. More care is required in selecting skilled labor, but only in the matter of skill, or possibly the conditions of his morals, or use of intoxicants. Very often women employ a man for small jobs, such as beating rugs, cleaning cellars, washing windows, etc., but no particular conditions are required of him, not even his honesty is questioned, it probably being understood that he needs watching on general principles.

Securing employment for women is quite another thing. The day workers are possibly the least trouble. People who desire their services, however, ask for all kinds of requirements. All want good first-class laundresses, scrub women, general house cleaners, as the case may be. They must be honest and reliable, neat and clean, and quick. All or some part of these requirements are called for by our patrons. Great care must be exercised in taking the orders, to get the name, house address, car to be taken, kind of work to be done, and day of the week. Unless the women are on hand, the 'phone number should be on the order so that the party can be called up and informed that the order is filled and who the party will be. Orders are often left standing for a few days, waiting for the particular one wanted all of which necessitates extra work.

Slips that are used to send out with the day workers have an extra blank at the bottom, to be filled out by the lady of the house, in which she states whether work is satisfactory or not, and this is returned to the office. It often happens that a woman may return several slips marked "satisfactory," and then one "not satisfactory," and in addition to this, the 'phone is put in use to verify that statement, with an

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extended conversation, on the shortcomings of the woman, and of all the day workers. Now, if one does not understand human nature, and know how to manage people, you can work up quite a sparring match, in words. It is harrassing to hire some one to spoil your clothes, and you must try to put yourself in the place of the party complaining, and the sympathy that you can extend, if you will, appeases the wrath exhibited, and in most all cases, secures the customer for the future, and this is part of your business. You must be able to strike a happy medium between the employer and employee. The best way to do this, is to have the confidence of your day workers. Encourage the weak, restrain the fractious, and use firmness with all of them. Owing to the scarcity of servant girls, in this part of the country all orders are left at the office to be filled. Now comes the real work of the business. Orders are placed mostly by 'phone, and the same care must be taken with these as with the day workers. In addition to this, you must learn all the particulars of the family life, how many in the family, how many children, if the house is modern, or if it is a flat, if the washing is done in whole or part, what nationality, color, references and wages paid. One must be clairvoyantly inclined and be able to read between the questions asked and answered. You should also be able to remember some of the impressions received, so that when you fill the order, you can recall, in a measure, the various conditions of the family. Another hard feature of the 'phone orders is that one must decide by the tone of the voice, and the location of residence, as to the style and manner in which the parties live and about what kind of a person would be the most apt to suit. Mrs. Jones would be glad to get a poorly dressed but able-bodied woman who could do all the rough work of the family, while Mrs. Brown would not be suited at all with that kind of a person. The girl who is hiring out, has ideas about what she wants in the way of work, and where she wants to go. She always wants a small family, modern house, near some church or friend's or relative's place. Should you have 80 to 100 applications for servant girls on file, it is a trying proposition to hunt over all these papers and find something that suits her—much on the same plan of taking down every piece of goods on the shelf to show a customer, and nothing suits. After you finally do find something which she might consider, you call up the lady whose order is being considered, and ask her if she is still looking for a girl, very often they forget to tell you that they already have a girl, and then begins the questioning in regard to her qualifications, appearances, etc. These questions must be answered right before the girl, and it requires some discretion to satisfy the questioner as well as the listener. After all this work has been gone over, it is just possible that the girl never goes near the place at all, or if she does, the place does not suit her, or she does not suit the lady. Thus the work is repeated, with its different variations and different endings, until both parties are satisfied at least for a short time. While a free employment bureau is not a charitable institution, many poor people come for aid and comfort. Women with children, old ladies, sickly women, all have their stories of woe. It is certainly a study to know how to place all these people in the way of earning a living, considering the capabilities they have upon which to work.

One must be mindful of the various needs of each respective person who wants the service of the bureau. One must have an excellent

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memory, and be able to recall faces as well as places, to think and act quickly for every occasion and see that every person's wants are properly looked after.

There are no assistants in the offices of Connecticut, Michigan, Wisconsin (except Milwaukee), nor in the offices at Duluth, Tacoma, Spokane, Sacramento, Los Angeles, Topeka, Lincoln, and St. Joseph, Mo. In the number of assistants the Illinois offices surpass those of any other State, there being from 3 to 5 persons in each office. The full value of an employment office can not be realized without at least one assistant; for the necessity of attending to outside work might well consume one-half of the superintendent's time, or in a large city, all of his time. Applicants for employment as a rule do not need to be searched for, but on the contrary the work has to be found for them, an obvious remark to make, yet it has to be kept constantly in mind.

The two considerations most vitally affecting the choice of superintendents to the possible disadvantage of the service are, first, membership in the dominant political party, and secondly, membership in a labor union. In so far as the choice is affected by the commissioner of labor, who, as a rule, is a union labor man, this may be remedied by some such method as that used in the Tacoma office, the commissioner himself acting as a member of the nominating committee in the case of State offices.

So far as character and integrity are concerned no serious or grave charges are preferred against any superintendent in the country. Except in one case, not even an insinuation has been heard that their offices have been improperly used, and upon investigation this proved to be groundless. In this respect they present a most noteworthy contrast to many of the private agencies. In making this statement it is not forgotten that there are many honorable men and women in the private agencies, some of them as unselfish and philanthropic in impulse and practice as can be found in other callings. The writer, for instance, saw one such private employment agent loan a young man his own dress suit, without which the latter would have been unable to accept a proffered situation. Yet the business requires a close police surveillance.

Most of the criticisms of the superintendents, indeed, practically all of them, are upon the score of competency and energy. Some of the criticisms are well deserved.

The demands for differentiation and specialization in the free public employment offices have already been discussed. Such scheme would require the highest grade of ability and efficiency in the management. The superintendent must know the needs of those applying for help, and be able to determine the ability and skill of those applying for employment.

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In the largest cities, where differentiation of industry and of employment agencies, and consequently a specialization of the work of the office is possible, are to be found the highest class of private agencies, which, compared with the free public employment offices, show a marked superiority. The net income of some of these higher grade private agencies is from $5,000 to $50,000 per year, and it is unreasonable for the State or municipality to expect that persons with the ability and opportunity to earn those amounts would be willing to accept a position under it at an annual salary of $1,500.

It would be very easy for a superintendent, after learning the business, establishing a reputation for efficiency, and surrounding himself with a reliable clientele, to set up in business for himself, yet not one of them has done so, some of them being restrained merely by their conviction that it is wrong to charge a man anything for the privilege of work.

OFFICE METHODS.

The three captions under which data should be collected at every office are, in the order of their importance, as follows:

1. Number of positions secured.
2. Number of applications for help.
3. Number of applications for employment.

In addition to these it may be desirable to give the per cent of positions secured of applicants for employment, as is done in Ohio, or the number of applications for either help or employment unfilled, as is done in Illinois. These, however, are relatively immaterial, since they may be determined by anyone, provided the primary data are given. The difficulties in the way of getting precise returns for the number of positions secured have been noted. If people get what they want, whether help or employment, they will not trouble themselves much upon the matter of statistics, and hence they neglect to report to the employment office. Where nothing is charged, as in the free public employment office, the tendency is strong to rate the service accordingly, to speak ill of its efficiency without just cause, and to fail to give the information so much needed.

Superintendents say that about 10 per cent of the positions known to have been filled by them are unverified by the parties benefited, even though appealed to repeatedly. A fee would probably change this attitude of indifference, if for no other reason than that the service would thus be put upon the basis of a business transaction, which it would be unprofitable to forget.

The number of applications for help presents one cause of uncertainty. If the applicant wishes ten men, the question arises whether the applicant is to figure in the enumeration, or the number of men he wants. The latter is the item almost universally recognized, and

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properly so; for what is wanted is the strength of the labor demand, and this, of course, could be represented only by the number of labor units demanded. A further record of the number of applicants for help might prove interesting, but certainly unessential.

The recording of the applications for employment is the chief problem in the matter of records, and the one wherein the greatest laxity is to be seen. The law should not fail to prescribe the date at which an application expires. Most States which prescribe a limit set it at thirty days. In case of such omission, however, commissioners of labor should not hesitate to adopt some such date and enforce its observance by the various offices. Superintendents are not likely to perceive the necessity of recording all applicants, even though required to do so by law. The economic need thereof is that the strength of the labor supply may thus be gauged, and to omit any part of it is to vitiate the returns. If a distinction is to be observed between the floating and the resident population, the former, though having no address, should be enumerated, while the latter may be enumerated and their applications filed.

For statistical purposes many questions are often found upon the application blank which are not necessary for the purposes of employment. The laws in a few States stipulate that no one shall forfeit the services of the employment office by refusing to answer such questions.

Items of information which may be deemed necessary in placing employees are as follows: Name, address, sex, occupation, kind of work desired, willing to work outside of city, and, in case of skilled labor, name and address of last employer. Questions of a more distinctly statistical nature, though in some cases necessary, are as follows: Age, nationality, married or single, number of dependent children, how long idle, cause of idleness, how long employed at last place, member of what trade union, if any. The impolicy of asking this last question just at present, even for statistical purposes, is obvious. In some places it has been a source of trouble or suspicion, and were better omitted altogether.

The questions that need to be asked of an employer when men are wanted are very few—such, for instance, as the name, address, number of men wanted, for what kind of work, for how long a time, and wages paid. If the employer wants union men he usually goes to the unions for them; if nonunion men are desired and application should be made at the public office, that part of the selection must depend upon himself and not upon the superintendent.

In the employment of women for domestics many more questions need to be asked of the employer, among which are: House or flat, number in family, children, adults, laundry done in house, wages paid, length of employment, and so on.

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One office, New York City, issued to all applicants a card like the following:

WAITING HOURS.

MALE HELP.		FEMALE HELP.	
Waiters Dishwashers House men	9 to 9.30 a. m.	Day workers Cleaners Hotel help	9 to 10 a. m.
Janitors Assistant janitors Elevator runners Hall boys	9.30 to 10 a. m.	Cooks Cooks and laundresses Kitchenmaids	10 to 10.30 a. m.
Cooks Porters Packers Useful men	10 to 10.30 a. m.	General houseworkers Housekeepers Married couples Care takers	10.30 to 11 a. m.
Coachmen Drivers Stablemen	10.30 to 11 a. m.	Chambermaids Waitresses Maids and companions Nurses	11 to 11.30 a. m.
Farmers Gardeners Laborers Miscellaneous	11 to 11.30 a. m.	Laundresses Office and store workers Dressmakers Seamstresses Factory hands	11.30 to 12 m.
Clerks Salesmen Orderlies Attendants Nurses	11.30 to 12 noon.		

Applications and special appointments, 1 to 4 p. m.

Such an arrangement as this might prove serviceable in a large city office with insufficient help, but on no other account should the public be subjected to such probable inconvenience or loss of time or opportunity.

One neglected feature of the business common to many of the offices, especially those where there is no assistant, is the outside work. This includes—

1. Personal solicitation or inquiry for work to be done. The superintendent to be able to place large orders must cultivate the acquaintance of contractors, especially those engaged in building, street, and railroad construction work. Probably over 75 per cent of the unskilled labor of the country is engaged in work of this kind, hence the very important part played by the contractor in the unskilled labor market.

2. Making an inventory of the various business establishments, mercantile, manufacturing, and otherwise, and learning the scope of industrial activity of the locality. In a large city this is a work to be distributed among a number of assistants.

3. Learning enough of industrial processes to be able to reject applicants for work when they are unfitted therefor. A superintendent should be able, in a manufacturing town, to distinguish between

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the different kinds of machinists and the experience required for each, should know what is expected of different kinds of clerks, laborers, domestics, etc., and in short, should aim to save the employer as much as possible in the worry and vexation resulting from trying inexperienced men. It is just this knowledge and care, together with an ability to estimate men, that means efficiency and success in the employment business.

4. Getting acquainted with employers themselves, learning their particular wishes, demands, and whims, it may be, and impressing them with his ability to estimate men and fit them to appropriate tasks.

Another point in regard to which there is a variety of usage is the matter of testimonials. Some few offices require testimonials from all applicants for work, even for unskilled labor; others require testimonials for certain occupations, as domestics, clerks, mechanics, and in general for skilled labor. The majority of the offices require none at all. To require this in the case of unskilled labor does not seem in the main justifiable, though there are occasional exceptions. The risk involved on the part of the employer does not as a rule demand it. The risk which the employee runs of falling into the hands of an unscrupulous employer makes it unjust to require it. Lastly, the engagement is apt to be so temporary that the employer when applied to for a testimonial, fills out one which is evasive, noncommittal, or perhaps misleading, in the effort to do no harm to the employee, and on the contrary not to stand voucher for him.

To require no testimonials for any kind of position is to run straight toward inefficiency. For domestics such a neglect would be intolerable were it not that the demand so far exceeds the supply that almost any woman can find employment as a domestic in nearly any city in the country. For superior positions of this sort testimonials are indispensable, and the same remark will apply to superior positions of all kinds.

NATIONAL ORGANIZATION OF THE UNSKILLED LABOR MARKET.

One fact stands forth prominently to the view of those who study the free public employment offices of the United States at close range, namely, the disorganized and chaotic condition of the unskilled labor market throughout the whole country. In this, the substratum of the labor world, spontaneous organization is probably out of the question except in isolated spots, granting, indeed, that it were desirable or likely to effect anything. Organization, therefore, must be from without, if it comes at all. What is the need of organization, or is there any need?

The demand for unskilled labor is universal. Skilled labor, except

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the trades, congregates in various localities where production calls for it, and thus becomes in some measure sectionalized. The trades are universal, as is unskilled labor, but more able to take care of themselves and answer the needs of production. Unskilled labor, disregarding for the moment the vagrant or tramp element, can not so freely migrate to the point where it is needed. Comparatively speaking, it is an inflexible supply, the inflexibility being due, first, to lack of knowledge, and, second, to inability to migrate. In these respects, generally speaking, as well as in universality of demand, it differs from skilled labor only in degree. The tramp, however, has his own way of getting about the country, as railway men can testify, and thus the least desirable unskilled labor is often taken when there is an abundance of a better grade that might be had if it were but known.

If an apology is needed for presenting such well-known facts, it is certainly to be found in the unequal distribution of labor, especially of unskilled labor, as shown by the free public employment offices. Within the bounds of one State there is less excuse for this, since means are at hand for correcting it; but in adjoining States one may find employer and employee looking for each other with small chance of coming together. So many fraudulent advertisements for laborers have been inserted in the newspapers that this means is more or less ineffectual because unreliable. It is this interstate communication that is unprovided for, and for which some method of cooperation should be devised. Instances wherein help could be given are such as the distribution of harvest hands in the wheat belt, the distribution of immigrants, and the assistance that might be given to large employers of contract labor, such as railroads, etc.

A concrete illustration of the last-named service may be found in the railway construction work centering in Chicago. The number of railroads centering at this point and the amount of railroad construction work arranged for make it the largest labor market of this kind in the country. Most railways let out the construction to contractors, and these in turn hire their labor at the private labor agencies. It is commonly assumed, and never denied, that the contractor and the private agency divide the enrollment fee paid by the laborer. Though the charge would be hard to prove, nobody seems to doubt that it is true. This is apt to be taken as a species of "graft" by the laborer, and everybody else who is unable to see why both the employment agent and the contractor should be paid for the job he gets. Railroad officials, when approached upon the subject and urged to use their influence to stop it, manifest either indifference to the laborer's interest or resentment at his treatment of the railway in getting a free ride to the destination and then leaving. "Sometimes a whole carload turns out to be passengers," said one general manager, "even though a man was put into the car to keep them there."

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At least one railway has solved the problem much more to its satisfaction. Instead of letting out the work to contractors it keeps the control entirely within its own hands and secures its labor from the public employment offices. The loss of men who turn out to be "passengers" is still very large, about 35 per cent of the number sent out; but the improvement over former conditions is so pronounced that the company in question is highly pleased with the result. The reason why these men from the free employment offices should stay with the company better than the others is not very clear. Perhaps no better reason can be given than that offered by the company, to the effect that a better satisfied man is always a more valuable man, the satisfaction arising in this case from the fact that he is not paying two prices for his job, or indeed any price.

What could be done by better organization of this market in the way indicated is to put railways and other large employers in contact with the widest possible range of selection. As it is at present, railroads are continually losing by means of the poor labor they must put up with on construction gangs, and decent laborers likewise are subjected to loss and indignities by reason thereof. The railways stand so much in need of this help that they dare not offend the private agencies whence they get it; the private agencies have an easy hold on the contractor, who shares their receipts, and thus the contract system, a wasteful, injurious method to both sides, continues to thrive. What is needed is a wider labor market to appeal to than the locality affords, a coordination of the efforts of the States through the free employment offices.

Furthermore, it is claimed in many quarters that the supply of unskilled labor is entirely inadequate to the demand; that without the continual access of foreign labor through immigration our railways could not be built, and many other such enterprises must go unaccomplished. It is reported by a State official in Colorado that corporations in that State are violating the Federal statutes by importing foreign contract labor through the medium of Greek, Italian, and Japanese padrones. All over the country the bulk of such work is certainly being done by foreigners. In so far as the natives and the naturalized who have been here some time are advancing beyond this stage of labor, it is a satisfactory condition. It is decidedly unsatisfactory if there is a considerable supply of such labor already here and not taken up, and this is exactly the case. In other words, the facilities for distributing information concerning this labor market are not so good as are the facilities for placing the immigrant labor just arriving, as witness the following report of the president of the Irish Emigrant Society, New York City:

At the labor bureau, which is located at the United States Barge Office Building, Battery Park, and which is jointly maintained by

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this society and the German society, employment was found during the year 1905 for 9,837 immigrants.

While maintained by these societies, immigrants of all nationalities are equally privileged in the bureau. The bureau charges no fees or commission of any sort to employer or immigrant.

The nationality of the employed during the year was as follows:

Country.	Males.	Females.	Total.
Germany	4,831	452	5,283
Ireland	1,937	591	2,528
Scandinavia	1,553	46	1,599
England	43	37	80
Austria	121	14	135
Switzerland	31		31
Holland	15		15
Poland	108	27	135
Russia	17	2	19
Greece	4		4
Persia	1		1
France	2	1	3
Bohemia	1		1
Luxemburg	1		1
Roumania	1		1
Belgium	1		1
	8,667	1,170	9,837

DESTINATION OF THE EMPLOYED.

State or Territory.	Males.	Females.	Total.
New York	6,971	968	7,939
New Jersey	1,117	175	1,292
Connecticut	140	17	157
Pennsylvania	135		135
Michigan	67		67
Massachusetts	27		27
Vermont	5	3	8
Mississippi	11		11
Kentucky	47	2	49
Maine	13		13
Virginia	64	3	67
Missouri	2	2	4
Wisconsin	22		22
Illinois	17		17
Ohio	19		19
Delaware	1		1
Rhode Island	1		1
Tennessee	6		6
District of Columbia	1		1
Indiana	1		1
	8,667	1,170	9,837

Of those employed, 1,025 were skilled and 7,642 were unskilled laborers. Forty-two families, comprising 91 persons, are included in the number employed. The average wages paid to farm hands was $16.87 per month with board and lodging. Female help, $12 per month, board and lodging, and laborers received $1.64 per day. Thirteen thousand five hundred and fifty-five meals and 276 lodgings were furnished by the Society for Irish immigrants seeking employment, and inland transportation was supplied for 102. Eighty-four immigrants were returned to Ireland.

While it is true that all but about six hundred found employment in either New York or New Jersey, the material points here made are that the machinery is ready to send labor even to such far away

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States as Mississippi, Missouri, Illinois, and Wisconsin, that transportation was advanced in 102 cases, and that the demand far exceeds the supply.

RECOMMENDATIONS.

The following recommendations are given by way of summary:

1. A small nominal fee should be charged. The amount should probably be no less than 25 nor more than 50 cents as a rule. The guiding principle should be to make the service self-supporting.

The reasons why a fee should be charged are—

(*a*) To differentiate the service from that of a charity.

(*b*) To throw the support of the service where it naturally belongs.

(*c*) To give flexibility to the system of offices; thus the number and location thereof should not be fixed by statute; this necessarily results when the service is free.

(*d*) To make it possible to get accurate data upon positions secured.

2. The public employment office should be integrated with other branches of the public service. It is highly desirable accordingly that it should be located in the city hall or court-house. The office expenses should be borne in every case by the locality; never by the State.

LAWS RELATING TO FREE PUBLIC EMPLOYMENT OFFICES.

Following are the laws of the various States relating to free public employment offices:

CONNECTICUT.

GENERAL STATUTES, REVISION OF 1902.

SECTION 4608. The public employment bureaus in New Haven, Hartford, Bridgeport, Norwich, and Waterbury shall remain as established. No compensation or fee shall be charged or received, directly or indirectly, from persons applying for employment or help through any such bureau. The commissioner of the bureau of labor statistics shall appoint for each bureau, and may remove for good and sufficient cause, a superintendent for the proper administration of its affairs.

SEC. 4609. The term "person" in this chapter shall include persons, company, society, association, or corporation, and the term "employment agency" shall include business of keeping an intelligence office, employment bureau, or other agency for procuring work or employment for persons seeking employment, or for acting as agent for procuring such work or employment where a fee or other valuable thing is exacted, charged, or received for registration, or for procuring or assisting to procure employment, work, or a situation of any kind, or for procuring or providing help for any person.

SEC. 4610. No person shall open, keep, or carry on any such employment agency unless he shall procure a license from said commissioner authorizing the licensee to open, keep, or carry on such agency at a designated place, which license shall be issued by the commissioner on payment of a fee of ten dollars for the first year and five dollars for each succeeding year, which money shall be paid by him to the treasurer of the State. Every license shall contain a designation of the city, street, and number of the house, in which the person licensed shall carry on the said employment agency, and the number and date of such license. No person shall conduct an employment agency, or act as agent for procuring employment, in any building where liquor is sold.

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SEC. 4611. Every person shall file with his application for a license a bond to the State in the sum of five hundred dollars, with surety approved by the commissioner, conditioned that the obligor shall not violate any provision of this chapter. The commissioner may cause an action to be brought on said bond in the name of the State for any violation of its conditions; and he may revoke any license whenever, in his judgment, the person licensed shall violate any provision of this chapter.

SEC. 4612. Every person so licensed shall keep a register in which shall be entered, in the English language, the name and address of every applicant, and of every person who shall make application for help or servants, and the nature of the employment for which such help shall be wanted. Such registers shall at all reasonable hours be open to the examination of the commissioner and his agents.

SEC. 4613 (as amended by chapter 271, Acts of 1905). Every such licensed person shall give to each applicant for employment from whom a fee or other valuable thing shall be received for procuring such employment, which fee or valuable thing shall in no case exceed the value of ten per centum of the first month's wages, a receipt in which shall be stated the name of the applicant, the amount of the fee or other valuable thing, the date, the name or nature of the employment or situation to be procured, and a separate receipt in which shall be stated the name and address of the person or persons to whom the applicant shall be referred or sent for employment or work. In case the applicant shall not obtain or accept a situation or employment through the agency of such licensed person within one month after registration as aforesaid, said licensed person shall forthwith return to said applicant upon demand the full amount of the fee or valuable thing paid or delivered by said applicant to said licensed person, provided that such demand be made within thirty days after the expiration of the period aforesaid. In case the applicant shall accept the situation with the person to whom said applicant has been referred, said applicant shall forfeit the whole amount of the fee or valuable thing paid aforesaid. Every such receipt shall have printed on its back, in the English language, a copy of this section, and every licensed person shall cause a plain and legibly printed copy of this chapter to be posted in a conspicuous place in such agency or place of business. No person shall display on any sign, window, or in any publication, the name of the Connecticut free public employment bureau or a name similar thereto.

SEC. 4614. No such licensed person shall send or cause to be sent any female help or servants to a place of bad repute, house of ill-fame, or assignation house, or to a house or place of amusement kept for immoral purposes. No such licensed person shall publish or cause to be published any false or fraudulent notice or advertisement, or give any false information, or make any false promise relating to work or employment to any one who shall register for employment; and no such licensed person shall make false entries in the register kept by him. Every person violating any provision of this chapter shall be fined not more than one hundred dollars.

CHAPTER 33, ACTS OF 1903.

The commissioner of the bureau of labor statistics may establish and conduct branch public employment bureaus under the direction and control of the five established bureaus. Such branches may be established and conducted in any city within the State and shall be managed by the nearest bureau: *Provided,* That in no case shall such a branch be established unless it can be conducted by the bureau taking charge thereof upon the appropriation made for such bureau.

Approved, April 14, 1903.

CHAPTER 148, ACTS OF 1905.

The provisions of chapter 259 of the General Statutes [sections 4608-4614] shall not apply to any person supplying positions in connection with educational institutions, provided such person is not engaged in supplying positions for other employees.

Approved, June 22, 1905.

ILLINOIS.

ACTS OF 1903, page 194.

SECTION 1. Free employment offices are hereby created as follows: One in each city of not less than fifty thousand population, and three in each city containing a population of one million or over, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Such offices shall be designated and known as Illinois Free Employment Offices.

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SEC. 2. Within sixty days after this act shall have been in force, the State board of commissioners of labor shall recommend, and the governor, with the advice and consent of the senate, shall appoint a superintendent and assistant superintendent and a clerk for each of the offices created by section 1 of this act, who shall devote their entire time to the duties of their respective offices. The assistant superintendent or the clerk shall in each case be a woman. The tenure of such appointment shall be two years, unless sooner removed for cause. The salary of each superintendent shall be fifteen hundred (1,500) dollars per annum, the salary of such assistant superintendent shall be one thousand two hundred (1,200) dollars per annum. The salary of such clerk shall be one thousand (1,000) dollars per annum, together with proper amounts for defraying the necessary costs of equipping and maintaining the respective offices.

SEC. 3. The superintendent of each such free employment office shall, within sixty days after appointment, open an office in such locality as shall have been agreed upon between such superintendent and the secretary of the bureau of labor statistics, as being most appropriate for the purpose intended; such office to be provided with a sufficient number of rooms and 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, Illinois Free Employment Office, and the same shall appear either upon the outside windows or upon signs in such other languages as the location of each such office shall render advisable. The superintendent of each such free employment office shall receive and record in books kept for that purposes [purpose], names of all persons applying for employment or help, designating opposite the names and addresses 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 statistics to be used by said bureau: *Provided,* That no 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 one: *And, provided further,* That any applicant who shall decline to furnish answers as to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure.

SEC. 4. Each such superintendent shall report on Thursday of each week to the State bureau of labor statistics the number of applications for positions and for help received during the preceding week, and the number of positions secured, also those unfilled applications remaining on the books at the beginning of the week. 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 secretary of the said bureau of labor statistics shall cause to be printed a sheet showing separately, and in combination, the lists received from all such free employment offices.

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 said employment offices. To this end it shall be competent for such superintendents to advertise in the columns of newspapers, or other medium, for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publication as reach such employers, whether such trade or special journals are published within the State of Illinois or not.

SEC. 6. It shall be the duty of each such superintendent to make report to the State bureau of labor 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, including the charges of an interpreter when necessary, and such report shall be published by the said bureau of labor statistics annually with its coal report. Each such superintendent shall also perform such other duties in the collection of statistics of labor as the secretary of the bureau of labor statistics may require.

SEC. 7. No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment offices, and any superintendent, assistant superintendent or clerk, who shall accept, directly or indirectly, any fee or compensation from any applicant or from his or her representative [representative], shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than twenty-five nor more than fifty dollars and imprisoned in the county jail not more than thirty days.

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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; and 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 all other legitimate service.

SEC. 9. No person, firm or corporation in this State shall open, operate or maintain a private employment agency for hire, or where a fee is charged to either applicant for employment or for help without first obtaining a license for the same from the State commissioners of labor. Such license fee, in cities of fifty thousand (50,000) population and over, shall be fifty dollars ($50) per annum. In all cities containing less than fifty thousand (50,000) population a uniform fee of twenty-five dollars ($25) per annum will be required. Every license shall contain a designation of the city, street and number of the building in which the licensed party conducts said employment agency. The license, together with a copy of this act, shall be posted in a conspicuous place in each and every employment agency. No agency shall print, publish or paint on any sign, window, or insert in any newspaper or publication, a name similar to that of the Illinois Free Employment Office. The commissioners of labor shall require with each applicant for a license a bond in the penal sum of five hundred dollars ($500), with one or more sureties, to be approved by the said commissioners, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this act. The said commissioners are authorized to cause an action or actions to be brought on said bond in the name of the people of the State of Illinois for any violation of any of its conditions, and they may also revoke, upon a full hearing, any license, whenever, in their judgment, the party licensed shall have violated any of the provisions of this act. It shall be the duty of every licensed agency to keep a register, in which shall be entered the name and address of every applicant. Such licensed agency shall also enter into a register the name and address of every person who shall make application for help or servants; and the name and nature of the employment for which such help shall be wanted. Such register shall, at all reasonable hours, be open to the inspection and examination of the commissioners of labor or their agents. Where a registration fee is charged for receiving or filing applications for employment or help, said fee shall in no case exceed the sum of two dollars ($2), for which a receipt shall be given, in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within one month after registration as aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency, provided that such demand be made within thirty (30) days after the expiration of the period aforesaid. No agency shall send or cause to be sent any female help or servants to any place of bad repute, house of ill-fame or assignation house, or to any house or place of amusement kept for immoral purposes. No such licensed agency shall publish or cause to be published any false or fraudulent notice or advertisement, or to give any false information, or to make any false promise concerning or relating to work or employment to anyone who shall register for employment, and no licensed agency shall make any false entries in the register to be kept as herein provided. No person, firm or corporation shall conduct the business of any employment office in, or in connection with, any place where intoxicating liquors are sold.

SEC. 10. It shall be the duty of the commissioners of labor, and the secretary thereof, to enforce this act. When informed of any violation, it shall be their duty to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction. Any person convicted of a violation of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less [than] fifty dollars ($50) nor more than one hundred (100) dollars for each offense, or by imprisonment in the county jail for a period not exceeding six (6) months, or both, at the discretion of the court.

SEC. 11. A private employment agency is defined and interpreted to mean any person, firm or corporation furnishing employment or help or giving information as to where employment or help may be secured, or who shall display any employment sign or bulletin, or through the medium of any card, circular or pamphlet, offering employment or help, shall be deemed an employment agency, and subject to the provisions of this act, whether a fee or commission is charged or not: *Provided*, That charitable organizations are not included.

SEC. 12. All money or moneys received from fees and fines shall be held by the said commissioners of labor, and shall constitute a fund for the purpose of enforcing the provisions of this act; and the said commissioners shall, at the end of each fiscal year, make an account of said fund and pay into the State treasury whatever balance shall

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remain after paying the necessary disbursements for the purpose of enforcing the provisions of this act.

SEC. 13. All printing, blanks, blank books, stationery and such other supplies as may be necessary for the proper conduct of the business of the offices herein created shall be furnished by the secretary of state upon requisition for the same made by the superintendents of the several offices.

SEC. 14. All acts and parts of acts in conflict herewith are hereby repealed.

SEC. 15. Whereas, an emergency exists, therefore, this act shall take effect and be in force from and after its passage.

Approved May 11, 1903.

KANSAS.

GENERAL STATUTES OF 1901.

SECTION 3833. There is hereby created the free employment bureau of the State of Kansas, for the purpose of providing free employment agencies in all cities of the first and second class within the State: *Provided*, That any city of the second class may, by resolution of the mayor and council, dispense with such free employment agency, and shall notify the director to that effect. Said bureau shall be under the supervision and direction of an officer designated as "director of free employment," who shall be appointed by the governor within ten days from the taking effect of this act, and shall hold such office for the term of two years and until his successor is appointed and qualified. Before entering upon the duties of the office, he shall take and subscribe an oath as provided for other State officers.

SEC. 3834. As soon as such director of free employment shall have been appointed and qualified, it shall be his duty to prepare, prescribe, print, and transmit to the city clerks of all cities of the first and second classes, directions, rules and regulations for the opening, conduct and reports of free employment agencies in said cities, which directions, rules and regulations said director may amend, add to or revise from time to time. Said director shall also prepare all needful or proper forms to be used by such agencies, and shall cause blanks and all blank books to be prepared by the State printer, and shall forward supplies thereof to all such city clerks for use of such agencies; all work authorized by this act to be done by the State printer, upon the requisition of said director, subject to the approval of the State printing committee.

SEC. 3835. Within thirty days after such directions, rules and regulations shall have been received by any city clerk, the mayor and council shall comply with the directions of said director as to the opening and preparing to maintain a free employment agency and for the expense thereof; and if no such provision be made, the duties of free employment agent shall devolve upon the city clerk, who shall perform the same, and his office shall be the free employment agency of said city.

SEC. 3836. It shall be the duty of the free employment agent of every city to register, as directed by the directions of the director of free employment, every person desiring to employ any person and every person desiring employment; and it shall be the strict legal right of every such person to so register and to enjoy all of the advantages of such employment agency free from any charge or expense whatever. Reports to the director of free employment shall be made by such agencies as often and as to such matters as he may require. Every person shall be notified of employment open in the order of his or her registration for that employment by such agent where registered. All other details shall be fixed by the director of free employment.

SEC. 3837. The reports of such agencies shall be made to the director of free employment as he may require, and shall be tabulated and classified, and such persons as have not secured employment or notice of employment where registered shall be notified by the director where such employment may be had, as shown by the reports made. The director shall embody in his annual report such tabulations of the work performed by such agencies in the State, with such recommendations as he may deem proper for the information of the legislature.

SEC. 3838. If any city clerk shall fail or refuse to carry out in good faith, in a reasonably fair and efficient manner, the duties devolved upon him by this act or by the direction, rules and regulations of the director of free employment, he shall forfeit his office as such free employment officer, and be removed therefrom: *Provided*, Such removal shall not affect the tenure of his office as to its other duties. Any agent provided for and appointed by any city to conduct a free employment agency under this act shall be removed by the mayor at any time when requested in writing by ten or more electors of said city, upon a showing being made that such agent refused or failed to perform the duties as required by this act. In case of the removal or resignation for any cause of the free employment agent in any city, the mayor of such city shall immediately appoint a qualified person to fill such vacancy.

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SEC. 3839. The director of free employment shall keep and maintain an office, and the executive council is hereby directed to provide for said director a suitable room, properly furnished for the use of said director.

SEC. 3840. It shall be the further duty of the said director to secure and list, as far as practicable, from the rural districts of the State, the number of extra laborers required for the harvest season in each community, for the purpose of providing labor for the harvest season to meet such demand, and to provide employment for any idle labor seeking employment.

SEC. 3841. The director of free employment shall be paid a salary of twelve hundred dollars per annum, to be paid as other State officers. The further sum of five hundred dollars annually for postage and express is hereby allowed for the use of said director in carrying out the provisions of this act.

MARYLAND.

ARTICLE 89, PUBLIC GENERAL LAWS—CODE OF 1903.

SECTION 2. * * * 7th. The chief of the bureau of industrial statistics shall cause to be organized and operated a free State employment agency for the free use of the citizens of the State of Maryland, for the purpose of securing employment for unemployed persons who may register in said bureau or agency and for the purpose of securing help or labor for persons registering as applicants for help or labor and to advertise and maintain such office.

MICHIGAN.

ACT NO. 37, ACTS OF 1905.

SECTION 1. Free employment bureaus are hereby authorized to be created in every city in this State having a population of over fifty thousand, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Such bureaus shall be designated and known as Michigan Free Employment Bureaus.

SEC. 2. The commissioner of labor shall organize and establish in all cities of fifty thousand inhabitants or over, in this State, a free employment bureau, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. No compensation or fee shall be charged or received, directly or indirectly, from persons applying for employment or help through any such bureau. It shall be the duty of said commissioner of labor to use all diligence in securing the cooperation of employers of labor with the purposes and objects of said employment bureaus. To this end it shall be competent for said commissioner to advertise in the columns of newspapers, or to use other mediums, for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers, in such trade journals or special publications as reach such employers, whether such trade journals are published within the State of Michigan or not. The expenses for said advertising shall not exceed five hundred dollars per annum, and shall be paid from any appropriations made for the department of labor, and shall be audited the same as other items of expense.

SEC. 3. When the commissioner of labor shall deem it necessary to establish a free employment bureau under the provisions of this act, the board of State auditors shall provide a suitable office for the same, with necessary furniture; and all printing, binding, blanks, stationery and supplies shall be done and furnished under any contract which the State now has, or shall hereafter have, for similar work with any party or parties; and the expense thereof shall be in the discretion of the board of State auditors, audited and paid for in same manner as other State printing and supplies are paid for.

Approved March 30, 1905.

MINNESOTA.

CHAPTER 316, ACTS OF 1905.

SECTION 1. The commissioner of labor of the State of Minnesota is hereby directed to organize and establish in one city in this State containing fifty thousand (50,000) inhabitants, or more, to be chosen by him, a free public employment bureau, for the purpose of receiving applications from persons seeking employment, and applications from employers desiring to employ labor.

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There shall be no fee or compensation charged or received, directly or indirectly, from persons applying for employment, or from those desiring to employ labor through said bureau.

There shall be appointed by the commissioner of labor, for such bureau, one superintendent, who may be removed by the commissioner for good and sufficient cause, such appointment to be made immediately after this act becomes a law, and thereafter at the commencement of the biennial session of the legislature; the salary of such superintendents shall not exceed ($1,200) twelve hundred dollars per annum.

Sec. 2. The superintendent of such bureau shall receive and record in a book to be kept for that purpose, the names of all persons applying for employment, as well as the name and address of all persons, firms or corporations applying to employ labor, designating opposite the name and address of each applicant the character of employment desired or offered.

Such superintendent shall also perform such other duties in the collection of labor statistics, and in the keeping of books and accounts of his bureau as the commissioner may direct or require, and shall report monthly all business transacted by his bureau, to the office of the commissioner of labor, at the State capitol.

Sec. 3. Every application for employment by employer or employee which is made to the free employment bureau shall be void after thirty days from its receipt, unless the same be renewed by the applicant. When an applicant for labor has secured the same, he shall within ten days thereafter, notify the superintendent of the bureau upon a notification card provided for that purpose.

If any such applicant neglects to notify such superintendent, he or they shall be debarred from all future rights and privileges of such employment bureau at the discretion of the commissioner of labor, to whom the superintendent shall report such neglect.

Sec. 4. There is hereby annually appropriated out of any money in the State treasury not otherwise appropriated, the sum of seventeen hundred fifty ($1,750) dollars, or so much thereof as may be necessary, to carry out the provisions of this act.

Approved April 19, 1905.

MISSOURI.

Revised Statutes of 1899.

Section 10085. The commissioner of labor statistics shall organize and establish in all cities in Missouri containing one hundred thousand inhabitants or more, a free public employment bureau, for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. No compensation or fee shall be charged or received directly or indirectly, from persons applying for employment or help through any such bureau. Such commissioner shall appoint for each bureau one superintendent, and may appoint for each one clerk, and may remove the same for good and sufficient cause. The salary of the superintendents shall not exceed one hundred dollars per month, and the salary of the clerks shall not exceed seventy-five dollars per month. Such salaries and the expenses of such bureaus shall be paid in the same manner as other expenses of the bureau of labor statistics.

Sec. 10086. The superintendent of each free public employment bureau shall receive and record, in a book to be kept for that purpose, the names of all persons applying for employment or for help, designating opposite the name and address of each applicant the character of employment or help desired. Such superintendent shall also perform such other duties in the collection of labor statistics and in keeping of books and accounts of his bureau as the commissioner may require, and shall report monthly to the commissioner of labor statistics the expenses of maintaining his bureau.

Sec. 10087. Every application for employment or help made to a free employment bureau shall be void after thirty days from its receipt, unless renewed by the applicant. If an applicant for help has secured the same, he shall, within ten days thereafter, notify the superintendent of the bureau to which application was therefor made. Such notice shall contain the name and last preceding address of the employees received through such bureau. If any such applicant neglects to notify such superintendent he shall be barred from all future rights and privileges of such employment bureau, at the discretion of the commissioner of labor statistics, to whom the superintendent shall report such neglect.

MONTANA.

Acts of 1897, page 111.

Section 7. * * * It shall be lawful for the common counsel (council?) of any incorporated city within this State to provide for the establishment of a free pub-

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lic employment office to be conducted on the most approved plans, and to provide for the expenses thereof out of the revenues of the city in which the same is established. The annual report of the commissioner of agriculture, labor and industry shall contain a detailed account of the transactions of all free employment offices within the State, showing the number of applicants for help, the number of applicants for employment, male and female, the number securing employment through said officers [offices] and the expenses thereof.

Approved March 4, 1897.

NEBRASKA.

Compiled Statutes of 1881—Tenth Edition, 1901.

Section 3318a. The commissioner of labor is hereby authorized and directed, within thirty days after the passage of this amendment, to establish and maintain in the office of the bureau of labor and industrial statistics and in connection therewith, a free public employment office. The deputy commissioner shall receive all applications for help made to him by any person, company or firm, and all applications made to him for employment by any person or persons and record their names in a book kept for that purpose, designating the kind and character of help wanted or the kind and character of employment desired, and the post-office address of the applicant. It shall be the duty of said deputy to send by mail to all applicants for help, the name and post-office address of such applications for employment as in his judgment will meet their respective requirements and such other information as he may possess that will bring to their notice the names and post-office addresses of such unemployed laborers, mechanics, artisans or teachers as they may require. No compensation or fee whatsoever shall directly or indirectly be charged or received from any person or persons applying for help, or any person or persons applying for employment through the bureau of labor. Said deputy or any clerk connected with the bureau, who shall accept any compensation or fee from any applicant for help or any applicant for employment, for services as provided in this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars for each offense, or imprisoned not to exceed thirty days. Any application for help or any application for employment made to said office shall be null and void after thirty days from its receipt by said deputy, unless renewed by the applicant. Every applicant for help shall notify said deputy commissioner by mail immediately after the required help designated in his or her application has been secured, and every applicant for employment shall notify said deputy immediately after securing the same. Such notice shall contain the name and last preceding post-office address of each employer or employee secured through such employment office, and any failure or refusal to thus notify said deputy commissioner shall bar such applicant from all future rights and privileges of said employment office at the discretion of said deputy. Applicants for help shall be construed to mean employers wanting employees, and applicants for employment shall be construed to mean persons wanting work to do. * * *

WEST VIRGINIA.

Chapter 15, Acts of 1901.

Section 1. The commissioner of labor is hereby authorized to organize and establish, in connection with the bureau of labor, a free public employment bureau, for the purpose of receiving applications from persons seeking employment and applications from persons seeking to employ labor.

Sec. 2. No compensation or fee shall be charged or received directly or indirectly from persons applying for work, information or help through said department. The commissioner of labor is hereby authorized to employ such assistance, and incur such expense as may be necessary to carry into effect the purpose of this act. But such assistance and expense shall not exceed five hundred dollars per annum.

Sec. 3. The expenses of the employment bureau shall be paid in the same manner and way as other expenses of the bureau of labor, and there is hereby appropriated five hundred dollars to carry out the provisions of this act.

Approved February 15, 1901.

WISCONSIN.

Chapter 434, Acts of 1903.

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

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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.

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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 [illegible] 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 can not 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.

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LAWS OF FOREIGN COUNTRIES RELATING TO EMPLOYEES ON RAILROADS.

BY LINDLEY D. CLARK, A. M., LL. M.

The general subject of foreign labor laws was presented in a series of articles published in the bulletins of this office, Nos. 25 to 33, from which, however, the subject of railway labor was excluded. Railway employments have been discussed in several special articles which have appeared from time to time, but as these confined themselves mainly to the economic phases of the subject, legislation was but lightly touched upon. It is the purpose of this review to present the laws and decrees in force in commercial countries other than the United States, which have for their object the fixing of the conditions of labor employed in the operation of railways, including provisions as to the conditions of employment and discharge, the employment of women, the regulation of the hours of labor and of holidays, the determination of wages, the right of organization, penalties for the abandonment of service, etc.

No special compilation of either railway laws or of labor laws was available in the case of most of the countries, while those in existence had generally to be supplemented by examinations of the more recent enactments. It was necessary, therefore, to search through a considerable body of general legislation in order to find the desired material. Besides special treatises on the railway laws of Austria-Hungary and Germany, general compilations examined were the Annuaire de la Législation du Travail, nine volumes, published by the Belgian labor office; the French Annuaire de Législation Étrangère, thirty-two volumes, and the Zeitschrift des Zentralamtes für den internationalen Eisenbahntransport, twelve volumes, published at Berne. Some data were also obtained from the gazettes or bulletins of the labor offices of Canada, France, Italy, and of the British Board of Trade, and from the Archiv für Eisenbahnwesen, the organ of the Prussian State railways office. The official annual publications of the laws and decrees of Austria, Belgium, France, Germany, Great Britain, Italy, Netherlands, and Spain were examined for a number of years, usually ending with the year 1905.

The arrangement of material is by topics rather than by countries, and the form is that of a summary statement or digest, without any attempt to reproduce in full the language of the original law.

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CONDITIONS OF EMPLOYMENT, DISCHARGE, ETC.

BELGIUM.

A decree of November 15, 1877, provides that employees on State railways below the rank of the administrative personnel shall be employed and dismissed by chiefs of service under conditions fixed by the minister of railways, posts, and telegraphs. Prior to employment applicants must show that they are native or naturalized Belgians, and, if persons with a trade, that they are not more than 35 years of age; or if without a trade that they are not over 32 years old; they must also furnish a certificate of morality and good conduct, and a statement showing that they have complied with the laws as to military service; and, lastly, must pass a satisfactory medical examination by an approved physician.

Employees who leave service for any reason will not be reinstated. This rule may be waived on recommendation of a chief of service and a showing that the person's age and other qualifications meet the requirements for employment, if the applicant's record and the cause of his leaving service are not open to exception.

Employees discharged for lack of work or because of unfitness for duty, if after 6 months' service, are to be allowed 15 days' pay; after one year's service, 30 days' pay; and after two years or more, 45 days' pay. These sums will not be paid, however, if misconduct was the occasion of the discharge.

Employees who incur disciplinary penalties three times in a year may be discharged.

CANADA.

The Canadian railways act of 1903 makes an engineer or conductor who is intoxicated while on duty liable to imprisonment for a term not exceeding 10 years in length. Any employee who violates a by-law or other regulation of which he has due notice, if such violation causes injury to person or property, or exposure to increased danger though without injury, may be punished by imprisonment for a term not exceeding 5 years in length, or a by fine of not more than $400, or by both fine and imprisonment.

FRANCE.

Employment as engineers and firemen is restricted by a decree of March 1, 1901, to such persons as have procured certificates of capacity, of a form to be determined by the minister of public works.

GERMANY.

A number of ordinances and decrees affecting conditions of employment have been promulgated in the German Empire from time to time. The following regulations, fixing the minimum requirements

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for applicants for positions in the State railway service, were promulgated by the imperial chancellor March 8, 1906.

Employees entering service for the first time must be not less than 21 nor more than 40 years of age. Males more than 40 years old who are partially incapacitated may be employed as watchmen, porters, platform attendants, and gatemen; and females more than 40 years of age may serve as gate keepers and station attendants. Technically skilled machinists may act as locomotive firemen before completing their twenty-first year. Other exceptions are allowable only on action by the local authorities.

The general requirements for employment include physical capacity, good hearing and sight, ability to distinguish colors, and satisfactory character. Officials must be able to read German and Roman print and script, to write legibly in German, and, where necessary in their employment, to compute in the four elementary operations. Detailed provision is made in the case of each class of employees, as watchmen, porters, brakemen, engineers, etc., giving the specific requirements as to knowledge of particular duties and of the appliances with which each must work; and for the higher classes of employment, the length of preliminary employment in the lower grades, and the periods of training and of probationary service that must precede permanent appointments. The restrictions as to probationary employment and age limits do not apply in the case of those officials and employees who are connected with the military branch of the railway service.

On the State railways of Prussia and Hesse, as prescribed by a law of April 1, 1902, the personnel is classed either as officials of the State or as employees for wages. Nominations are, in general, for a probationary period, followed by a revocable contract, and subsequently, in proper cases, by a permanent appointment. Until permanent appointment, unless in exceptional cases, all engagements are made under conditions of monthly wage payments.

Applicants for positions definitely provided for in the budgets must meet the required conditions, especially those as to prescribed examinations. Ticket stampers and other station employees, locomotive and train employees, switchmen, watchmen, road employees, and the like, are not enumerated in the budgets, and are employed under revocable contracts. Agents of the lower and middle grades employed in budget positions may take permanent appointments after they have served satisfactorily for at least five years.

A law of July 14, 1888, contains the provision that employees on Prussian State railways must have no affiliation with societies opposed to law and order.

A decree of the Prussian minister of public works issued December 17, 1894, and subsequently amended in various points, forbids workmen employed in the State railway service to engage in their leisure

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time in work in the private interests of railway officials, and especially of those to whom are intrusted the employment and discharge of workmen or the inspection and management of the service. Written permission is required for specific persons and occasions, if exceptions are at all allowed.

Provisions as to the termination of the labor contract of railway employees in Prussia were made in the law of July 14, 1888, which provide that such contract may, in the absence of special agreements to the contrary, be terminated by either party without notice within the first 4 weeks of service, and after this time, but without preventing an earlier release in cases of mutual agreement, on notice by either party given 14 days in advance. If any other than the prescribed term of notice is agreed upon, it must be the same for both parties.

Dismissal without this notice of 14 days may take place when an employee has used deception in the matter of the labor contract; if he is guilty of theft, embezzlement, immorality, etc.; if he leaves work without authority or persistently neglects his duty; if he is careless with lights or fire in the face of warnings; if he is guilty of violence or gross acts of injury to his superiors, their deputies, or members of their families, or of deliberate and illegal acts which cause injury to the management or to his fellow workmen. Such discharge is not allowable after the facts have been known to a superior for more than one week. Before the discharge takes effect the employee is to have opportunity to make a statement and to establish the facts in the case at a hearing. Witnesses may be brought in where needful, and proofs may be submitted in writing.

A workman may leave the service without notice if he becomes unable to work; if his wages are not paid when due, or if his superior defrauds him; if the work exposes life or health to discovered dangers not known at the time of entering into the contract; if his superiors or members of their families are guilty of acts or attempts of an illegal or immoral nature against him or his family, or if they or their deputies commit acts of violence or gross injury to him or members of his family. For the last-named cause action must be taken within one week after the facts come to the employee's knowledge, in order to justify withdrawal without notice.

Damages for unwarranted discharge without notice may be allowed only in so far as actual injury results, and only to the amount of the consequent loss in wages for the period of notice. This will not be allowed where other employment was immediately secured.

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GREAT BRITAIN.

According to the railways regulation act of 1840, any engine driver, guard, porter, or other employee of a railway company is liable to arrest for intoxication while on duty, or for committing any offense against the regulations, or for willfully, maliciously, or negligently doing or omitting to do any act whereby life, limb, or the works of the railway are endangered. The penalty may be imprisonment, either with or without hard labor, for a term not exceeding 2 months, or a fine of not more than £2 ($9.73).

NETHERLANDS.

According to the provisions of a royal decree of October 27, 1875, amended by subsequent decrees, employees on railways must be able to read and write, and must possess normal powers of sight, in so far as these qualifications affect their service. A person seeking employment as a locomotive engineer must be at least 21 years of age, must have been employed for not less than one year in a locomotive works, and for a like period as a pupil engineer or as a fireman on a locomotive, and must give proofs of competency and pass an examination covering the necessary railway laws and regulations. Firemen must be able to stop and reverse a locomotive.

SPAIN.

The termination of contracts of employment of railway employees is regulated by a decree of February 15, 1901. This decree provides that locomotive engineers and firemen, telegraph operators, and chiefs at stations must give 15 days' notice of their intention to leave service, while 10 days' notice will be required of all other employees; if this is not given, they will be considered as having abandoned their posts. Companies desiring to dismiss their employees are required to extend notice of the same duration. If the dismissal is in consesequence of insubordination, misconduct, or of a fault such as affected or might have affected the safety of the operation of the road, it may be put in effect as soon as the fault is proved and a Government inspector is informed thereof.

The above decree does not apply where provisions incompatible therewith are incorporated in the rules of the company or in the contracts of employment.

SWITZERLAND.

Employment on State railways is restricted by a Federal law of October 15, 1897, to resident Swiss citizens. This limitation does not apply to persons employed on lines lying in foreign territory and operated by the Confederation.

The term of service of officials and employees is fixed at 3 years, the same as for other Federal officials.

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VICTORIA.

According to the railways acts of 1890, and subsequent amendments, employees on State railways are required to pass an examination, after which they may be appointed for a probationary term of 6 months, to be followed by permanent appointment. No probationer is appointed permanently until he takes out a policy of insurance on his life, payable at his death, if that occurs before the age of retirement; or if he survives, payable as an endowment or an annuity at that time. Employees are retired at the age of 65 years unless they are directed to remain longer in service, and are able and willing to do so.

Persons who have been employed as day laborers for not less than 5 years may be appointed to permanent positions without probation, on passing the proper examinations. The examination may be waived if it is held not to be necessary to determine the qualifications of the individual for the position to be filled. Insurance must be taken out, however.

Persons outside the service and of known ability may also be appointed without examination, but only in case there is no qualified person in the service to accept promotion to the position. Promotions usually follow rank, though in the higher grades of service, competitive examinations are held.

EMPLOYMENT OF WOMEN.

AUSTRIA-HUNGARY.

Under the law of August 30, 1894, females applying for positions in the railway service must have the necessary mental and physical ability and be able to read and write, if necessary for the discharge of the duties of the position sought. They may be employed as gate keepers and signal tenders, but not, as a rule, in connection with the maintenance of way. Competent females may, however, by way of exception and in view of local conditions, be given positions as inspectors for the purpose of policing the road.

The particular classes of employment are designated more in detail as follows:

As substitutes for watchmen at gates and signal stations while the attendants are taking their rest; as assistants to watchmen who have two posts sufficiently near together to allow a woman to attend to gates and signals with the cooperation of the watchman; as attendants during the absences of watchmen, so as to render service in case of emergency, particularly to have the care of gates and signals while a watchman is engaged in service as track inspector.

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NETHERLANDS.

The railway act of August 18, 1902, which closely follows a royal decree of October 27, 1875, states that women may be employed as track watchers and as gate keepers. They may be admitted to employment in other positions affecting the safety of railway operations only in case that proposals therefor, made by the directors of the companies, are approved by the supervisory council of the Government.

HOURS OF LABOR AND REST, HOLIDAYS, ETC.

AUSTRIA-HUNGARY.

A decree was promulgated by the imperial railway office in 1898, setting forth the requirements as to the hours of labor and rest on State railways, and embodying a request to private companies that they conform thereto as closely as possible. By this decree it was provided that the term of daily employment shall be held to include both the time of actual work and that during which the employee is on duty subject to orders, as well as the time necessary for the assumption and turning over of work. Journeys of employees to and from their posts of duty are not to be included in the rest time, but equitable account must be taken of the time necessary for track watchmen who are compelled to reside at a distance from their posts to go from their homes and to return.

The daily service required of locomotive and train employees must not exceed an average of 11 hours, calculated for each month. Continuous service at any one time in the regular operation of trains must not exceed 14 hours. On local passenger and freight trains a maximum day of 18 hours may be authorized if the work is broken by sufficient rest periods, or if the burden of such service is held by the proper authorities not to be excessive. The normal turn of service for engineers and firemen within the schedule limits is fixed at 9 hours on passenger and 12 hours on freight trains. A period of unbroken rest must precede and follow each turn of service, and is fixed for employees on locomotives and trains at not less than 10 hours if passed at home and 6 hours if away from home. After two turns of service of more than 10 hours each a rest at home is to be allowed, which must fall, if possible, between 7 p. m. and 7 a. m.

For other classes of employees, on lines where there is complete night and day service, the length of the work period may be 12 to 16 hours, with rest periods of the same length. If necessary, the work periods may be prolonged to 18 hours, in which case the rest periods preceding and following must be of like duration. A rest period of at least 8 hours is required for all station employees, track inspectors, and all employees actively and permanently connected with the service. Employees not in train service may not be employed in night work for more than 7 consecutive nights.

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Where employment is particularly exacting, as at certain principal stations, 12 hours' labor should customarily be followed by 24 hours' rest; while if it is less taxing, and especially if broken by repeated rest periods, it may be prolonged to 18 hours, to be followed by at least 12 hours' rest.

If the night service is only partial and employees enjoy definite intervals of rest during work time, the period of unbroken rest may be reduced to 6 hours for other than train employees if it falls between 9 p. m. and 7 a. m. The same schedule applies to signal and switch tenders where the duties are light. On lines having frequent train service, signal men who also attend gates may work 12 hours, after which they shall have 12 hours' rest. Track watchmen on important lines may serve 16 hours and rest 8, but if service is not continuous it may be prolonged to 18 hours, with a proportionate increase of the rest period.

Work shifts must be so arranged that each employee may enjoy, at least twice each month, an unbroken rest of not less than 16 hours' length, preferably during the daytime. Where this is not done, a full day of 24 hours must be allowed at least once each month. Each employee must be allowed, by special arrangement if necessary, to attend divine worship at least one morning a month, on Sunday or a feast day, but not necessarily occupying the entire morning.

BELGIUM.

According to the provisions of a decree of November 15, 1877, leaves of absence may be granted to employees on State railways of not more than 15 days' length per year. Such leave is to be granted by directors and chiefs of service, though an immediate superior of any employee may grant him leave of not more than 3 days' length. The minister of railways, posts, and telegraphs may credit such employees as he may designate with their earnings corresponding to the days of rest regularly allowed to an amount not exceeding pay for 12 days in any one year.

A law of July 17, 1905, provides in general for a weekly rest day on Sunday. For employees engaged in transportation service on land, however, a half day may be granted each week, or a day every two weeks. Such day or half day is not required to fall on Sunday, nor need it be the same for all employees. The half day of rest should fall either before or after one o'clock, and not more than 5 hours' labor may be required on the day on which it is granted.

On State railways the days of rest are to be arranged for in the regulations. The same rule applies to other railways in so far as the provisions of this act are approved by the minister of railways, posts, and telegraphs.

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FRANCE.

The hours of labor and rest of engineers, firemen, and employees engaged in train service were fixed by decrees bearing date of November 4, 1899, amended May 20, 1902, and May 9, 1906. An order applying to station employees was issued on the 23d of November, 1899, while the hours of labor of those engaged in the supervision and maintenance of way are regulated by an order of October 10, 1901. All the above were issued by the minister of public works, and are applicable to the railroads controlled by the State and by the companies operating the principal systems of the country. The enforcement of the regulations as to the hours of labor of engineers, firemen, and train and station employees on State railways is intrusted, by an order of February 13, 1901, to "committees of labor," made up of the heads of the various departments concerned and of representative employees.

From 1883 to the dates named above the hours of labor of engineers, firemen, conductors, and brakemen had been fixed at not more than 12 hours daily, including the time of their obligatory presence at duty points before and after actual employment, while the hours of labor of switchmen had been fixed at 12 per day as early as 1864.

According to the later provisions the hours of labor of engineers and firemen must not exceed an average of 10 per day in actual employment. On no day may they exceed 12, nor may the total on 9 consecutive days, counting from midnight to midnight, exceed 90 hours of actual work. This period must also include principal rest periods to an amount of 90 hours. Each period of labor is to be preceded and followed by principal rest periods, which may be separated from each other by intervals of not more than 17 hours.

Principal rest periods are only those that have an unbroken duration of at least 10 hours if passed at the home of the employee or of not less than 7 hours if away from home. The reduction of two consecutive rest periods to less than 10 hours each is forbidden and the sum of two consecutive periods must amount to at least 17 hours. A rest of not less than 30 hours' length is to be allowed all engineers and firemen engaged in road service once in 10 days, on an average. Where the engineer or fireman is not required to sleep away from home at any time the 30-hour rest periods may be reduced in number to one per fortnight. Such rests are to be reckoned at their length, less 20 hours, in making up the nine-day average mentioned above. Employees will be regarded as not having to sleep away from home only in case their daily duties allow them an unbroken rest of 10 consecutive hours at home between 6 p. m. and 12 m.

For locomotive employees in yard service, a rest of at least 30 hours is to be allowed every 15 days on an average or of 24 hours every 10

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days, if the engineer is assisted by a fireman. If the engineer works alone, the intervals are to be reduced to 12 days and 8 days, respectively. In making up the 9-day total, these rests are to be computed at their actual duration, minus 20 hours or 14 hours, in accordance with their minimum length of 30 hours or 24 hours, as the case may be.

The interval between two holidays may not exceed 20 days for either yard or road employees. The men are not subject to call on these holidays and may be absent from their homes if they so desire.

The time spent by employees in reserve, if they are required simply to remain at the stations without having to perform any duties, is to be reckoned as one-fourth work time and three-fourths rest, in making up the 9-day totals. Time actually spent by reserve employees in the preparation of their locomotives is counted as work time, as is also all time spent in the performance of any other duties, whether or not connected with the care or operation of their locomotives. Time spent simply in reserve, when it amounts to 7 hours after the deductions indicated above have been made, may be counted as a rest period away from home, but no single reserve period can be counted as more than a 7-hours' rest. The length of a workday following reserve duty is restricted to 12 hours.

Schedules of service, showing the duty period of each employee, and the time allowed for rest, are to be prepared by the companies and posted where the employees can see them. These schedules must also be submitted to the proper Government authorities. Provision is made for the revision of improper schedules, and for monthly reports showing all deviations from the regular schedule occasioned by accident or otherwise. Prolongation of service beyond the schedule limits can not be offered as a justification for the abandonment by employees of their posts while engaged in public service. Violations are to be reported, however, a special register being kept at each station for that purpose. The provisions named in this paragraph are common to all the decrees and orders named above.

The provisions for the hours of labor and rest of other employees on trains differ from the above in a number of particulars. Thus, instead of a 9-day period for determining the daily average of 10 hours' labor and 10 hours' rest, a 14-day period is used, the totals being restricted to a maximum of 140 hours of labor and a minimum period of rest of equal length. Instead of an absolute maximum of 12 hours' labor in any one day, a maximum of 12½ is allowed on condition that a subsequent rest at home be granted of not less than 12 hours' length. This rest should immediately follow the prolonged work period, or the next one; in the latter case the second work period may not be longer than 8 hours. Where employees do not have to pass the night away from home, the average day's work may be 11

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hours, and the principal rest period be reduced to 9 hours. Only such employment is regarded as not requiring employees to sleep away from home as permits unbroken rest at home of at least 9 hours, between 6 p. m. and 12 m.

Rest periods must be at least 9 hours in length if spent at home, and 7 hours if away from home. No two consecutive rest periods may be of less than 9 hours' length, nor make a total of less than 16 hours. A holiday of at least 24 hours is to be granted every 15 days on an average, and not more than 30 days may elapse between two such holidays. These holidays are to be reckoned at their actual length, less 14 hours, in making up the 14-day average.

The schedule time of through freight and passenger trains is to be diminished by 10 per cent in making up the total of the working time. In other respects the regulations are the same for the trainmen as for locomotive employees, except that in the case of trainmen no mention is made of reserve periods spent at home.

Depot and station employees may be required to work 12 hours per day, with periods of unbroken rest of at least 9 hours' duration, though these may be reduced to 8 hours where the employee is lodged on the premises. Shorter rest periods are to be allowed for the taking of meals near the middle and toward the close of the day. One holiday or 2 half-holidays per month must be allowed employees of this class. The holidays for 2 months may be allowed to accumulate, but not more than 2 months may pass without a holiday. Such a day includes the entire interval between 2 consecutive nights of rest. A half holiday begins or ends at the middle of a customary day of labor, and must be immediately preceded or followed by a night of rest. These days and half-days are entirely at the disposal of the employees, and may be spent away from home if they so desire.

At stations having both night and day service night service shall not be required of any employee for more than 14 consecutive nights. When the change is made from day or night service to the other shift, an unbroken rest period of at least 24 hours must be allowed. Employees enjoying this privilege are not granted the monthly holidays or half holidays mentioned above. Where night service is especially heavy, the minister of public works may require the alternation of shifts after 7 nights of duty, or such other number up to 14, as he may approve. Employees at small stations and stopping places requiring the attendance of but a single person and at which there are not more than 3 trains daily in each direction may be required to serve for more than 12 hours, but their principal rest periods may not be reduced below 8 hours.

Watchmen, signal and gate keepers, and employees charged with the inspection and maintenance of ways may be required to work not more than 12 hours per day, with an unbroken rest of at least 9

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hours, or of 8 hours where they lodge on the premises. Ten hours is the minimum, however, for employees where a female gate keeper is employed, and the male employee is required to rise at night at the call of the public. A rest of about one hour for meals is to be allowed in the middle of the day; and if the work period exceeds 11 hours in length, there must be an additional interval of rest, about one-half hour in length, either in the morning or afternoon. Suitable warmed shelters must be furnished at posts of duty where employees may eat.

At points requiring night as well as day service, where males alone are employed, the same provisions are applicable to consecutive night employment and rest periods at change of shifts as in the case of station employees. The positions of permanent attendants at gates and semaphores may be filled by females for the day service and by males at night without alternation. Such employees are entitled to an uninterrupted holiday of 36 hours' length each month. Where the employees concerned are husband and wife, they may, if they desire, enjoy the holiday simultaneously for the term of 24 hours.

GERMANY.

A law of the Confederated States, enacted in 1899, prescribes for locomotive employees (engineers and firemen) a workday of not more than 10 hours' length on a monthly average. If the service is light, however, as on secondary roads, it may be 11 hours long. No single day of work may exceed 16 hours in length. In case of such length, service must be broken by rest periods and followed by a prolonged rest, to be passed at home and to be at night if possible. The time of route service may in no case exceed 10 hours, including stops at stations where employees can not leave their posts, and including also the time for taking up and turning over their work and for coming from their homes and returning. If the work is continuous or exhausting, the average day is reduced to 8 hours and the maximum to 10.

The provisions as to train employees are practically identical with the above, except that the average workday is given a length of 11 hours.

Where station service is exacting and continuous, 8 hours constitute the average day's work, with a maximum of 10 hours. In other cases the average may be 12 hours, with a maximum of 14; or, if the service is light and broken by long rests, it may be extended by way of exception to as long as 16 hours. Gate keepers and guards at minor stopping places may be employed for not more than 14 hours daily, unless where the service is light, when the day may be fixed at 16 hours. If gate keepers can reside only at a distance from

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their posts, the time required to go to and from work is included in the work time.

The rest periods include only the time when employees are exempt from duty and from preparation therefor, and must continue without interruption, in order to be counted as such within the meaning of the law, for at least 8 hours in the case of station employees and gate keepers, and for 8 hours for train and locomotive employees, if the time is spent at home, or 6 hours if away from home. For these latter classes, however, the 6 or 8 hour period will be counted as rest only when falling between periods of service which are preceded or followed by a rest of at least 10 hours' length at home. Shorter periods than those designated above are to be included in the account of the time spent in service.

Every active employee in regular service is entitled to two holidays per month; or, if service is light, to one holiday. These days must be not less than 24 hours in length.

Night work may be engaged in for not more than 7 nights consecutively.

In Prussia it is provided that employees whose duties require labor on Sundays and feast days must be given opportunity to attend worship every second, or at most every third, Sunday. If the semimonthly holidays prescribed by the general law can not be so arranged as to suffice for such attendance, other time is to be allowed therefor without being counted as absence from service or as rest time.

GREAT BRITAIN.

By a law of July 27, 1893, the board of trade is authorized to investigate representations that the employees of any railway company are required to work for an excessive number of hours, or that sufficient intervals of rest are not allowed, or that insufficient relief is afforded in the matter of Sunday labor. If the investigation discloses reasonable grounds for complaint, the board of trade may direct the company to submit a schedule of service such as will bring the actual hours of labor within reasonable limits, regard being had for all the circumstances of the traffic and the nature of the work.

ITALY.

The first effort of the Italian Government to definitely fix the hours of labor of railway employees is to be found in a decree of June 10, 1900. This was superseded by a decree of November 7, 1902, the provisions of which are given herewith.

The average duration of a day's labor of locomotive engineers and firemen, inclusive of the reserve days, days subject to orders, and days of rest, must not exceed 10 hours. The hours of labor include the time of actual service, counting from the moment when

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the employee is required to be present on duty until the time when he is permitted to leave, together with intervals between the arrival and departure of trains, when such intervals are not more than one and one-half hours in length. Time required to go by train to the place of duty and to return, and the time during which employees must be on their locomotives subject to orders to go to the relief of any train, are also computed as work time. There is a further provision for counting as work time a portion (one-fourth or one-half, according to circumstances) of the time spent in reserve, during which the employees are subject to orders, but are not required to remain at their engines.

Actual working time, or the time considered as such, should fall within a period of not more than 17 hours' length, which must be both preceded and followed by periods of unbroken rest. The maximum work time within such a period is fixed at 13 hours, unless the labor is broken by brief periods of rest, when the hours of labor may be increased to 14. Following each period of labor a continuous rest of at least 9 hours, if spent at home, or of 7 hours, if away from home, must be granted all locomotive employees. The hours of rest allowed away from home may include time spent simply in reserve or subject to orders, computed at the one-half or three-fourths rate, as the case may be, corresponding to the computation of work time indicated above. If the 9 hours' rest at home can not be allowed, the loss is to be compensated for by a longer rest either before or after the deviation, or by an extra rest of not less than 3 hours' length. The principal rest may be not less than 7 hours long, however. When the workday includes actual labor for more than 12 hours, each of the rest periods between which it occurs must be at least 10 hours in length. If, however, a man has been on reserve duty, or merely subject to call, he may be employed for a total of not more than 12 hours after a rest of less than 10 hours (but not less than 8 hours), on condition that compensation be made by prolonging the subsequent rest.

Of the continuous rests at home, two each month are to be 24 hours in length, without prejudice to the prescribed vacation. These rests of 24 hours may be suspended on account of pressure of work or other exceptional conditions in the service, but may not be anticipated or deferred for more than 3 months.

Locomotive employees regularly employed or belonging to the fixed reserve may not be required to do continuous night duty for more than 6 consecutive nights.

For train employees, including conductors, guards, and brakemen, the hours of labor include the schedule time of the train, the time spent in preparation for work and in turning it over, and intervals of not more than 1½ hours' length between the arrival and departure of trains. To this is added one-fourth of the time which any employee

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must spend at the stations on reserve and subject to call. The average duration of daily labor thus computed, including reserve service and short periods of rest during working time, is limited to 11 hours. The working time must fall within a period of not more than 17 hours' length, unless the day is broken by one or more periods of inactivity of not less than 4 hours' length, when the day may be prolonged to 19 hours. Actual labor, however, must not exceed 15 hours in any work period. The continuous rest which is required after each work period may be not less than 8 hours in length, if to be passed at home, or 7 hours, if away. If the 8 hours' rest at home can not be granted, it may be reduced to 7, on condition of a longer rest being granted before or after the deviation, or of an allowance of an extra rest of not less than 3 hours. When the maximum work period of 19 hours is required it is to be followed by a rest of not less than 10 hours' length; likewise if the time of actual labor in any such period exceeds 14 hours, the preceding and following rests may not be less than 10 hours long. Reserve employees may be called upon to work for more than 14 hours after a rest of less than 10 hours, but not less than 8, if only the subsequent rest be correspondingly lengthened.

Of the continuous rests at home, at least one each month is required to have a length of 32 hours, or of 24 hours only, on condition that 18 such rests are granted each year. These may be anticipated or deferred under the same conditions and limitations as in the case of locomotive employees. These rests are given without prejudice to the prescribed vacations.

The hours of labor of station employees, including track workmen, are fixed with regard to the nature of their employment. The limit named in the decree is 10 hours where the labor is difficult or taxing, and 12 hours under ordinary conditions. Where service alternates between night and day shifts, labor of the more difficult kind may be extended to 12 hours, if in addition to the hour allowed for meals there is given each week a continuous rest of 24 hours at the time of the change from night to day service, or the reverse. The time of actual labor must fall within a period of 16 or 17 hours, according as the period of unbroken rest allowed is 8 or 7 hours. The latter limit is allowed only when the employee resides in the station or at a point not more than 500 meters (1,640 feet) distant from his post of duty. Intermissions of less than 1 hour's length are to be reckoned with the work time. One hour for meals must be allowed for employees engaged in service for 12 hours continuously.

Station and track employees engaged regularly in night duty are to be so employed for not more than 20 nights per month. Where service alternates between day and night shifts, no employee may serve for more than 7 consecutive nights. The change of shifts

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may be effected by extending the length of a day's work at the time of the change to 16 hours and of the day preceding or following to 14 hours, provided that these lengthened workdays be preceded or followed by rests of 16 and 14 hours, respectively.

The regular term of daily service for gate keepers is fixed at 14 hours for males and 12 hours for females. Males must be allowed not less than 7 hours' rest besides the time required for going to and from their houses, while females are granted 9 hours' rest at night, which may be reduced to 8 hours in summer. Trackmen who also serve as gate keepers may be employed for not more than 13 hours daily, with a rest of not less than 8 hours, besides the time required for going to and from home.

The decree also contains provisions for cases of emergency occasioned by accident, etc., for the relief of employees stationed at malarial points, and for the computation of the journeys without labor taken with a view of the adjustment of the working force. The regulations apply to the classes of employees named, whether engaged in their regular duties or detailed elsewhere; also to employees of any class detailed for service in the occupations mentioned.

NETHERLANDS.

The decree of October 27, 1875, with additions and amendments up to July 13, 1905, regulates the work and rest periods of railway employees in general. Very similar provisions are found in a law of August 18, 1902, relative to the operation of trains the speed of which does not exceed 50 kilometers (31 miles) per hour.

Under these regulations employees are to be classed by the minister of waterstaat, commerce, and industry, after hearing the directors of the roads, and the hours of labor fixed accordingly. For employees whose duties require continuous labor and of an exacting nature the maximum work period is 10 hours, and only 10 hours' labor may be required in any day of 24 hours. For those whose labor must be continuous, but is of a less exacting nature, the maximum is fixed at 12 hours. This may apply to signalmen, switch tenders, and yard employees, while employees who engage during a part or all of their time in road inspection may be required to work 16 hours. No employee may be required to work more than 16 hours in any single day, nor more than 168 hours in any 14 consecutive days.

If an unbroken rest of as much as 4 hours is allowed an employee near the middle of the day, at the place of his duty, one-half such period may be excluded from the account of the work time. The amount so excluded may not exceed 3 hours, however.

For all classes of employees an unbroken rest of not less than 10 hours must intervene between each two periods of service. By

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way of exception, employees at points designated by the minister, after consultation as above, may have their rest period reduced to 9 or even 8 hours. Employees are to be free from all business connected with the railway during these times. Additional short rests for meals are to be allowed, and no female employee is to be on duty between the hours of 10 p. m. and 5 a. m.

Every two weeks a Sunday rest is to be allowed, at least 24 hours in length, of which not less than 18 must fall within the 24 hours of the Sabbath day, or a similar rest may be granted every three weeks, with 9 additional holidays of 30 hours' length each year. For employees on locomotives, at signals and switches and in yards, the Sunday rest may be granted every 4 weeks, when it must be 28 hours long, with 22 falling within the hours of Sunday. Such employees are to receive 13 additional holidays of 30 hours each per year. Employees belonging to a church which observes another day of worship than Sunday may be granted such day in lieu of Sunday, on request.

The provisions as to hours of labor and hours and days of rest may be suspended by the minister of waterstaat, commerce, and industry for employees at stations of small importance and for those whose labor is not continuous. The regulations may also be modified by the directors of roads where conformity would interfere with the conduct of their business, but all modifications must be reported to the council of supervision within 8 days.

Schedules showing the labor and rest periods of each employee are to be prepared and posted, so that workmen may be informed thereof. Days are counted from midnight to midnight, and work time includes the time from the moment when the employee must be present to enter on his work up to the time when he is free to enter on a period of unbroken rest. The law of 1902 defines extraordinary circumstances, such as would warrant a departure from its provisions, as only those that can not be guarded against by proper management and foresight.

SWITZERLAND.

The hours of labor of employees on railways, in steam navigation, post and telegraphic service, including telephones, and in other enterprises of transportation operated under concessions from the Federation or managed directly by it are regulated by a Federal law, dated December 19, 1902. This law fixes 11 hours as the limit of the actual working time of officials, employees, and laborers of all kinds, which period may be reduced by the Federal Council in appropriate cases. The work period is to be divided into two parts, as nearly equal as possible, by a rest period of at least 1 hour. The time of rest is to be allowed at home where possible.

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The period of work must fall within 14 consecutive hours for persons employed on locomotives and trains, and within 12 consecutive hours for female gate keepers. The duty period is fixed at 16 hours' length for other classes of employees if they lodge in company buildings near their places of work, and at 15 hours in other cases. The hours of duty of all males may be extended to 16 when required by special conditions, provided that the periods of duty do not exceed an average of 14 and 15 hours, respectively, in any 3 days.

The rest time of locomotive and train employees is fixed at 10 hours as a minimum, and for the remainder of the force at 9 hours. The 9 hours' rest may be reduced to 8 for employees lodged in company buildings near their place of employment; while both the 10-hour and 9-hour periods may be reduced to 8 hours if circumstances require, or if longer periods of rest at home are thereby provided, but the daily average for each class may not be less than 10 or 9 hours in each 3-day period.

Night work, i. e., work between 11 p. m. and 4 a. m., is to be counted as one and one-fourth time. With the exception of night watchmen no person is to be employed at night work for more than 14 nights per month. The employment of females at night is forbidden, except as telegraph and telephone operators and as attendants at waiting and toilet rooms, charwomen, and those engaged in similar occupations.

Fifty-two holidays are to be allowed each year to all classes of employees. These must be suitably distributed, and at least 17 should fall on Sunday. Labor is to be entirely suspended for 24 hours on such days. They may be spent at home, and must always end with a night of rest. The holiday must be prolonged for at least 8 hours if it was not preceded either immediately or with only a slight interval by a prescribed rest period. In addition to these holidays, a continuous vacation of at least 8 days per year is allowed all employees on the principal systems after the completion of the ninth year of service or of the thirty-first year of life. This vacation is to be lengthened one day for each additional 3 years of service. For employees on other roads the total number of holidays and of vacation, is fixed at 60 per annum after the tenth year of service. Service is computed for the above purpose from the date of an employment on any undertaking of transportation or communication coming within the scope of this law. The withholding of salaries or privileges on account of leaves of absence taken as above provided for is forbidden.

Freight service, except for fast freight and the carrying of live stock, is prohibited on Sundays and on New Year's Day, Good Friday, Ascension Day, and Christmas. Cantons may designate 4

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additional feast days on which goods not requiring quick transportation will be neither received nor delivered.

When rest periods can not be passed at home, or when meals must be eaten away from home, places must be provided for the convenience of employees, such places to be sanitary, suitably warmed, and to contain provisions for warming the food, unless special difficulties prevent.

Employers failing to conform to the provisions of this law are liable to punishment, even though the employee may have waived his claim to the rests and holidays guaranteed by the statute. In order to facilitate the carrying out of the law, all employees are to be provided with pass books.

The execution of the above law and the promulgation of the regulations necessary therefor devolve upon the Federal Council, and in accordance with its duty in this respect the Council adopted a series of regulations on September 22, 1903. These are in general definitive and directory, but contain some new provisions as well. Thus it is ordered that when the maximum period of work or duty is exceeded by reason of delays of trains the overtime must be compensated for within the 3 following days. Continuous service for more than 6 consecutive hours is to be avoided, as well as the breaking up of the day into an excessive number of work periods.

Of the prescribed rest days, not less than 36 per year should be fixed in advance, and so distributed as to avoid intervals of more than 14 days. The time of the vacation must be determined at the beginning of the year and be so arranged from year to year that each employee will be permitted to enjoy his vacation in the various seasons. Free Sundays are not to be separated by intervals of more than 5 weeks. Cantonal feast days enumerated in the regulations of transportation are considered as Sundays. Where both husband and wife are engaged in railway service their free Sundays must be so disposed that 17 of them shall coincide. Other free Sundays should also be so arranged, if possible.

Employees in temporary service, or those whose term of employment does not entitle them to the full number of free days within any civil year, are to be allowed a number of holidays proportionate to the length of their term of service.

A vacation of 6 weeks is prescribed for women who are confined. In no case may service be resumed before the expiration of 4 weeks after confinement.

The pass or work book of each employee must contain a record of all modifications of the law that affect his particular case, together with the reasons therefor. He is also to be furnished with a list of his free days, all of which, together with a record of any deviations

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from schedule or omissions of free days, are to be open to the inspection of the department of railways.

VICTORIA.

Holidays and leaves of absence of permanent employees on railways are within the regulations governing the public service.

Conscientious refusal to work on Sunday is not ground for dismissal, except in cases where such work is a necessity. A proportionate reduction of wages may be enforced, however.

WAGES.

GERMANY.

A Prussian regulation of July 14, 1888, lays down the general rule that wages of State railway employees will be paid for only the time actually worked. In cases of temporary cessation from work, however, without fault of the employee, he may, if married or having a dependent family, receive two-thirds pay for not more than 14 days, after the manner of a military furlough, provided he has been in the service for at least one year. Workmen absent on account of the performance of military or civic duties receive wages for the period of necessary absence. In cases where personal concerns cause absence the allowance of wages rests with the management. Time lost without excuse may be adjusted for by deductions from pay, the management retaining the control of such matters entirely in their own hands, as well as that of adjustments for overtime work. Workmen regularly intrusted with the duties of subordinate officials receive pay for lost rest days. Pay for the allowed rest periods and for the time granted for attendance at church is also given to such employees as are regularly employed in duties requiring them to work on Sundays and feast days.

ITALY.

A law was promulgated on July 7, 1902, providing for the administration of the Mediterranean, Adriatic, and Sicilian railway systems from January 1, 1902, to June 30, 1905, making provision, among other matters, for maximum and minimum wage scales. These scales were published by a royal decree of August 4, 1902, increases of rates, if any, to take effect from the beginning of the year. Separate schedules were made out for each system, and general regulations were formulated to control appointments and promotions. By their own terms, this law and decree were to be in effect only until June 30, 1905, and no measures seem to have been adopted to secure their continued operation.

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FORMING LABOR ORGANIZATIONS, ENGAGING IN STRIKES, ETC.

AUSTRALIA.

The Commonwealth conciliation and arbitration act of 1904 relates to labor troubles extending beyond the limits of any single State, and includes railway labor in its provisions. By this act all persons and organizations are forbidden, under penalty of a fine of £1,000 ($4,867), to engage in or to continue a strike on account of any industrial dispute.

BELGIUM.

The only provision of the Belgian law which bears on this point appears to be that of November 15, 1877, which forbids the reemployment of persons who have left service for any reason whatever. (See under Conditions of employment, etc., above.)

CANADA.

A Canadian statute of April 28, 1877, declares that employees on railways carrying mails, passengers, or freight, who deliberately and maliciously violate their contract, knowing that the probable consequences of such action would be to delay or retard the operation of a locomotive, tender, or of freight or passenger cars on a railway, shall, on conviction, be subject to a fine of not more than $100, or to imprisonment for a term not exceeding 3 months, either with or without hard labor. This penalty applies whether the acts mentioned above are engaged in by individuals singly or by several in agreement.

FRANCE.

The railway law of France, date of July 15, 1845, directs that engineers or brakemen who abandon their posts during a run shall be punished by imprisonment, the term not to be less than 6 months nor more than 2 years in length.

GERMANY.

Section 152 of the industrial code of Germany removes all penalties and prohibitions against craftsmen and industrial employees making agreements or combinations among themselves for the purpose of procuring better wages or conditions of work. Certain classes of workmen are excepted from the provisions of this law, however, and among them are railroad employees, who are held by the Government not to be entitled to the privilege of organization. The Prussian industrial code, section 182, contains a strict prohibition against agreements for the purpose of stopping or delaying work. This law names railway service as among the undertakings to which it applies.

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ITALY.

No law on this subject exists, but when a strike of railway employees was threatened in January, 1902, the men were notified by the Government that it would regard them, in case of strike, as public officials engaging in prohibited combinations and punishable as such.

NETHERLANDS.

An act of April 11, 1903, added three new sections to the penal code, numbered 358a, 358b, and 358c, relative to interference with the operation of railways and to conspiracy by railway employees. It is provided therein that any official or employee on railroads, other than those on which speed is restricted, who, with a purpose of causing or protracting an interruption in traffic, neglects or refuses to perform the duty for which he was expressly or impliedly engaged or to obey orders legally given shall be punished by imprisonment not exceeding 6 months or by a fine of not more than 300 florins ($121). Where two or more persons conspire to commit the offense named, principals and participants are alike subject to punishment by imprisonment for a term not exceeding 2 years. If the purpose of interference is actually effected, the penalty may be imprisonment for a term not exceeding 4 years in cases where there is conspiracy, or not more than 1 year in other cases.

NEW ZEALAND.

The industrial conciliation and arbitration act of October 27, 1900, provides for industrial agreements between the minister for Government railways and the "Amalgamated Society of Railway Servants" in all respects as if the management of the Government railways were an industry and the minister were the employer of all workers thereon. Employees on these roads are thus brought within the scope of this law, which provides for compulsory agreements and awards in all cases of labor disputes.

VICTORIA.

Strikes of railway employees in this State are the subject of a special act passed May 22, 1903. This may be classed as an emergency act, and was to continue only until the close of the following Parliament, unless otherwise determined. The principal features of the act were that every employee, regular or supernumerary, who, on account of the then existing strike, should cease to discharge the duties of his employment should be considered as a striker. He would be no longer considered as an employee and would forfeit any and all rights or claims to any pension, fund, or annuity, as well as all legal privileges of every sort arising from or dependent on his position as an official or employee, except as regards any wages due at the

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time of his going on strike. Provision was made for restitution of standing and privilege in the discretion of the railway commissioners and with the consent of the governor and council.

Applicants for positions made vacant by strikes were exempted from the requirements as to insurance, examination, etc., but were required to show competency for the work; if permanently appointed they were to conform with the regulations as to insurance within one year from the date of their appointment.

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RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

CONNECTICUT.

Twenty-first Annual Report of the Bureau of Labor Statistics, for the year ending November 30, 1905. William H. Scoville, Commissioner. 278 pp.; appendix, 93 pp.

The subjects of inquiry presented in this report are the following: New factory construction, 33 pages; tenement houses, 8 pages; labor organizations, 19 pages; strikes and lockouts, 23 pages; early organizations of printers, 84 pages; free public employment bureaus, 12 pages; building trades, 27 pages; the National Civic Federation and immigration, 19 pages; inventions of Connecticut citizens, 10 pages; labor laws, 86 pages.

New Factory Construction.—Under this caption is given a list of buildings and additions erected during the year ending July 1, 1905, to be used for manufacturing purposes. Location, material, dimensions, and cost of construction are given for each new structure; also increase in the number of employees caused by building. In 40 towns of the State 136 manufacturing establishments reported having constructed 188 new buildings and additions to existing structures, with a floor space of 1,734,223 square feet, at a total cost of $1,701,730. The additional number of employees provided for by 50 of the 136 establishments was 1,390.

Tenement Houses.—Section 31, chapter 178, of the public acts of 1905, made it the duty of the commissioner of labor statistics to collect and publish data showing, for the several cities of the State to which the law is applicable, the number of tenement houses for which permits have been asked, the number of plans approved, disapproved, and modified, and any other facts concerning the operation of the law. During the six months ending December 31, 1905, there were 142 buildings, to which the tenement-house act applied, erected in the cities of Hartford, New Haven, Bridgeport, Waterbury, Meriden, and New Britain.

Labor Organizations.—In 1905 there were 516 organizations (508 local and 8 State) known to have been in existence. During each of the prior six years the number reported to the State bureau was as follows: 214 in 1899, 270 in 1900, 340 in 1901, 510 in 1902, 591 in

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1903, and 524 in 1904. The decrease in the number of organizations since 1903 is, in a measure, due to the consolidation of several unions. Organizations were found in 43 towns in 1901, in 48 in 1902, in 49 in 1903, in 47 in 1904, and in 52 in 1905. Following the statistical presentation is a list of the unions, grouped by towns, with the name and address of the secretary of each.

STRIKES AND LOCKOUTS.—Brief accounts are given under this head of the labor troubles in the State for the year ending October 31 1905, and a tabulated statement showing the date, class of labor, name of employer, location, number of employees involved, duration, causes, and results of 45 disputes. The number of employees involved in these disputes was 2,948, with a reported loss of time of 51,682 working days and of wages to the amount of $83,208. These disputes took place in 22 towns of the State, and 24 occupations were represented. In the majority of instances the assigned cause or object related to wages, hours of labor, and the employment of non-union men. Of the 45 disputes, the workmen were successful in 10, unsuccessful in 19, and partly successful in 5; 3 were amicably settled, and 8 were unsettled at the time of the report.

FREE PUBLIC EMPLOYMENT BUREAUS.—The operations for the year ending November 30, 1905, of the five free public employment bureaus established on July 1, 1901, are set forth in this chapter. Detailed statements are given, showing by sex the number of applications for employment and for help and the number of situations secured. In another table the sex and nationality of the applicants are shown. A summary of the results for the year covered is given in the following table for the five cities in which the bureaus are located:

OPERATIONS OF FREE PUBLIC EMPLOYMENT BUREAUS FOR THE YEAR ENDING NOVEMBER 30, 1905.

Location.	Applications for situations.		Applications for help.		Positions secured.	
	Males.	Females.	Males.	Females.	Males.	Females.
Hartford	1,818	2,020	1,312	1,692	1,150	1,447
Bridgeport	864	2,242	807	2,232	734	1,827
New Haven	1,027	1,276	535	1,143	509	962
Waterbury	572	1,406	496	1,467	439	1,212
Norwich	223	282	106	326	162	252
Total	4,504	7,226	3,256	6,860	2,994	5,700

During the 53 months from the date of the establishment of the bureaus there were 57,602 applications for situations—25,600 by males and 32,002 by females. Employers made application for 13,734 male and 31,329 female workers, a total of 45,063 persons. As a result of the operations of the bureaus 35,569 positions were secured—12,469 by males and 23,100 by females.

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BUILDING TRADES.—In this chapter a comparison is made between the hours of labor and rates of wages which prevailed in the building trades in the State in 1893 and those which prevailed in 1905. Twenty-nine towns are embraced in the comparison. The table following shows the average percentage of decrease in hours of labor and increase in rates of wages in 1905 as compared with 1893 for each occupation in the building trades:

AVERAGE PERCENTAGE OF DECREASE IN HOURS OF LABOR AND INCREASE IN RATES OF WAGES IN THE BUILDING TRADES IN 1905 AS COMPARED WITH 1893.

Occupation.	Per cent of—		Occupation.	Per cent of—	
	Decrease in hours of labor.	Increase in rates of wages.		Decrease in hours of labor.	Increase in rates of wages.
Bricklayers	14.3	15.0	Painters	13.4	13.1
Carpenters	13.3	24.8	Plumbers	13.5	.6
Lathers	13.7	25.6	Slaters	12.4	30.7
Masons	14.0	17.4	Tin and sheet-iron workers	13.7	17.0
Masons' tenders	13.7	19.4			

LABOR LAWS.—In an appendix to the report are presented the labor laws of the State, comprising those contained in the General Statutes, revision of 1902, and amendments, January sessions, 1903 and 1905.

MAINE.

Nineteenth Annual Report of the Bureau of Industrial and Labor Statistics for the State of Maine. 1905. Samuel W. Matthews, Commissioner. 219 pp.

The following subjects are presented in this report: Factories, mills, and shops built during 1905, 4 pages; labor unions, 85 pages; lockouts, 1881 to 1900, 2 pages; manufacture of clothing, 9 pages; poultry industry, 35 pages; the Paris Manufacturing Company, 10 pages; the Lakeside Press, 6 pages; chewing gum, 2 pages; railroads, 5 pages; directory of bureaus of labor in America, 4 pages; farewell address of Carroll D. Wright to the members of the Association of Officials of Bureaus of Labor Statistics of America, 11 pages; report of the inspector of factories, workshops, mines, and quarries, 7 pages.

FACTORIES, MILLS, AND SHOPS BUILT.—Returns show that in 1905 in 93 towns 114 buildings were erected or enlarged, remodeled, etc., at a total cost of $2,303,410. These improvements provided for 3,329 additional employees.

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A summary of improvements of this character is presented for the 10 years 1896 to 1905:

FACTORIES, MILLS, AND SHOPS BUILT OR ENLARGED, ETC., DURING THE YEARS 1896 TO 1905.

Year.	Number of towns.	Number of buildings.	Aggregate cost.	New employees.
1896	62	77	$1,055,900	1,470
1897	74	95	827,600	2,339
1898	64	72	675,100	2,024
1899	103	138	6,800,700	4,990
1900	114	167	2,174,825	5,539
1901	94	121	5,638,200	6,337
1902	91	129	2,776,930	5,017
1903	96	124	1,436,900	3,343
1904	91	113	1,175,500	3,276
1905	93	114	2,303,410	3,329

Labor Unions.—Under this title is given a list of all federations and unions reporting, together with the addresses of the secretaries. There were 2 State and 9 central federations and 212 local unions in 50 cities, towns, and plantations. Of the local unions known to exist in 1905, 7 failed to report membership and 11 sent no report. The reports give, by cities and towns, membership, qualifications for membership, initiation fees, benefits allowed, hours of labor, wages, etc. The 194 local unions reporting comprised a membership of 13,798.

There were 100 labor unions, with 6,924 members, which reported for the year as to average days worked and lost and average daily and annual earnings. A summary of these returns is presented in the following table:

STATISTICS OF 100 LABOR UNIONS, 1905.

Unions.	Number reporting.	Membership.	Average days lost.	Average days worked.	Average daily wages.	Average annual earnings.
Bakers and confectioners	1	65	12	300	$3.00	$900
Barbers	3	89	8	304	2.02	615
Boot and shoe workers	4	349	50	262	1.94	510
Carpenters and joiners	8	763	69	243	2.27	552
Bricklayers, masons, and plasterers	10	528	126	186	3.15	580
Hod carriers	2	155	84	228	2.25	505
Plumbers and steam fitters	4	75	60	252	3.05	761
Painters, decorators, and paper hangers	6	228	102	210	2.29	480
Cigar makers	5	170	30	282	2.67	760
Cotton-mill workers	6	303	26	286	2.11	603
Granite workers	9	728	76	236	1.77	418
Granite cutters	7	449	77	235	3.03	713
Paving cutters	4	100	88	224	2.63	588
Lime workers	1	250	120	245	1.80	441
Boiler makers and iron shipbuilders	1	200	50	262	2.50	655
Iron molders	4	203	50	262	2.44	636
Laborers	5	862	25	286	1.85	531
Printers	3	139	23	289	2.39	692
Paper makers	5	247	9	303	2.58	782
Pulp sulphite, and paper mill workers	5	278	....	321	1.66	534
Locomotive firemen	2	186	....	327	2.32	758
Trainmen	1	434	12	300	2.05	615
Stationary firemen	3	115	....	349	1.87	651
Suspender workers	1	8	25	287	1.65	475

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Under this chapter is also a history of the strikes occurring during the year, together with a discussion of the trade agreement as a method for the settlement of industrial disputes.

LOCKOUTS IN MAINE, 1881 TO 1900.—This chapter is compiled from the Sixteenth Annual Report of the United States Commissioner of Labor.

MANUFACTURE OF CLOTHING.—This investigation, made in 1905, covered 30 establishments, located in 18 cities and towns, engaged in the manufacture of clothing for men and boys, women's clothing, knit goods, and horse nets. In the 30 establishments 1,312 working people were employed (234 men and 1,078 women), while over 1,000 persons were employed more or less of the time in their homes. In 19 establishments all the work was done in the factory, and in 11 more or less of the work was given out to be done in homes. The hours of labor were 10 in 15 of the establishments, 9½ in 2, 9 in 11, and 2 did not report as to hours. The average weekly wages of men were $10.82 and of women $6.78. The total value of product for the year was estimated at about $2,200,000. Of the total establishments, 18 manufactured on their own account, while in 12 work was done for parties outside of the State.

POULTRY INDUSTRY.—As indicated by the title, this chapter relates to poultry products. Returns were received from 54 poultry raisers of the State. Information as to poultry houses, feed, care, and other requirements, as well as production and prices, are given for several localities.

RAILROADS.—For the year ending June 30, 1905, there were 8,773 persons, including general officers, in the service of the 20 steam railroads operating in the State. The aggregate amount of wages, including salaries, paid during the year was $4,789,393.20. The number of employees, excluding general officers, was 8,710, an increase of 403 over 1904. The total number of days worked by employees, other than general officers, was 2,452,083, and the total amount paid this class of employees in wages was $4,619,639.07. The average daily wages of the same class was $1.88, an increase from $1.86 for the year 1904. A statement is presented showing for the years 1903 and 1904 the total mileage, gross earnings, passengers carried, freight hauled, passengers per mile, freight miles, etc.

Accidents on steam railroads for the year ending June 30, 1905, resulted in 42 persons being killed and 176 injured by the movement of trains. Of those killed, 19 were employees and 23 were other persons, no passengers being killed. Of those injured, 91 were employees, 31 were passengers, and 54 were other persons. On the street railways accidents resulted in 8 persons being killed and 79 persons injured.

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CHILD LABOR.—In the report on factory inspection a table is presented in which it is shown that the number of children working under certificate during the year in certain manufacturing establishments of the State was 813. The following table shows for the years 1902, 1903, and 1904 the average number of children under 16, between 16 and 15, and under 15 years of age employed in 16 cotton and woolen mills:

CHILDREN UNDER 16 YEARS OF AGE EMPLOYED IN COTTON AND WOOLEN MILLS, 1902 TO 1904.

Year.	Between 15 and 16 years of age.	Under 15 years of age.	Total under 16 years of age.
1902	485	234	719
1903	428	157	585
1904	426	323	749

NORTH CAROLINA.

Nineteenth Annual Report of the Bureau of Labor and Printing of the State of North Carolina, for the year 1905. H. B. Varner, Commissioner. 382 pp.

This report consists of 8 chapters, as follows: Progress of agriculture, 86 pages; trades, 45 pages; miscellaneous factories, 66 pages; cotton, woolen, and knitting mills, 55 pages; furniture factories, 18 pages; newspapers, 39 pages; railroad employees, 9 pages; the health and pleasure resorts of the State, 29 pages; appendix, 23 pages.

PROGRESS OF AGRICULTURE.—The report on this subject was compiled from returns secured by correspondence with representative farmers residing in different sections of the State. It is presented in 6 tables, as follows: Condition of land and labor; wages of men, women, and children; cost of production; market price; profit on principal commodities, and the educational, moral, and financial condition of farm laborers. From the summary the following data are taken: Labor was reported scarce in all (97) counties; 95 counties reported that negro labor was unreliable, 1 that it was reliable, and 1 that there was no negro labor; 54 counties reported that employment was regular and 43 that it was irregular; cost of living was reported as having increased in 95 counties and in 2 no increase was reported. The highest and lowest monthly wages paid farm laborers in each county were reported, and for men the average of the highest wages so reported was $19.84 and of the lowest $12.19; for women like averages were $12.42 and $8.28, and the average wages of children were $7.45. An increase of wages for all classes of farm labor was reported.

THE TRADES.—The data from which the tables presented under this title were compiled were secured by correspondence with representa-

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tive men engaged in the various trades. These reports of wage-earners show the daily wages, hours of labor, method and time of payment, and change in wages of each person reporting. Of the wage-earners making returns, 37 per cent reported an increase of wages, 4 per cent a decrease, and 59 per cent no change; 66 per cent made full time and 34 per cent part time; 72 per cent reported cost of living increased, 4 per cent decreased, and 24 per cent no change; 25 per cent favored an 8-hour day, 12 per cent a 9-hour day, 58 per cent a 10-hour day, 2 per cent an 11-hour day, 2 per cent a 12-hour day, and 1 per cent a 14-hour day; 83 per cent favored fixing a day's work by law and 17 per cent opposed it; 91 per cent favored compulsory education and 9 per cent opposed it. The following table gives the average daily wages of persons engaged in the various trades:

AVERAGE DAILY WAGES OF PERSONS ENGAGED IN VARIOUS TRADES, 1905.

Occupation.	Average daily wages.	Occupation.	Average daily wages.
Architects	$3.25	Miners	$1.50
Barbers	1.00	Painters	2.05
Billposters	2.00	Paper hangers	1.50
Boiler makers	3.00	Plasterers	3.60
Bookkeepers	2.33	Plumbers	3.50
Blacksmiths	1.77	Pressmen	2.25
Brick masons	3.13	Printers	2.14
Cabinetmakers	1.45	Salesmen	1.68
Carpenters	1.71	Sawyers	2.00
Firemen	2.00	Shoemakers	1.00
Foremen	1.88	Tanners	1.25
Granite cutters	3.00	Textile workers	1.67
Harness makers	1.38	Tobacco workers	1.20
Lumbermen	1.88	Watchmen	.75
Machinists	2.28	Wheelwrights	1.88
Millwrights	3.50	Wood workers	1.60

Miscellaneous Factories.—Under this classification the number of factories reporting was 428, of which 312 reported an invested capital amounting to $13,182,210, 413 the number of employees as 15,809, and 367 the number of persons dependent on them for a livelihood as 37,415. An 8-hour day was reported by 4 factories, 5 reported a 9-hour day, 299 a 10-hour day, 46 an 11-hour day, 52 a 12-hour day, while 22 did not report as to hours. An increase of wages was reported by 70 per cent of the factories, a decrease by 1 per cent, and no change by 29 per cent. Of the adult employees 82 per cent were able to read and write and of the children 88 per cent. The highest daily wages paid was $2.16, and the lowest $0.78. In 66 per cent of the factories wages were paid weekly, in 18 per cent semi-monthly, in 15 per cent monthly, and in 1 per cent daily. The tables presented show for each establishment the product manufactured, capital stock, horsepower, days of operation, hours of labor, number of employees, and highest and lowest wages.

Cotton, Woolen, and Knitting Mills.—The number of mills covered by this presentation is 287. Their aggregate invested capital

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amounted to $37,494,625. The number of spindles in operation was 2,267,625, of looms 45,663, of knitting machines 3,933, together requiring 107,058 horsepower. The number of employees reported by 85 per cent of the mills was 19,793 adult males, 16,847 adult females, and 7,582 children, a total of 44,222. The number of persons dependent upon the mills was 113,363. Of the adult employees 86 per cent, and of the children 79 per cent, were able to read and write. The average hours constituting a day's work were 10.8; the average of the highest daily wages, based on the highest wages paid to any employee by each establishment, was $2.67, lowest $0.68, for men; for women the average highest wages were $0.99, lowest $0.51, and for children the average wages were about $0.43. An increase of wages was reported by 69 per cent of the establishments, by 22 per cent no change was reported, and 9 per cent made no report.

Relative to the employment of children under 12 years of age in the factories 76 per cent of the manufacturers opposed it, while the remainder favored it or expressed no opinion; 61 per cent of the manufacturers favored compulsory education, 18 per cent opposed it, and 21 per cent expressed no opinion.

Furniture Factories.—There were 100 furniture factories which reported capital stock, power, articles manufactured, wages, hours of labor, times of wage payments, percentage of employees able to read and write, etc. From the returns the following is summarized: Aggregate capital stock reported, $2,535,398; horsepower used, 9,424; number of employees, 6,800; average highest daily wages paid adults $2.15, lowest $0.67; average daily wages of children $0.45; 91 per cent of the adults and 89 per cent of the children employed were able to read and write; 75 per cent of the factories paid their employees semimonthly, 18 per cent weekly, and 7 per cent monthly; 83 per cent of the factories reported an increase of wages and 17 per cent no increase; 82 per cent of the manufacturers opposed the employment of children under 14 years of age and 18 per cent favored it; 94 per cent favored compulsory education and 6 per cent opposed it.

Railroad Employees.—In this chapter tables are presented showing the number of employees and average wages, by occupations, for each road reporting. A separate presentation is made concerning the operation of each of nine street railways, giving mileage, capital stock, funded debt, gross earnings, operating expenses, income from operation, and from other sources, number of passengers carried, and passengers carried per mile of track.

During the year 5 passengers, 35 employees, and 74 other persons were killed, and 143 passengers, 492 employees, 13 postal clerks, express messengers, and Pullman employees, and 139 other persons were injured by the movement of trains, and 4 persons were killed and 541 injured by other causes.

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The following table shows the number and average wages of persons employed on the steam railroads of the State:

NUMBER AND AVERAGE DAILY WAGES OF RAILROAD EMPLOYEES, BY OCCUPATIONS, 1905.

Occupation.	Number of employees.	Average daily wages.	Occupation.	Number of employees.	Average daily wages.
Station agents	617	$1.13	Other shopmen	1,817	$1.20
Other station men	1,711	1.02	Section foremen	543	1.49
Engineers	633	2.89	Other track men	3,227	.90
Firemen	764	1.49	Switchmen, flagmen, and watchmen	428	1.09
Conductors	419	2.33	Telegraph operators	337	2.18
Other train men	1,058	1.12	Other employees	1,130	1.21
Machinists	431	2.20			
Carpenters	681	1.80			

Health and Pleasure Resorts.—This chapter is devoted to an account of the health and pleasure resorts of the State.

Appendix.—This consists of summarized statistics of the various industries of the State. The data were furnished by the United States Bureau of the Census, Division of Manufactures, for 1905.

RHODE ISLAND.

Nineteenth Annual Report of the Commissioner of Industrial Statistics, made to the general assembly at its January session, 1906. George H. Webb, Commissioner. 257 pages.

The following subjects are presented in this report: Textile, rubber, and fine metal manufactures, 39 pages; wages and hours of labor, 7 pages; statistics of manufactures in the city of Providence, 3 pages; census of Rhode Island, 1905, 4 pages; history of Rhode Island manufactures, 33 pages; immigration, 19 pages; free employment offices, 5 pages; directory of trade unions, 15 pages; strikes, 1905, 12 pages; the Rhode Island branch of the National Civic Federation, 6 pages; welfare work in Rhode Island, 16 pages; directory of manufacturers, 48 pages; statistics of Rhode Island manufactures, 5 pages.

Textile, Rubber, and Fine Metal Manufactures.—In this chapter comparative statistics for the years 1900 and 1904 are given for each branch of the named industries, showing number of establishments and character of organization; highest, lowest, and average number of employees; wages and number of employees 16 years of age or over, by sex, and children under 16 years of age; quantity and cost of material used; quantity and value of product, and number and character of machines in operation.

The following tables show for textiles the number of establishments and character of organization, cost of materials, value of

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product, and average number of employees and total wages paid for the years 1900 and 1904:

ESTABLISHMENTS IN THE TEXTILE INDUSTRIES CONTROLLED BY INDIVIDUALS, BY FIRMS, AND BY CORPORATIONS, 1900 AND 1904.

Industry.	Establishments in 1900 controlled by—			Total establishments in 1900.	Establishments in 1904 controlled by—			Total establishments in 1904.
	Individuals.	Firms.	Corporations.		Individuals.	Firms.	Corporations.	
Cotton goods	4	2	44	50	....	10	40	50
Woolen goods	10	8	32	50	6	5	39	50
Hosiery and knit goods	2	1	7	10	2	....	8	10
Dyeing and finishing	1	....	18	19	2	....	17	19
Silk goods	2	....	2	4	1	....	3	4
Total	19	11	103	133	11	15	107	133

COST OF MATERIALS AND VALUE OF PRODUCTS IN THE TEXTILE INDUSTRIES, 1900 AND 1904.

Industry.	Cost of materials used (including fuel and freight).			Value of products.		
	1900.	1904.	Increase.	1900.	1904.	Increase.
Cotton goods	$8,565,390	$13,927,838	$5,362,448	$19,989,684	$24,491,254	$4,501,570
Woolen goods	23,524,536	31,880,178	8,355,642	36,443,131	48,820,147	12,377,016
Hosiery and knit goods	1,734,045	2,090,289	356,244	2,658,587	2,965,556	306,969
Dyeing and finishing	2,913,993	3,056,431	142,438	7,945,191	8,500,938	555,747
Silk goods	725,417	1,279,607	554,190	1,177,780	1,820,788	643,008
Total	37,463,381	52,234,343	14,770,962	68,214,373	86,598,683	18,384,310

AVERAGE NUMBER OF MEN, WOMEN, AND CHILDREN, AND TOTAL WAGES PAID IN THE TEXTILE INDUSTRIES, 1900 AND 1904.

Industry.	1900.				1904.			
	Men 16 years of age or over.	Women 16 years of age or over.	Children under 16 years of age.	Total paid in wages	Men 16 years of age or over.	Women 16 years of age or over.	Children under 16 years of age.	Total paid in wages.
Cotton goods	8,546	7,961	1,793	$6,190,310	8,966	8,368	1,549	$6,709,453
Woolen goods	8,124	6,716	1,442	6,124,284	9,582	7,984	1,833	8,171,344
Hosiery and knit goods	424	987	144	459,922	442	915	54	486,973
Dyeing and finishing	4,332	931	251	2,336,563	4,971	1,269	256	2,776,189
Silk goods	104	305	5	150,575	264	438	104	308,687
Total	21,530	16,900	3,635	15,261,654	24,225	18,974	3,796	18,452,646

For rubber and elastic goods the cost of materials used aggregated $1,335,826 in 1900, and $1,335,449 in 1904; the value of product aggregated $2,011,982 in 1900, and $2,171,639 in 1904. Of men 16 years of age or over there were employed in 1900 an average of 418, and of 424 in 1904; of women 16 years of age or over there were employed in 1900 an average of 334, and of 310 in 1904; and of children under 16 years of age there were employed in 1900 an average of 18, and of 9 in 1904. In 1900 the total wages paid amounted to $269,445, as compared with $314,617 in 1904.

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For fine metal work (embracing jewelry, jewelers' findings, silversmithing and silverware, refining, electroplating, enameling, engraving, diesinking, and lapidary work) the cost of materials used aggregated $9,141,292 in 1900, and $11,635,037 in 1904; the value of product aggregated $15,837,063 in 1900, and $20,370,431 in 1904. Of men 16 years of age or over there were employed in 1900 an average of 4,038, and of 4,737 in 1904; of women 16 years of age or over there were employed in 1900 an average of 1,451, and of 1,627 in 1904; and of children under 16 years of age there were employed in 1900 an average of 134, and of 79 in 1904. In 1900 the total wages paid amounted to $2,897,749, as compared with $3,863,273 in 1904.

Wages and Hours of Labor.—This chapter consists of statistical tables reproduced from the Nineteenth Annual Report of the United States Bureau of Labor, 1904, and relates to wages and hours of labor in 14 selected occupations in the city of Providence, and 8 in the State at large.

Statistics of Manufactures in Providence.—The statistics of manufactures of the city of Providence for the year ending December 31, 1904, presented in this chapter, were compiled from the advance sheets of the 1905 census of manufactures, taken by the United States Bureau of the Census. Comparisons are also made with the 1900 census of manufactures.

Census of Rhode Island, 1905.—Under this title a comparative table is given, showing for the years 1895 and 1905 the population of the State by counties, cities, and towns.

History of Rhode Island Manufactures.—This chapter is devoted to a history, from colonial times, of the development of the manufacturing interests of the State, and especially relates to the industries of iron and steel, cotton, woolen, and other textiles, and jewelry and silverware.

Immigration.—Under this head information furnished by the United States Commissioner-General of Immigration is presented in tables showing for the year ending June 30, 1905, the number of immigrants coming into the State, by nationality and occupation, the number entering being 9,474. This chapter presents also the report of the chairman of the State delegation to the National Immigration Conference held in New York City December, 1905.

Directory of Trade Unions.—This is a list of 2 State, 5 central, and 148 local bodies, with the name and address of the secretary of each.

Strikes.—This presentation consists of a chronological arrangement of the strikes occurring in the State during the year ending December 31, 1905, compiled from records kept by the State labor bureau from the columns of the public press and from other sources.

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WELFARE WORK.—This section of the report is devoted to an account of the various institutions established by employers for the betterment of the industrial conditions of the working people employed in the factories and workshops of the State.

STATISTICS OF RHODE ISLAND MANUFACTURES.—Comparative statistics of manufactures for the census years 1900 and 1905 are here shown for the State, for each of the cities of Pawtucket, Providence, and Woonsocket, and for the town of Warwick. A comparative summary is also presented of six of the leading industries. The tables show number of establishments, capital invested, number of officials, clerks, etc., and amount paid in salaries, average number of employees and amount paid in wages, miscellaneous expenses, cost of materials used, and value of product. The following table summarizes these items for the State for the census years 1900 and 1905:

STATISTICS OF MANUFACTURES, ACCORDING TO CENSUSES OF 1900 AND 1905.

Items.	Census of—	
	1900.	1905.
Number of establishments	1,678	1,617
Capital invested	$176,901,606	$215,901,375
Number of salaried officials, clerks, etc	4,022	5,420
Amount paid in salaries	$5,300,576	$7,040,678
Average number of wage-earners	88,197	97,128
Amount paid in wages	$35,995,101	$43,112,337
Miscellaneous expenses	$11,098,680	$14,623,430
Cost of materials used	$87,951,780	$112,769,261
Value of product	$165,550,382	$202,109,583

VIRGINIA.

Eighth Annual Report of the Bureau of Labor and Industrial Statistics for the State of Virginia. 1905. James B. Doherty, Commissioner. 341 pp.

The subjects presented in this report are industrial statistics, 214 pages, and court decisions relating to labor, 119 pages.

INDUSTRIAL STATISTICS.—A series of tables is shown for 36 industries, giving the number of establishments in each industry reporting for the year; the value of product, capital invested, amount paid for wages, rent, taxes, and insurance, number of employees by sex and occupation, average monthly pay of persons employed on salary, and average daily wages paid in the different occupations, by sex, wage changes, number of days of operation, number of hours of daily work for each establishment, and also totals and averages for each industry. For many of the industries comparisons with 1903 are presented. Statistics are also given for coal mining, and for the operation of 6 gas works, 20 waterworks, and 38 railroads.

The following table shows for 1903 and 1904, for each of the 18 industries in the State which reported an output in 1904 exceeding

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$1,000,000, the number of establishments reporting, capital invested, value of product, and aggregate wages paid:

CAPITAL INVESTED, VALUE OF PRODUCT, AND WAGES PAID IN 18 INDUSTRIES, 1903 AND 1904.

Industry.	Number of establishments.		Capital invested.		Value of product.		Wages paid.	
	1903.	1904.	1903.	1904.	1903.	1904.	1903.	1904
Boots and shoes	(a)	4	(a)	$250,000	(a)	$1,233,683	(a)	$193,831
Breweries	[b] 6	6	$1,344,833	1,987,679	$1,148,649	1,131,849	$139,226	143,069
Carriages, wagons, and buggies	26	30	515,158	669,829	836,297	1,317,974	195,383	258,242
Cigars, cigarettes, and cheroots	44	48	868,139	914,478	4,376,844	4,384,215	873,138	1,006,589
Cotton mills	7	7	4,090,408	4,253,580	3,093,979	4,252,442	665,951	753,490
Flour and grist mills	47	116	1,303,084	2,181,981	3,828,009	8,201,910	108,695	189,883
Iron and machine works	[b] 38	44	9,269,967	10,706,426	16,075,813	13,993,058	5,019,925	4,923,531
Knitting mills	12	13	469,050	550,357	1,953,480	2,150,065	413,426	434,596
Paper and pulp mills	[b] 8	9	1,160,000	2,826,525	1,363,762	2,875,128	161,754	410,432
Printing, engraving, and bookbinding	54	66	834,174	1,060,154	1,392,333	1,690,131	384,468	467,216
Sash, door, and blind factories	[c] 9	18	[c] 252,000	507,178	[c] 708,884	1,119,978	[c] 202,365	256,759
Sawmills	[c] 95	152	(a)	(a)	[c] 4,319,610	4,746,467	[c] 1,072,828	1,324,154
Silk mills	(a)	3	(a)	700,390	(a)	1,518,505	(a)	156,125
Staves, heads, and cooperage	(a)	36	(a)	653,562	(a)	1,166,835	(a)	334,565
Tanneries	[c] 20	21	[c] 3,367,891	3,114,548	[c] 5,091,329	5,366,162	[c] 308,244	373,954
Tobacco factories	28	36	2,287,985	2,564,861	6,051,382	7,799,619	666,784	772,941
Trunks and bags	[b] 5	5	403,728	826,776	1,483,970	1,714,424	286,139	201,946
Wooden ware, baskets, boxes, and shooks	(a)	16	(a)	1,685,024	(a)	3,448,235	(a)	719,286

[a] Not reported. [b] Figures are from report for 1904. [c] Figures are for 1902.

Of 124 local general contractors in the building trades, 48 reported an increase of wages varying from 3 to 30 per cent, 1 reported a slight decrease, and from 75 no changes were reported. The value of work done by these contractors during the year amounted to $3,871,641. No data were secured from firms located outside of the State which did work within the State.

The report for 1904 is the first made on the coal mines operated in the State. Returns were secured from 12 mines, employing under ground 2,085 miners, 868 other employees over 16 years of age, and 102 other employees under 16 years of age; and above ground, 1,202 employees over 16 years of age and 55 employees under 16 years of age. Wages were paid in 11 mines monthly and in 1 mine semimonthly. The price paid per gross ton for mining bituminous coal by machinery was 25 cents in one mine and 33 cents in another, and 30 cents and 33 cents when mined by hand. Heading by hand ranged from 30 cents to 40.79 cents. In the anthracite mines the price for mining per gross ton, hand work, was 30 cents in one mine and 66 cents in another. During the year 22 persons were killed and 136 injured. There were 17,162.85 tons of anthracite and 2,266,090.66 tons of bituminous coal mined.

The report on railroads operating in the State shows for 1904 the average daily wages paid by each railroad in each occupation and the

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average daily wages paid by all railroads. The following is a summary of the data presented:

AVERAGE DAILY WAGES OF RAILROAD EMPLOYEES, 1904, AND INCREASE IN WAGES OVER 1903.

Occupation.	Average daily wages.	Increase over 1903.
General clerks	$1.86	....
Station agents	1.61	$0.08
Other station men	1.27	.12
Enginemen	4.34	.25
Firemen	2.19	.11
Conductors	3.22	[a] .03
Other train men	1.72	.03
Machinists	2.71	.29
Carpenters	1.99	.10
Other shopmen	1.70	.04
Section foremen	1.57	.02
Other track men	1.09	.08
Switchmen, flagmen, and watchmen	1.31	.04
Telegraph operators	1.77	.09
Employees, floating equipment	1.48	.09
Other employees and laborers	1.73	.35

[a] Decrease.

Railroad accidents in the State during 1904 resulted in the death of 84 employees, 24 passengers, and 146 other persons, and in the injury of 2,180 employees, 119 passengers, and 228 other persons. The following table shows the number of persons killed and the number injured in railroad accidents in 1904:

EMPLOYEES, PASSENGERS, AND OTHERS KILLED AND INJURED IN RAILROAD ACCIDENTS, 1904.

Cause.	Employees.		Passengers.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Movement of trains	81	880	24	118	145	222	250	1,220
Other causes	3	1,300	....	1	1	6	4	1,307
Total	84	2,180	24	119	146	228	254	2,527

Statistics for gas works show ownership, capacity, private and municipal consumption, price to consumers, number and wages of employees; and those for waterworks, ownership, cost of works, capacity, consumption, cost of pumping per million gallons, price to consumers, source of supply, number of employees, and wages.

COURT DECISIONS RELATING TO LABOR.—Under this heading are reproduced the decisions of courts relating to labor, as reported by the United States Bureau of Labor.

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RECENT FOREIGN STATISTICAL PUBLICATIONS.

FINLAND.

Arbetsstatistik. I. Undersökning af Tobaksindustrin i Finland. 1903. xiii, 214, 116, 48* pp. II. Undersökning af Textilindustrin i Finland. 1904. xiii, 238, 183, 123* pp. III. Undersökning af Bagareyrket i Finland. 1905. viii, 125, 106, 18* pp. På uppdrag af Industristyrelsen och under dess öfverinseende värkstäld af G. R. Snellman.

These volumes are the first three of a series prepared at the instance of the ministry of industry, embodying the results of special inquiries into the conditions of labor in certain industries in Finland. The volumes discuss, respectively, the manufacture of tobacco, of textiles, and of bakery and confectionery products. The first volume also gives some account of the development of statistical inquiry into labor conditions in various countries and of the beginning of such work in Finland. The investigation involved the filling of schedules by both employers and employees.

The method of presentation involves text statement and tables in separate sections. There are also appendixes containing detailed lists of employees by occupations, showing the number of days worked in one year and total annual and average weekly earnings. These are shown in Volumes I and II by establishments, and in Volume III by localities.

The Tobacco Industry.—The points covered by the employers' schedules included for each establishment the number of employees; the hours of labor and rest; overtime, night, and Sunday work; the giving out of home work; the labor contract and its termination; shop rules; fines; weekly earnings; times of payment; compensation for overtime and home work; wage advances; deductions for sick funds, etc.; premiums and gratuities; requirements as to medical examinations of applicants for employment and provisions for cost of same; free homes, or allowances on rentals; allowance of tobacco; free medical or hospital attendance; old-age benefits; accident insurance, and cost of same during 1901, and strikes and lockouts within the past ten years. The inquiries made of employees were equally detailed, and related to employment, social conditions, health, etc. Data were procured as to the sanitation of workrooms, provisions for lunch rooms, toilet rooms, etc.; statistics of sickness and death were also obtained.

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The number of establishments in which the manufacture of tobacco was carried on, the number of employees, and the value of products are shown in the following table for the ten-year period, 1892 to 1901:

NUMBER OF TOBACCO FACTORIES, NUMBER OF EMPLOYEES, AND VALUE OF PRODUCTS, 1892 TO 1901.

Year.	Establishments.	Employees.	Value of products.	Year.	Establishments.	Employees.	Value of products.
1892	37	1,686	$1,112,734	1897	34	2,706	$1,728,417
1893	29	1,578	1,093,161	1898	35	2,934	1,994,958
1894	34	1,701	1,212,631	1899	37	2,878	2,199,459
1895	30	1,750	1,229,766	1900	34	2,994	2,637,975
1896	33	2,208	1,475,100	1901	38	2,941	2,601,853

While the number of establishments was but one greater at the close of the period than at the beginning, the number of employees had increased 74.4 per cent, and the value of products 133.8 per cent.

The different classes of products for the year are reported as follows: Cigarettes, 481,084,000; cigars, 68,854,550; smoking tobacco, 1,362,392 kilograms (3,003,529 pounds); chewing tobacco, 84,204 kilograms (185,636 pounds); snuff, 252,681 kilograms (557,061 pounds). Ten establishments were devoted entirely to the manufacture of cigarettes, 11 to that of cigars, 1 to the manufacture of smoking tobacco, and 2 to that of chewing tobacco. In each of the remaining establishments two or more classes of products were manufactured. Seven of the establishments reported were operated entirely as home industries, employing but 1 or 2 persons each, or a total of 11 employees; 14 factories employed from 3 to 25 persons each, 12 from 26 to 100, and 5 employed 101 or more. The largest factory employed 887 persons, while 4 factories, each having more than 200 work people, gave employment to slightly more than two-thirds of the total number of employees. Engines and motors in use furnished 531.5 horsepower.

As the investigation was carried on in the summer of 1902, all data for a complete year cover nothing later than 1901. Detailed statistics of employees, however, relate only to those in employment at the date when the schedules were made up, at which time a number of work people were furloughed or, for other reasons, were absent for the summer. The following table shows for each class of products the number of employees engaged in the tobacco industry in the summer of 1902, by sex and age groups:

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NUMBER OF EMPLOYEES ENGAGED IN THE MANUFACTURE OF EACH CLASS OF PRODUCT, BY SEX AND AGE GROUPS, 1902.

Class of employees.	Males.			Females.			Total employees.	Per cent of—	
	Under 18 years.	18 years or over.	Total.	Under 18 years.	18 years or over.	Total.		Males.	Females.
Superintendents, cigarette factories	......	3	3	......	......	......	3	100.0	......
Cigarette workers	10	93	103	114	1,495	1,609	1,712	6.0	94.0
Cigar workers	30	146	176	75	500	575	751	23.4	76.6
Smoking tobacco workers	30	69	99	4	17	21	120	82.5	17.5
Chewing tobacco workers	37	22	59	3	25	28	87	67.8	32.2
Snuff workers	......	11	11	......	......	......	11	100.0	......
Carpenters, watchmen, messengers, etc	5	54	59	......	6	6	65	90.8	9.2
Total	112	398	510	196	2,043	2,239	2,749	18.6	81.4

The proportion of females is much greater than that of males, being largest in the manufacture of cigarettes. Children under 18 years of age form 11.2 per cent of the whole number of employees. Almost 22.0 per cent of the males are under 18 years of age, while scarcely 8.8 per cent of the females are under 18 years of age.

The hours of labor per week in the tobacco industry are shown in the next table. Nine home workers, 5 men and 4 women, are omitted from this table, as their hours were not reported. In one locality 7 males and 167 females worked 56 hours per week in summer and 60 hours in winter. These were distributed in the table, 3 males and 84 females being reported as working 56 hours and 4 males and 83 females as working 60 hours per week.

NUMBER AND PER CENT OF EMPLOYEES IN THE TOBACCO INDUSTRY WORKING A SPECIFIED NUMBER OF HOURS PER WEEK, BY SEX, 1901.

Hours worked per week.	Males.		Females.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
39	8	1.6	176	7.9	184	6.7
49½	1	.2	......	......	1	(a)
52	11	2.2	43	1.9	54	2.0
56	53	10.5	86	3.8	139	5.1
57	34	6.7	379	17.0	413	15.1
57½	163	32.3	724	32.4	887	32.4
58	7	1.4	46	2.1	53	1.9
59	52	10.3	153	6.8	205	7.5
60	8	1.6	123	5.5	131	4.7
61½	79	15.6	296	13.2	375	13.7
62	61	12.1	133	6.0	194	7.1
65	26	5.1	73	3.3	99	3.6
68	2	.4	3	.1	5	.2
Total	505	100.0	2,235	100.0	2,740	100.0

a Less than 0.05 per cent.

The number of piece workers reported far exceeds the number of employees paid by the day or hour, the percentage being 71.0 for the former as against 26.8 for the latter. For 2.2 per cent the method varies or is not reported. Time work predominates among male employees, however, 345, or 67.7 per cent, being so employed, while

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but 141, or 27.6 per cent, were piece workers. Among females 392, or 17.5 per cent, were time workers and 1,810, or 80.9 per cent, were piece workers.

Rates of earnings were obtained for but 247 males and 1,316 females a total of 1,563 employees, or but 56.9 per cent of the number considered in the other tables. The following table shows by sex the number of employees in the various branches of the tobacco industry whose weekly earnings are reported as equal to the amounts indicated:

NUMBER OF EMPLOYEES IN THE TOBACCO INDUSTRY WITH SPECIFIED WEEKLY EARNINGS, BY SEX AND CLASS OF PRODUCT, 1901.

Rates of weekly earnings.	Cigarette workers.		Cigar workers.		Smoking tobacco workers.	
	Males.	Females.	Males.	Females.	Males.	Females.
Under 6 marks ($1.158)		11	2	2		4
6 to 6.99 marks ($1.158 to $1.349)		29	1	12	1	
7 to 7.99 marks ($1.351 to $1.542)		33	5	31		4
8 to 8.99 marks ($1.544 to $1.735)		51	6	24	1	
9 to 9.99 marks ($1.737 to $1.928)	2	71	3	28		2
10 to 10.99 marks ($1.93 to $2.121)		96	3	24	3	1
11 to 11.99 marks ($2.123 to $2.314)		115	3	31	1	
12 to 12.99 marks ($2.316 to $2.507)	1	146	5	31	1	3
13 to 13.99 marks ($2.509 to $2.70)	2	165	4	30	1	
14 to 14.99 marks ($2.702 to $2.893)	2	90	5	21	1	
15 to 17.99 marks ($2.895 to $3.472)	8	149	18	31	9	
18 to 20.99 marks ($3.474 to $4.051)	9	18	11	17	11	
21 to 23.99 marks ($4.053 to $4.63)	5	8	4	3	12	
24 to 26.99 marks ($4.632 to $5.209)	5	2	2	1	6	
27 to 29.99 marks ($5.211 to $5.788)	7	4	1			
30 marks ($5.79) or over	5	1	4			1
Total	46	989	77	286	47	15

Rates of weekly earnings.	Chewing tobacco workers.		Snuff workers.		Carpenters, watchmen, messengers, etc.		Total.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Under 6 marks ($1.158)							2	17
6 to 6.99 marks ($1.158 to $1.349)	1						3	41
7 to 7.99 marks ($1.351 to $1.542)	4					1	9	69
8 to 8.99 marks ($1.544 to $1.735)	3					1	10	76
9 to 9.99 marks ($1.737 to $1.928)	4	2				2	9	105
10 to 10.99 marks ($1.93 to $2.121)	2	6			2		10	127
11 to 11.99 marks ($2.123 to $2.314)		6					4	152
12 to 12.99 marks ($2.316 to $2.507)		3				4	7	187
13 to 13.99 marks ($2.509 to $2.70)	1						8	195
14 to 14.99 marks ($2.702 to $2.893)		1			3		11	112
15 to 17.99 marks ($2.895 to $3.472)	4		1		15		55	180
18 to 20.99 marks ($3.474 to $4.051)	3		4		12		50	35
21 to 23.99 marks ($4.053 to $4.63)	2		2		3		28	11
24 to 26.99 marks ($4.632 to $5.209)	1				4		18	3
27 to 29.99 marks ($5.211 to $5.788)					2		10	4
30 marks ($5.79) or over					4		13	2
Total	25	18	7		45	8	247	1,316

More than half (51.2 per cent) of the females reporting receive from 12 to 17.99 marks ($2.316 to $3.472) per week; while of the employees reported as receiving 18 marks ($3.474) weekly or over, 119 are males and 55 are females; these numbers representing 48.2 per cent and 4.2 per cent of the two classes, respectively.

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TEXTILES.—The schedules of inquiry as to the textile trades cover practically the same ground as in the case of tobacco. The investigation was made in the summer of 1903, and the detailed data as to employees relate to those employed at that time, the year 1902 being the last full year considered.

The number of establishments and employees and the value of textile products in Finland from 1843 to 1902, inclusive, except for the years 1877 to 1883, are given. The data indicated are reproduced below for the ten-year period, 1893 to 1902:

NUMBER OF TEXTILE FACTORIES, NUMBER OF EMPLOYEES, AND VALUE OF PRODUCTS, 1893 TO 1902.

Year.	Establishments.	Employees.	Value of products.	Year.	Establishments.	Employees.	Value of products.
1893	28	6,373	$3,714,915	1898	31	9,423	$6,339,050
1894	27	6,717	4,405,253	1899	41	10,770	6,454,319
1895	26	7,259	4,812,609	1900	41	11,362	6,685,242
1896	31	7,932	5,495,034	1901	43	10,570	6,303,944
1897	29	8,754	6,014,306	1902	40	10,283	6,217,263

Though the number of establishments was greater in 1901, the number of employees and the value of products were at their maximum in 1900. Comparing the data for 1902 with those for 1892, an increase of 42.9 per cent is found in the number of establishments, of 61.4 per cent in the number of employees, and of 67.4 per cent in the value of products. Individual production has risen from a value of 625 marks ($121) per employee in 1843–44 to 3,133 marks ($605) in 1902, the maximum for the period being 3,590 marks ($693) in 1896. The most marked increase was from 979 marks ($189) for the five years 1860–1864 to 2,408 marks ($465) for the succeeding five-year period.

The detailed statistics relate to but 37 establishments and 9,687 employees. Of these establishments, 14 had fewer than 50 employees each, 8 had from 50 to 99, 10 from 100 to 499, 2 from 500 to 999, while 3 with 1,000 or more employees each, gave employment to 4,884 persons, or 50.4 per cent of all those engaged in the textile industry. The total horsepower in use was 16,849.3. The total number of spindles reported was 274,272, of which 234,482 were employed for the spinning of cotton, 29,584 for wool, and 10,206 for flax. The weaving of cotton employed 4,341 looms; wool, 863 looms; flax, 284 looms, and silk, 11. Eight-hand looms were also found in use. The following table shows, by sex and age groups, the

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number of employees engaged in the manufacture of these four classes of textiles in 1903:

NUMBER OF EMPLOYEES ENGAGED IN THE MANUFACTURE OF EACH CLASS OF TEXTILES, BY SEX AND AGE GROUPS, 1903.

Industry.	Males.			Females.			Total.	Per cent of—	
	Under 18 years.	18 years or over.	Total.	Under 18 years.	18 years or over.	Total.		Males.	Females.
Wool	43	512	555	244	1,688	1,932	2,487	22.3	77.7
Cotton	296	1,560	1,856	512	3,422	3,934	5,790	32.1	67.9
Flax	111	370	481	192	715	907	1,388	34.7	65.3
Silk	1	2	3	3	16	19	22	13.6	86.4
Total	451	2,444	2,895	951	5,841	6,792	9,687	29.9	70.1

Disregarding the unimportant silk industry, males are found in increasing proportions in the wool, cotton, and flax industries, in the order named. In the last-named industry, however, a large percentage of the males are under 18 years of age, there being 23.1 per cent of such employees in this industry as against 15.9 per cent and 7.7 per cent of the males employed in the cotton and wool industries, respectively. Children under 18 years of age comprise 14.5 per cent of all textile employees, the percentage of males being 15.6 and of females, 14.0 of the total number of the two sexes, respectively.

No attempt is made to present the hours of labor in tabular form. The number varied from 36 to 70 per week, the majority of establishments requiring more than 60 hours weekly.

A general idea of wages may be gained from the next table, in which are shown the number of employees earning specified weekly amounts in the three principal branches of the textile industry. Earnings of weavers and spinners of cotton are also given separately.

NUMBER OF EMPLOYEES OF EACH SEX IN THE COTTON, WOOL, AND FLAX INDUSTRIES, BY SPECIFIED WEEKLY EARNINGS, 1902.

Rates of weekly earnings.	Cotton industry.		Wool industry.		Flax industry.		Total.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Under 6 marks ($1.158)	39	130	9	91	......	......	48	221
6 to 6.99 marks ($1.158 to $1.349)	45	168	5	170	6	64	56	402
7 to 7.99 marks ($1.351 to $1.542)	100	383	8	229	6	16	114	628
8 to 8.99 marks ($1.544 to $1.735)	25	270	4	174	16	68	45	512
9 to 9.99 marks ($1.737 to $1.928)	20	332	9	248	29	176	58	756
10 to 10.99 marks ($1.93 to $2.121)	26	522	13	309	33	213	72	1,044
11 to 11.99 marks ($2.123 to $2.314)	18	543	3	110	24	188	45	841
12 to 12.99 marks ($2.316 to $2.507)	54	665	11	115	16	101	81	881
13 to 13.99 marks ($2.509 to $2.70)	39	623	18	32	7	50	64	705
14 to 14.99 marks ($2.702 to $2.893)	25	389	6	66	6	13	37	468
15 to 17.99 marks ($2.895 to $3.472)	148	544	26	24	46	14	220	582
18 to 20 99 marks ($3.474 to $4.051)	108	40	24	5	103	......	235	45
21 to 23.99 marks ($4.053 to $4.63)	80	6	14	2	13	......	107	8
24 to 26.99 marks ($4.632 to $5.209)	87	1	7	......	7	......	101	1
27 to 29.99 marks ($5.211 to $5.788)	20	......	4	1	8	......	32	1
30 marks ($5.79) or over	63	......	25	1	6	......	94	1
Total	897	4,616	186	1,577	326	903	1,409	7,096

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NUMBER OF COTTON SPINNERS AND TWISTERS AND OF COTTON WEAVERS OF EACH SEX, BY SPECIFIED WEEKLY EARNINGS, 1902.

Rates of weekly earnings.	Spinners and twisters, cotton. (a)		Weavers, cotton. (a)	
	Males.	Females.	Males.	Females.
Under 6 marks ($1.158)		13	3	20
6 to 6.99 marks ($1.158 to $1.349)	1	19	8	94
7 to 7.99 marks ($1.351 to $1.542)	2	57	1	87
8 to 8.99 marks ($1.544 to $1.735)		62	2	94
9 to 9.99 marks ($1.737 to $1.928)	1	69	3	103
10 to 10.99 marks ($1.93 to $2.121)		100	8	142
11 to 11.99 marks ($2.123 to $2.314)		79	6	184
12 to 12.99 marks ($2.316 to $2.507)	2	92	8	286
13 to 13.99 marks ($2.509 to $2.70)		57	8	324
14 to 14.99 marks ($2.702 to $2.893)	1	14	1	234
15 to 17.99 marks ($2.895 to $3.472)	7	15	11	427
18 to 20.99 marks ($3.474 to $4.051)	11		21	27
21 to 23.99 marks ($4.053 to $4.63)	18		10	3
24 to 26.99 marks ($4.632 to $5.209)	8		2	1
27 to 29.99 marks ($5.211 to $5.788)	7			
30 marks ($5.79) or over	2			
Total	60	577	92	2,026

a Including helpers.

Wage data are given for a considerably greater number of employees than are reported for in other connections, a fact that is noted in the report, but for which no explanation is offered.

The following summary table shows by wage groups the percentage of employees of each sex in the three principal industries and in all textile industries, who earn specified amounts weekly:

PERCENTAGE OF EMPLOYEES IN SPECIFIED WAGE GROUPS IN COTTON, WOOL, AND FLAX INDUSTRIES, AND IN ALL TEXTILE INDUSTRIES, BY SEX, 1902.

Rates of weekly earnings.	Cotton industry.		Wool industry.		Flax industry.		All textile industries.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Under 6 marks ($1.158)	4.3	2.8	4.8	5.8			1.8	3.1
6 to 11.99 marks ($1.158 to $2.314)	26.1	48.0	22.6	78.6	35.0	80.3	19.5	60.3
12 to 17.99 marks ($2.316 to $3.472)	29.7	48.2	32.8	15.1	23.0	19.7	37.7	35.7
18 marks ($3.474) or over	39.9	1.0	39.8	.5	42.0		41.0	.9

From reports from the 7 principal localities, in which are found more than 90 per cent of all textile employees, it appears that 20 per cent of the males and 72.2 per cent of the females were paid by the piece, while 78.7 per cent of the males and 26.7 per cent of the females were reported as time workers. For the slight remainder the method either varied or was not reported.

Bakery and Confectionery Products.—This volume presents data for 696 establishments, which gave employment to 2,149 persons. These establishments were mostly small, only 68 employing more than 5 persons each, the largest having 39 employees in 1904. There were also 275 bakeries in which 339 persons worked, in which there were no hired employees.

Of the 2,149 employees for whom detailed data are given 290, or 13.5 per cent, were under 18 years of age. Of these, 235 were males

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and 55 were females. The number of adult males was 1,170, and of females, 678; while for 3 males and 8 females the age was not reported. The age at which the greater number of males (71.3 per cent) began work was from 12 to 17 years, while but 20.7 per cent of the females entered the industry at this age; 65 per cent of the females began work between the ages of 18 and 29, as against 22.7 per cent of the males.

Employment in this industry seems much less stable than in those considered above, 60.9 per cent of the males and 56.9 per cent of the females having served their present employers not to exceed one year, while only one person for whom length of service is reported has been with the present employer more than 20 years.

Hours of labor in 1904 are shown in the table next given:

NUMBER AND PER CENT OF EMPLOYEES IN BAKERIES WORKING THE SPECIFIED NUMBER OF HOURS PER WEEK, BY SEX, 1904.

Hours per week.	Males.		Females.		Total.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
48 or under	45	3.2	59	8.0	104	4.8
Over 48, but not over 60	153	10.9	68	9.2	221	10.3
Over 60, but not over 72	377	26.8	143	19.3	520	24.2
Over 72, but not over 84	416	29.6	221	29.8	637	29.6
Over 84, but not over 96	232	16.5	159	21.5	391	18.2
Over 96, but not over 108	99	7.0	57	7.7	156	7.3
Over 108, but not over 120	13	.9	4	.5	17	.8
Over 120	6	.4			6	.3
Not reported	67	4.7	30	4.0	97	4.5
Total	1,408	100.0	741	100.0	2,149	100.0

The hours of labor in bakeries are excessively long, but 39.3 per cent of the employees having as short a work period as 72 hours per week, while 26.6 per cent worked more than 84 hours weekly. The greatest number of hours reported was 125 per week. Night work, i. e., work between 9 p. m. and 5 a. m., ranging from 7 to 56 hours weekly, was reported for 733 males and 360 females. Six hundred and fifty-six males and 86 females worked from 2 to 16 hours on Sundays. The largest number of persons employed on Sundays worked from 4 to 6 hours of the day, though 129 persons worked more than 10 hours on Sundays.

The methods of payment of wages and the very considerable instability of employment among bakery employees made the returns for earnings less reliable than was the case for tobacco and textile workers. The following table is reproduced as approximately presenting by age groups the conditions as to earnings:

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PERCENTAGE OF EMPLOYEES IN THE BAKERY INDUSTRY RECEIVING SPECIFIED ANNUAL EARNINGS, BY SEX AND AGE GROUPS, 1904.

Age.	Employees.			Percentage receiving annual earnings of—							
				Less than 300 marks ($57.90).		300 marks ($57.90) or less than 500 marks ($96.50).		500 marks ($96.50) or less than 1,000 marks ($193).		1,000 marks ($193) or over.	
	Males.	Females.	Total.	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Under 18	233	53	286	3.0	17.0	32.6	41.5	64.4	41.5	......	......
18 or under 30	710	468	1,178	.3	4.1	4.5	25.6	63.1	69.7	32.1	0.6
30 or under 45	177	58	235	......	6.9	......	19.0	40.1	70.7	59.9	3.4
45 or under 60	41	4	45	2.4	......	2.4	50.0	36.6	50.0	58.6	......
60 or over	6	4	10	......	25.0	......	75.0	66.7	......	33.3	......
Not reported	3	6	9	......	33.3	33.3	......	66.7	66.7	......	......
Total	1,170	593	1,763	.8	5.9	9.4	26.6	59.0	66.7	30.8	.8

FRANCE.

Rapport sur l'Apprentissage dans les Industries de l'Ameublement. Office du Travail, Ministère du Commerce, de l'Industrie, des Postes, et des Télégraphes. 1905. xxiii, 655 pp.

This volume presents the results of an investigation made in 1903–4, of apprenticeship in the furniture industry, and is the second of a series of reports on the subject of apprenticeship in certain industries in France, the first having contained a report on apprenticeship in the printing and lithographing trades. The report is in three parts, the first of which records the development of the furniture trades and of the methods of apprenticeship in use therein from time to time, including the introduction of the system of technical instruction which has so largely succeeded the old system of apprenticeship. The second part discusses the scope and methods of the investigation on which the present report was based, and presents a summary of the results. In the third part are given a number of tables, summaries of opinions of employers' and employees' associations, brief accounts of schools and courses giving technical training in the branches of industry considered, forms of rules and contracts governing apprenticeship at different periods, etc.

The report relates to about one-fifth of the entire number of persons employed in the industries investigated, a larger proportion than this having been included in the returns for the department of the Seine, in which Paris is situated, while for the more remote districts the returns covered a smaller proportion. Contrary to the rule prevailing in the printing trades, the larger establishments were found to be located at some distance from Paris, on account of the lower cost of labor.

The census of March 24, 1901, reported 37,956 persons engaged in the furniture industry proper in 7,337 establishments. Including specialists, such as makers of chairs and armchairs, wood carvers, veneerers, inlayers, etc., the total number of persons employed in

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the furniture and related industries amounts to approximately 52,000 and the number of establishments to 10,300. Of these, 3,000 establishments, employing 18,000 persons, are in the department of the Seine.

The investigation of 1903-4 was carried on through the mail, nearly 6,200 schedules being sent out and about 1,000 responses received. The final compilation of data was made up from 689 schedules, the others received having been rejected as reporting neither apprentices nor hired employees. The 689 establishments accounted for in these schedules employed 9,426 persons, of both sexes, of whom 926 were apprentices and 8,500 ranked as journeymen. The number of females employed was 841, of whom 22 were apprentices. The proportion of female employees (somewhat less than 9 per cent) does not seem to be increasing in this industry.

The common complaint of an excessive number of apprentices, taken on at low rates in order to save payment of wages, was not found to be warranted by the facts. Not more than 10 per cent of the employees were of the apprentice grade, and this proportion seems to have been practically the same for 40 or 50 years past. Only 294 establishments reported the use of any form of contract. Of those using contracts 265 stated that the contract was merely verbal, 20 that it was in writing, and 9 failed to indicate the form in use. The length of the term of apprenticeship was reported for 375 establishments, in 280 of which the term was 3 years, the period ranging from 1 to 6 years in the other instances. Summing up all the reports received, it appears that approximately three-fourths of all apprentices serve out their terms.

During the first half of the last century written contracts continued to retain a considerable degree of favor. In Paris, in 1847, about one-fourth the apprentices were under such contracts, but in 1903-4 the proportion was hardly 5 per cent of the total. Under the old system an apprentice paid for instruction, either in money or by services rendered after such skill had been acquired as would render them of value, and the written contract was necessary to secure the performance of the stipulated obligations. At the present time no payment is made for instruction, and the apprentice receives pay for whatever work of value he performs. Neither party wishes to be bound to the other for a longer term than their apparent immediate interests shall require; and, though the term of apprenticeship is in general but 3 years, as compared with 4 to 6 years under the old régime, this period is in many cases reduced almost one-half. The practice of taking the apprentice into the home of his master or of making the latter responsible for his board and lodging is almost entirely discontinued.

The fathers of 280 apprentices were themselves engaged in the furniture industry, the fathers of 129 being employees in the same

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shops in which their children were serving apprenticeships. The fathers of 555 apprentices were of other trades, and for 91 the trade of the fathers was not reported. Before entering apprenticeship 21 apprentices had been in attendance at trade schools, 23 had pursued trade courses, and 110 had received training in some form of manual work; 466 pursued technical courses during their terms of apprenticeship.

For the ten-year period, 1894 to 1903, an account is given of 3,554 persons who served apprenticeships within that time with the establishments making returns. Of these 992 have remained continuously in the employment of the establishment where they received their training and 601 returned to service after having quitted it for a time, 421 remained not more than 1 year, 458 more than 1 year but not more than 2 years, 456 from 2 to 5 years, and 237 more than 5 years. For 389 the length of service is not reported. Of the 8,500 journeymen working men and women employed at the time of this investigation, 1,608 were reported as having served their apprenticeship with their present employer, 6,577 as having been trained elsewhere, while for 315 the place of training was not reported.

In the following table are shown by age groups and principal occupations the wages of employees in the furniture industry, classified by place of training, whether with their present employers or elsewhere:

AVERAGE DAILY WAGES OF EMPLOYEES IN THE FURNITURE INDUSTRY, BY AGE GROUPS, OCCUPATIONS, AND PLACE OF TRAINING, 1903.

Occupation.	12 or under 18 years of age.				18 or under 25 years of age.				25 or under 45 years of age.			
	Apprenticed in same establishment.		Trained elsewhere.		Apprenticed in same establishment.		Trained elsewhere.		Apprenticed in same establishment.		Trained elsewhere.	
	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.
Foremen and draftsmen	...	......	3	$0.23	2	$0.87	15	$1.15	25	$1.49	148	$2.00
Forewomen	...	......	...	......	...	......	1	.77	1	.68	9	1.10
Cabinetmakers	29	$0.56	19	.92	151	.72	287	1.02	[a] 174	.93	[b] 1,395	1.37
Joiners	11	.47	3	.48	56	.91	86	1.06	102	.86	417	1.35
Wood carvers	23	.92	5	.95	73	1.03	107	1.44	86	1.24	[c] 550	1.72
Molding workers	[d] 10	.57	...	......	47	.89	47	1.05	[e] 131	.93	276	1.20
Gilders:												
Males	16	.45	3	.84	23	.80	29	1.13	84	.78	153	1.33
Females	15	.41	2	.39	22	.63	13	.67	17	.66	25	1.08
Upholsterers:												
Males	8	.76	6	.75	70	.97	94	1.02	61	1.41	518	1.63
Females	10	.47	3	.39	31	.48	67	.56	35	.52	225	.67
Cane and straw workers:												
Females	11	.45	1	.29	6	.55	10	.88	4	.40	38	.35
Other employees:												
Males	1	.48	3	.31	16	.95	43	1.05	14	1.06	231	1.21
Females	12	.26	...	......	9	.41	3	.68	2	.46	14	.64

[a] Including 4 females, earning $0.29 per day.
[b] Including 1 female, earning $0.77 per day.
[c] Including 1 female, earning $0.68 per day.
[d] Including 1 female, earning $0.48 per day.
[e] Including 1 female, earning $0.39 per day.

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AVERAGE DAILY WAGES OF EMPLOYEES IN THE FURNITURE INDUSTRY, BY AGE GROUPS, OCCUPATIONS, AND PLACE OF TRAINING, 1903—Concluded.

Occupation.	45 or under 65 years of age.				65 years of age or over.				Age not reported.				Total.	
	Apprenticed in same establishment.		Trained elsewhere.		Apprenticed in same establishment.		Trained elsewhere.		Apprenticed in same establishment.		Trained elsewhere.			
	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.	No.	Average daily wages.
Foremen and draftsmen	6	$1.29	83	$1.98			4	$1.72			2	$1.93	288	$1.85
Forewomen	1	.97	5	1.10									17	1.05
Cabinetmakers	23	.80	598	1.33	5	$0.52	50	.97	15	$0.74	137	1.08	2,883	1.23
Joiners	15	.91	143	1.23	4	.69	24	1.02	2	.77	16	.73	879	1.17
Wood carvers	11	.84	101	1.78			14	1.29			21	1.10	991	1.54
Molding workers	53	.76	102	1.18	3	.99	10	.84	12	.91	35	1.19	726	1.07
Gilders:														
Males	9	.79	42	1.42	2	.87	8	1.20	2	.77	10	1.09	381	1.10
Females	4	.42	14	.64			2	.72			2	.19	116	.68
Upholsterers:														
Males	9	1.48	160	1.83	1	1.25	10	1.69	4	1.24	19	1.29	960	1.52
Females	4	.61	116	.69			17	.74	4	.48	9	.58	521	.63
Cane and straw workers:														
Females			6	.32							3	.29	79	.44
Other employees:														
Males	6	1.13	89	1.13	1	.39	11	.85			47	.66	462	1.09
Females			5	.52									45	.47

In the greater number of cases the wages of employees who have served apprenticeships with their present employers do not equal those of employees of like age who were trained elsewhere. From this fact it may be inferred that a more varied training than is likely to be secured in a single establishment is desirable and profitable.

A number of schools or courses have been organized with a view to the training of young people for efficiency in the trades of the furniture industry, some as a result of private initiative, and others by the action of the State or of a commune. In these theory and practice may be given together with a measure of elementary instruction; or the instruction may be mainly theoretical, given at such times of the day or week as to be available to young people employed in the shops, and designed to supplement the practical training received therein. The latter form is favored for a variety of reasons, partly because of the smaller cost of maintenance and the ease with which a considerable variety of courses can be provided for; but more because such instruction, given mainly in the evening, is open to apprentices who are at work for wages during the day, and who are in need of this theoretical complement to their shop training, especially in view of the tendency toward specialization.

The public schools offer training belonging properly to the first class, industrial and general elementary education each receiving a degree of attention, while schools and courses organized by employers' and workmen's associations generally fall within the second class.

Pupils are mostly from 13 to 18 years of age, those above the latter age being very few. In schools offering both theory and practice the

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amount of time devoted to each is nearly equal, except in the schools designated as primary superior trade schools, in which little time is given to manual training. Where the amounts vary through the different years of the courses theoretical work predominates during the first years and practical work toward the close of the course.

As to the question of the decline of apprenticeship, employers and workmen were agreed, such decadence having been made a matter of investigation more than 30 years ago. The decline has probably been accentuated of late years on account of depression in the furniture industry. This reason is particularly operative in cabinetmaking, where there has been a scarcity of employment for the existing number of workmen.

The most general cause of the decline is agreed to be the growth of the custom of the parents of apprentices demanding compensation for their services before the expiration of the usual term of apprenticeship. This demand leads to the practice of employing the apprentice as a workman or making him a specialist in some single operation in order that he may render services of greater market value to his master to offset the wage payment that is required. Other causes of the decline are the breaking off of the contract of apprenticeship, the apprentice being encouraged thereto by his parents, and sometimes even by unscrupulous employers who seek the services at a moderate compensation of partly trained apprentices, thus depriving the first master of his rightfully anticipated benefits from the services of his apprentice during the more profitable portion of his term; the lack of control over apprentices who leave prematurely and go elsewhere to offer their services as workmen, etc. On the other hand, there are incompetent masters who can not give the necessary training, as well as those who try to keep their apprentices on a single class of work as a matter of profit rather than pay reasonable wages for a trained workman.

The effect of the introduction of machinery and the consequent disappearance of certain classes of workmen can not be overlooked, inasmuch as it affects apprenticeship both by making unnecessary in certain processes the employment of labor trained by long experience and by leading to the use of classes of appliances which persons under 16 years of age are forbidden by law to operate. The employment of alien labor, especially in Paris and in certain frontier cities, is also mentioned as affecting apprenticeship unfavorably.

The enactment of other statutes for the protection of labor has operated in a similar manner. Thus the law that limits the employment of children under 18 years of age to 10 hours per day fixes the same period for the day's work of adults employed in the same shops, which has led to the discharge of the young workmen, so as to relieve the shop from the application of the law. Another law requires accident insurance to be carried by employers using mechanically propelled machinery, and as the premium is reckoned by the number

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of employees the services of the less profitable apprentice are dispensed with for the sake of a saving in premiums.

It is the general consensus of opinion that skilled workmanship is not declining, however, in spite of the decadence of apprenticeship. Of 415 replies from employers more than two-thirds spoke of the standard of workmanship as improving, about one-fifth stating that it was stationary, and the opinions of persons of other classes in the industry are in agreement.

The chief criticism on present conditions appears to be the insufficiency of elementary education, not only among the apprentices but also among the pupils in the professional or trade schools, where such insufficiency is found to be an obstacle to progress in technical education.

As already indicated, the preference of the majority of those consulted is for a mixed system of training that gives the young workman an opportunity to receive such theoretical training in evening schools or courses as will supplement the manual training of the shop. Another point made in favor of the technical supplementary courses was that in the professional or trade schools the instructors were too far removed from actual trade conditions and progress, and consequently the training lacked in applicability to current conditions.

General remedial measures favored by employers and workmen alike were, first, the return to the use of a contract of apprenticeship, due regard being had to the rights of both parties, with special provisions for the supervision of the apprentice and a testing of his actual attainments at the completion of his term, and, secondly, the more complete establishment of supplementary professional courses, attendance on which should be obligatory at times. The restriction of the number of apprentices was recommended by some employers and by certain workmen's associations.

Employers generally desire a modification of the law regulating the hours of labor of children, so that adult workmen may be employed beyond the 10-hour limit prescribed for persons under 18 years of age. They also ask for protection against the competition of shops whose output is disposed of by peddling and of the department store, such competition tending to increase the periods of unemployment among their workmen and to hinder the training of apprentices. Others recommended that manual training courses be extended in the elementary schools in order to test and develop the abilities of the child and to enable the parent to learn his aptitudes and to guide him more wisely in the choice of a trade.

L'Enseignement Professionnel. Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes. Conseil Supérieur du Travail. 1905. 159 pp.

At a meeting of the superior council of labor, held in 1901, a permanent commission was appointed for the purpose of investigating the

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subject of industrial education and training, with special reference to the question of apprenticeship. The present volume contains extracts from the minutes of the various sessions and a report of the recommendations of this commission, together with an account of the proceedings and conclusions of various official and unofficial bodies which had had the same subject under consideration.

In prosecuting its investigation the permanent commission sent out schedules of inquiry to the different trade and industrial schools of France, by which means information was obtained as to the courses of training, cost to the pupil, form of support, if any, of the school, number of pupils in attendance, time devoted to the work of the school, etc. This information is given in detail for each of 5 national schools of arts and trades, 4 national trade schools, 15 practical schools of industry, 29 schools of commerce and industry (industrial sections), 13 trade schools of the city of Paris, 2 national schools of watchmaking, 18 schools classed as primary superior trade schools, 35 unclassified establishments, and 19 schools under the care of the Brothers of the Christian Schools, making a total of 140 schools in which training was given in 1903 in one or more branches of industry. There were besides the above 241 establishments or courses in which instruction was given in technical and industrial lines. The information relative to the latter group is for the year 1904. No summaries are given for either class of establishments.

The lines of action of the permanent commission are indicated in a series of resolutions adopted by the superior council of labor at its session of November, 1902. These resolutions, in so far as they relate to the subject of industrial training, are to the effect that a form of trade instruction, adapted to individual preferences and circumstances, should be given to each young person under 18 years of age, so that he or she may not be compelled to remain always an unskilled worker; that the instruction, both theoretical and practical, should be free; that the supervision of young persons receiving such instruction should be provided for on the same basis as is that of apprentices. Instruction might be given in the workshops, but should be given in appropriate trade schools and courses if it can not be provided for in the shops, or if the employer is not willing to accept the responsibility. Finally the permanent commission, taking into consideration both the necessary measures relative to apprenticeship proper and the requirements of the trade schools and courses, should work out in detail a project for the organization, direction, and supervision of trade instruction.

In accordance with these resolutions a bill was drafted, based mainly on a measure offered by the superior council of trade instruction, and by it presented to the superior council of labor. This bill would provide for trade or finishing courses for apprentices, work-

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men, and employees in commercial and industrial undertakings, such courses to be certified to in the office of the mayor of the locality within which they are offered. Attendance would be obligatory on persons under 18 years of age who are employed in commerce or industry, whether with or without contracts of apprenticeship. Tuition would be free, and employers should allow time for attendance on the courses during the regular working day, not to exceed 8 hours per week, or 2 hours in a single day. Pupils should be excused from compulsory attendance, either on passing an examination, on proof of 3 years' attendance on the course, or on a showing, after at least 1 years' attendance, that they are unable to profit by further attendance on the course.

Further details of the proposed law are shown in full in the report, but the above are the principal features. So far as appears, it has not as yet been made a subject of legislative consideration.

SWEDEN.

Undersökning af den mekaniska verkstadsindustrien i Sverige. II. Mindre, egentliga mekaniska verkstäder samt vissa specialverkstäder, m. m. På uppdrag af kungl. kommerskollegium verkställd af Henning Elmquist. 1904. 472 pp.

In 1901 the royal board of trade of Sweden issued a report on the conditions of labor in the larger establishments of that country which were engaged in the manufacture of machinery and implements of various kinds, a digest of which appeared in Bulletin 44 of the United States Bureau of Labor. The present volume presents data for establishments of similar nature, but includes also smaller machine shops or factories, together with reports on beneficial and relief societies for employees, and appendixes giving wages and a discussion of industrial conditions for a number of years.

The investigation on which this report is based was made in the years 1901 and 1902, and does not include the establishments reported on in the earlier volume. The following table gives the number of establishments reported on, the number of employees for each year from 1899 to 1901, and the value of products in 1901:

NUMBER OF EMPLOYEES IN 106 ESTABLISHMENTS FOR THE YEARS 1899 TO 1901, AND VALUE OF PRODUCTS IN 1901, BY NUMBER OF EMPLOYEES PER ESTABLISHMENT.

Employees per establishment. (a)	Establishments.	Employees in—			Value of products, 1901.
		1899.	1900.	1901.	
Under 100 persons	70	4,309	3,910	3,606	$2,442,969
100 to 300 persons	28	4,600	4,595	3,988	3,290,334
301 to 500 persons	4	1,168	1,487	1,347	1,394,420
Over 500 persons	4	2,827	3,052	2,973	3,509,311
Total	106	12,904	13,044	11,914	10,637,034

a Based on the returns for the year 1900.

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Detailed statistics as to employees relate to but 11,147 persons. Their distribution by classes of industries and by occupations is shown in the following table:

NUMBER OF EMPLOYEES IN EACH OCCUPATION IN MACHINE AND IMPLEMENT FACTORIES, BY CLASS OF MANUFACTURES, 1901.

Class of manufactures.	Establishments.	Occupation.				
		Foremen.	Foundrymen.	Forgemen.	Blacksmiths.	Tin and copper smiths.
Electrical machinery and apparatus	7	50	73	40	32	....
Dairy machinery	4	28	34	37	2	86
Bicycles, sewing and knitting machines	6	13	2	18	....	1
Motors, special machinery, firearms, etc	17	65	107	84	10	3
Agricultural implements and unclassified products	72	202	1,482	651	505	20
Total	106	358	1,698	830	549	110

Class of manufactures.	Occupation.				Other employees.	Total.
	Machinists.	Carpenters.	Painters.	Engineers and firemen.		
Electrical machinery and apparatus	1,482	213	48	17	105	2,060
Dairy machinery	796	48	44	11	116	1,202
Bicycles, sewing, and knitting machines	270	5	13	6	30	358
Motors, special machinery, firearms, etc	1,018	79	12	22	85	1,485
Agricultural implements and unclassified products	2,244	475	71	69	323	6,042
Total	5,810	820	188	125	659	11,147

Of the 11,147 employees included in the foregoing table, the ages were reported for 11,110, as follows: One hundred and forty-eight were under 12 years of age; 4,795 were 12 but under 18; 3,332 were 18 but under 25; and 2,835 were 25 years of age or over.

The weekly hours of labor were reported by both employers and employees, by the former for 10,735 persons, and by the latter for 10,752 persons. The results of all returns are shown in the table below:

NUMBER OF EMPLOYEES IN MACHINE AND IMPLEMENT FACTORIES, BY HOURS OF LABOR PER WEEK, 1901.

Hours per week.	Employers' report.		Employees' report.	
	Number.	Per cent.	Number.	Per cent.
Under 54 hours	588	5.5	1,704	15.9
54 or under 57 hours	2,442	22.7	1,349	12.5
57 or under 60 hours	3,794	35.3	3,500	32.6
60 or under 63 hours	2,777	25.9	3,304	30.7
63 or under 66 hours	956	8.9	517	4.8
66 hours or over	178	1.7	378	3.5
Total	10,735	100.0	10,752	100.0

The differences between the data furnished by the employers and by the employees are accounted for in part by the fact that not all the employers reported on this subject, so that the returns are not in all instances for identical employees, and in part by the fact that

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the reports of employers generally gave the standard working time of the establishment without regard to variations in exceptional cases or groups of workmen. The actual differences are not great, however, as appears from combining the six groups into three. Thus the employers report 28.2 per cent of the employees as working less than 57 hours per week, 61.2 per cent as working 57 or less than 63 hours weekly, and 10.6 per cent as working 63 hours or more; while according to the employees' returns the corresponding percentages are 28.4, 63.3, and 8.3, respectively.

Wage statistics were obtained for 6,134 workmen employed in 84 establishments. The following table shows the number of employees, by occupation, classified in five groups on the basis of annual earnings:

NUMBER OF EMPLOYEES IN MACHINE AND IMPLEMENT FACTORIES, BY CLASSIFIED ANNUAL EARNINGS AND BY OCCUPATIONS, 1901.

Occupation.	Employees whose annual earnings were—									
	Under 500 kr. ($134).		500 kr. ($134) or under 800 kr. ($214).		800 kr. ($214) or under 1,200 kr. ($332).		1,200 kr. ($332) or under 1,500 kr. ($402).		1,500 kr. ($402) or over.	
	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.	Number.	Per cent.
Foremen	......	......	4	2.2	54	29.5	69	37.7	56	30.6
Founders	14	2.7	90	17.3	353	68.0	46	8.9	16	3.1
Core makers	56	57.7	26	26.8	14	14.5	1	1.0	......	......
Founders' helpers	37	20.7	93	52.0	36	20.1	9	5.0	4	2.2
Foundry workers, other	4	6.5	30	48.4	26	41.9	1	1.6	1	1.6
Blacksmiths	4	1.6	51	20.6	137	55.2	37	14.9	19	7.7
Blacksmiths' helpers	38	26.8	81	57.0	17	12.0	5	3.5	1	.7
Boiler makers	3	3.1	33	33.6	52	53.1	9	9.2	1	1.0
Boiler makers' helpers	20	24.7	51	63.0	10	12.3	......	......	......	......
Boiler shop workers, other	......	......	4	11.4	28	80.0	2	5.7	1	2.9
Tin and copper smiths	......	......	5	6.7	11	14.7	12	16.0	47	62.7
Engine fitters	......	......	......	......	28	82.4	5	14.7	1	2.9
Filers	28	2.7	203	19.8	474	46.2	219	21.3	103	10.0
Setters-up	......	......	15	12.7	37	31.4	28	23.7	38	32.2
Lathe hands	24	2.7	146	16.4	392	44.1	179	20.2	147	16.6
Planers, turners, and borers	25	6.4	55	14.2	167	43.0	103	26.6	38	9.8
Polishers and grinders	2	3.6	7	12.5	19	33.9	16	28.6	12	21.4
Machinists' helpers	129	45.4	93	32.7	40	14.1	13	4.6	9	3.2
Machine shop workers, other	6	1.9	41	13.1	130	41.7	83	26.6	52	16.7
Metal workers	3	2.5	22	18.0	55	45.1	23	18.8	19	15.6
Electrical workers	6	2.8	46	21.4	90	41.8	29	13.5	44	20.5
Pattern makers	7	3.3	41	19.2	128	60.1	34	16.0	3	1.4
Cabinetmakers	......	......	6	5.3	32	28.6	57	50.9	17	15.2
Carpenters	......	......	9	29.0	12	38.7	6	19.4	4	12.9
Wood workers, other	20	13.8	29	20.0	63	43.4	20	13.8	13	9.0
Painters	7	7.6	14	15.2	25	27.2	19	20.7	27	29.3
Engineers and firemen	5	7.3	12	17.4	34	49.3	9	13.0	9	13.0
Other employees	36	11.6	103	33.3	113	36.6	33	10.7	24	7.8
Total	474	7.7	1,310	21.4	2,577	42.0	1,067	17.4	706	11.5

Bidrag till Sveriges Officiella Statistik. Fabriker och Handtverk. Kommerskollegii underdåniga berättelse för År 1903. xxxi, 116 pp.

This volume is one of a series of reports issued by the commercial section of the Royal Board of Trade on the industry and commerce of Sweden. Much the larger part of the work is devoted to the subject of manufactures, that of trades or manual professions occupying but a few pages. The tables present the statistics of both subjects by kinds of establishments or trades, by groups, and by localities.

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Though industrial statistics have been collected in Sweden since 1831, it is only since 1896 that they have been sufficiently complete to furnish an accurate statement of the conditions of manufactures in that country. The following table shows the number of establishments and of employees and the value of products for each year from 1896 to 1903, inclusive:

NUMBER OF ESTABLISHMENTS AND OF EMPLOYEES AND VALUE OF PRODUCTS IN MANUFACTURING INDUSTRIES, 1896 TO 1903.

Year.	Establishments.	Employees.	Value of products.	Year.	Establishments.	Employees.	Value of products.
1896	8,812	202,293	$185,750,341	1900	10,549	265,479	$280,126,376
1897	8,974	220,202	210,190,703	1901	10,904	262,229	275,034,843
1898	10,029	245,720	238,156,789	1902	10,978	263,244	282,633,446
1899	10,364	257,526	254,758,456	1903	11,588	271,157	[a] 299,455,519

[a] This does not agree with the total for 1903 given in the table following, because the original figures for this table are given in francs and in round numbers, while those for the table following are given in kroner. In the original report the conversions from kroner to francs were made on the basis of 1 kr.=1.39 fr., while according to the conversion tables used in the Bureau of Labor 1 kr.=1.3886 fr.

This table indicates a constant growth from year to year in the number of establishments, and, with the single exception of the year 1901, in number of employees and value of products; the number of employees was not so large in 1902, however, as it was in 1900.

In the commercial statistics of the country, exports and imports are classified under 12 heads, and this report groups the manufactures on the same basis. The table next given shows the number of establishments, the number of employees by sex and age, and the value of products for each industrial group for the year 1903:

NUMBER OF ESTABLISHMENTS, NUMBER OF EMPLOYEES BY SEX AND AGE GROUPS, AND VALUE OF PRODUCTS IN MANUFACTURING INDUSTRIES, 1903.

Class of manufactures	Establishments.	Employees.					Value of products.
		Under 18 years of age.		18 years of age or over.		Total.	
		Males.	Females.	Males.	Females.		
Food products, including tobacco and beverages	3,843	1,253	1,089	23,633	6,582	32,557	$95,128,633
Textiles and clothing	803	2,572	5,322	10,019	20,097	38,010	38,672,940
Hides, leather, and hair	585	669	487	4,617	1,702	7,475	9,162,765
Oils, gums, etc	209	267	344	1,391	987	2,989	6,412,418
Lumber and wood products	1,948	10,614	1,173	54,672	2,854	69,313	66,571,876
Paper and paper goods	182	871	893	5,360	2,003	9,127	9,615,993
Cork and straw goods and baskets	35	48	45	296	225	614	502,347
Clay, glass, and stone products, including gas and charcoal	1,612	4,341	654	39,025	1,537	45,557	18,806,531
Chemical products	287	148	96	2,081	545	2,870	5,469,318
Metals and metal products	902	3,681	364	17,323	1,416	22,784	20,316,135
Machinery and implements	685	2,614	111	27,986	468	31,179	22,426,651
Printing, publishing, and miscellaneous	497	1,595	381	5,557	1,149	8,682	6,068,459
Total	11,588	28,673	10,959	191,960	39,565	271,157	[a] 299,154,066

[a] This does not agree with the amount given for 1903 in the preceding table, because the original figures for this table are given in kroner, while those for the preceding table are given in francs and in round numbers. In the original report the conversions from kroner to francs were made on the basis of 1 kr.=1.39 fr., while according to the conversion tables used in the Bureau of Labor 1 kr.=1.3886 fr.

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The class containing the greatest number of establishments is that representing the manufacture of food products, etc., the number being nearly double that of the next largest class, in which the manufacture of lumber and wood products is carried on. These two groups together produced 54 per cent of all manufactures reported for the year 1903. The first group contains many small establishments, the average number of employees per establishment being but 8. The largest number per establishment is found in the manufacture of paper and paper goods, where 50 is the average. In the last-named group is also to be found the highest average value of products, 197,146 kroner ($52,835) per establishment, the next highest being that of textiles and clothing, with an average of 179,704 kroner ($48,161) per establishment for the year 1903.

Males comprised 81.37 per cent of the total number of employees and females 18.63 per cent. The males under 18 years of age comprised 10.58 per cent of all employees and the females under 18 years 4.04 per cent, the whole number of persons under 18 years of age being 14.62 per cent of all employees.

The data as to trades or manual professions do not include domiciliary employments, but are restricted to shop as opposed to factory industries. The same classification is used as in the case of manufactures. The number of independent work people reported is 53,077, of whom 50,371 were males and 2,706 females. These persons employed as assistants or shop workers 42,578 males and 5,163 females, a total of 47,741. Thus, but 7.81 per cent of the 100,818 persons in this industrial class were females. The value of products was not given.

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OPINIONS OF THE ATTORNEY-GENERAL ON QUESTIONS AFFECTING LABOR.

[It is one of the duties of the Attorney-General of the United States to furnish opinions advising the President and the heads of the Executive Departments in relation to their official duties when such advice is requested. Opinions on questions affecting labor will be noted from time to time under the above head.]

CONTRACT LABOR — SKILLED LABORERS — RAILROAD TRACK HANDS.—*Advance Sheets, 26 Op., page 42.*—The Secretary of Commerce and Labor, in August, 1906, addressed an inquiry to the Attorney-General as follows:

1. Are ordinary hands commonly employed in the construction and maintenance of the tracks of railroads "skilled" laborers within the meaning of the term as used in section 2 of the immigration act of March 3, 1903?
2. If they are not skilled laborers, can such laborers be imported into this country under contract in any event?

In his reply, Charles H. Robb, Acting Attorney-General, first reviewed the original act of 1885 on the subject of contract labor, the applicable portions of which are as follows:

SECTION 1. From and after the passage of this act it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation, or in any way assist or encourage the importation or migration of any alien or aliens, any foreigner or foreigners, into the United States, its Territories, or the District of Columbia, under contract or agreement, parol or special, express or implied, made previous to the importation or migration of such alien or aliens, foreigner or foreigners, to perform labor or service of any kind in the United States, its Territories, or the District of Columbia.

SEC. 5. * * * nor shall this act be so construed as to prevent any person, or persons, partnership, or corporation from engaging, under contract or agreement, skilled workmen in foreign countries to perform labor in the United States in or upon any new industry not at present established in the United States: *Provided*, That skilled labor for that purpose can not be otherwise obtained.

Mr. Robb then said:

It was not questioned in either House that the law was designed to exclude and did exclude skilled as well as unskilled contract laborers. A careful analysis of the act and an examination of the debates and reports in Congress relative thereto lead to the conclusion that it was intended to draw a distinction between common unskilled labor and skilled labor. Did the language used in the act effectuate the intent of Congress? And if not, has subsequent legislation removed any doubt that may have been entertained as to the meaning of the original act?

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The Supreme Court evidently thought the act divided labor into two classes, for the court intimated in the Holy Trinity Church case (143 U. S., 457) and in the Laws case (163 U. S., 258) that the act was intended to apply only to "*unskilled* labor." That question, however, was not before the court in either case.

In the Trinity Church case the question decided was that Congress in the enactment of this law, did not have in mind "any purpose of staying the coming into this country of ministers of the gospel, or indeed of any class whose toil is that of the brain." And in the Laws case the decision of the court was that an alien chemist belonged to a recognized profession, and therefore was specifically exempt from the operation of the statute.

Subsequently the subject again engaged the attention of Congress, and the act of March 3, 1903 (32 Stat., 1213) resulted.

Section 2 of that act provides, inter alia, that *skilled* labor may be imported if labor of like kind unemployed can not be found in this country.

Section 4 provides:

"That it shall be unlawful for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any alien into the United States, in pursuance of any offer, solicitation, promise, or agreement, parol or special, express or implied, made previous to the importation of such alien to perform labor or service of any kind, skilled or unskilled, in the United States."

The words "skilled or unskilled," it will be seen, do not appear in the corresponding section of the original act. Their insertion, especially after the language used by the court in the two cases above referred to, is significant and controlling as to the intent of Congress.

* * * * * * *

The skilled laborer is, as a rule, far more intelligent and independent than the unskilled laborer. It would be practically impossible for contractors and foreign agents to get together and control a large number of intelligent, skilled artisans, while no difficulty would be experienced in contracting abroad for large numbers of ignorant and servile unskilled laborers. It is probable experience demonstrated that very few skilled laborers were brought to this country under the provisions of section 5 of the act of 1885. For this reason when the law came to be amended in 1903 it was not deemed necessary to limit the exception to its operation to new industries, as was the case in the original act. In other words, Congress, recognizing the vast difference between skilled and unskilled labor, concluded that it might with perfect safety permit *skilled* labor to be imported in all cases where "labor of like kind unemployed could not be found in this country." But no such exception was made in favor of the importation of unskilled labor. Indeed, to rule otherwise would, in effect, nullify the whole law.

The act was designed and intended for the protection and security of the American laborer, whose welfare every patriotic citizen is bound to promote. Laws designed for his benefit should, if possible, be so construed as to effectuate rather than retard the objects for which they were enacted.

The legislation with which we are now concerned has been on the statute books in substantially its present form for more than twenty

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years. As previously pointed out, the original act divided labor into two classes—skilled and unskilled. It first denounced the bringing in of either class under contract. For reasons of public policy Congress then excepted from the operation of the law skilled labor on new industries. The courts having intimated that the law was designed to apply to unskilled labor only, Congress took occasion to make clear its intent. The act of 1903 contains the unequivocal provision that the act shall apply to skilled as well as unskilled labor. In this act, which is now in force, the distinction between the two classes of labor is still maintained. It is therein provided that neither class shall be brought in under contract. No exception whatever is contained in the act in respect to unskilled labor, but it is provided that skilled labor may be imported under certain conditions. That there is a difference in fact and in law between skilled and unskilled labor is too plain to admit of argument.

It must also be presumed that Congress was mindful of this difference in the enactment of this law. It is certainly not for the executive department of the Government to nullify the will of Congress by declining or failing to give the words of the act their natural and logical import. Especially is this true in a case involving the welfare of such a very large number of our own citizens. Moreover, it does not appear that since the enactment of this law in 1885 it has ever before been contended that unskilled alien contract labor could legally be imported.

The determination of the question as to what is skilled and what unskilled labor within the meaning of the law rests largely with you. I entertain no doubt, however, that "ordinary hands, commonly employed in the construction and maintenance of the tracks of railroads," are not skilled laborers within the meaning of the immigration act of March 3, 1903. Having reached the conclusion that they are not skilled laborers, it follows from what I have previously said that such laborers may not "be imported into this country under contract in any event."

CONTRACT LABORERS FOR PANAMA CANAL—HOURS OF LABOR.—*Advance Sheets, 26 Op., page 21.*—On July 12, 1906, the Secretary of War submitted to the Attorney-General a draft of a proposed agreement between the Panama Canal Commission and the International Contracting Company of Maine, relative to the furnishing of Chinamen for labor on the construction of the Panama Canal, with an inquiry as to the legality of such contract. By its terms the company would undertake to supply Chinese laborers for the work specified, to feed and clothe them, and to return them to China at the expiration of their contract periods. The provision as to hours of labor made ten hours a day's work, labor in excess of that time to be classed as emergency or overtime work, and to be paid for as such.

The opinion of Charles W. Russell, Acting Attorney-General, on the two points involved, is as follows:

On the 30th ultimo [June, 1906] Congress passed an act declaring that the act of Congress relating to "limitations of the hours of daily

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service of laborers and mechanics employed upon the public works of the United States" shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the Isthmian Canal within the Canal Zone.

The contract-labor laws do not extend to the Canal Zone. Congress extended them on March 3, 1903, to "any waters, territory, or other place now subject to the jurisdiction" of the United States. The treaty with the Republic of Panama giving us jurisdiction is of a later date than March 3, 1903.

There is, accordingly, no objection to the proposed agreement arising out of the fact that the hours of the labor will be more than eight or the fact of contracting to import laborers.

Every country has a right, in the absence of a treaty provision to the contrary, to exclude and to deport aliens, and therefore, there being no such treaty provision, there is no objection to the proposed agreement on account of the bond to be given to the Republic of Panama, conditioned upon the deportation of the Chinese at the end of their service, and further conditioned not to permit any of them to enter into or remain within the Republic of Panama, except during transit; nor (in view of the President's governing authority as to the Canal Zone) on account of the agreement of the company to deport them from it at the conclusion of their service.

I have carefully examined each and every part of the proposed agreement, particularly with reference to Article XIII of the Constitution, as construed and explained in the Attorney-General's opinion of June 5, 1905 (25 Op., 474) [Bulletin No. 60, pp. 661, 662], and in my opinion it is within the "authority of the Commission and according to law."

Eight-hour Law—Construction of Naval Vessels under Contract—*Advance Sheets, 26 Op., page 30.*—In response to an inquiry from the Secretary of the Navy, dated July 23, 1906, as to the applicability of the act of August 1, 1892, to the construction of naval vessels under contract, Henry M. Hoyt, Solicitor-General of the Department of Justice, prepared an opinion which was approved by Attorney-General Moody. The discussion was somewhat extended and includes the consideration of a number of earlier opinions and decisions of courts. The final paragraph is as follows:

My conclusion, therefore, is that the act of August 1, 1892, limiting the hours of service of laborers and mechanics employed on the public works of the United States and of the District of Columbia does not apply to vessels under construction for the Navy by contract with builders at private establishments. The case of material for such vessels, as, for instance, armor, guns, and other articles obtained under special contracts, is a fortiori; and, besides, rests fully on the ruling of Attorney-General Miller in 20 Op., 454, as above cited, which is hereby expressly approved and affirmed. [The opinion referred to held that the act in question does not apply to contracts for furnishing materials to the Government for use in the construction and equipment of public buildings.]

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EIGHT-HOUR LAW—CONTRACTORS FURNISHING QUARTERMASTER'S SUPPLIES—*Advance Sheets, 26 Op., page 36.*—On July 25, 1906, the Secretary of War made an inquiry of the Department of Justice as to the applicability of the act of August 1, 1892, to contractors furnishing supplies for the Quartermaster's Department. The temporary nature of such supplies, as contrasted with permanent improvements such as are commonly found in connection with public works, was referred to as affecting the conclusions to be reached. The reply of Henry M. Hoyt, Acting Attorney-General, was in the negative, as appears from the following quotation from the opinion prepared by him:

In an opinion which I have just rendered to the Secretary of the Navy [above], regarding the application of this law to the construction of vessels for the Navy under contract with private establishments, it is held that the law is not applicable to such a contract, and also that the furnishing of equipment and material for such vessels—as, for instance, armor, guns, etc.—under special contract is not embraced within the law.

The case presented by you appears to me to be clearer even than the foregoing cases, for, presumably, quartermaster's supplies for the use of the Army are such as, generally speaking, are consumed sooner or later in the using. In the opinion to the Secretary of the Navy just cited I followed Mr. Miller's opinion of August 24, 1892. [See opinion next above for note on Mr. Miller's opinion.] I again approve that opinion, and therefore have the honor to answer your question in the negative.

EIGHT-HOUR LAW—RECLAMATION SERVICE—*Advance Sheets, 26 Op., page 64.*—An act of June 17, 1902, known as the Reclamation Act, provides for the construction of irrigation works by the Government, and contains a provision as to hours of labor without reference to conditions of extraordinary emergency. In view of this and other subjects of inquiry, the Secretary of the Interior, on September 21, 1906, addressed the following questions to the Attorney-General:

(1) Is the proviso to section 4 of the act of June 17, 1902, supra, which declares in part, "That in all construction work eight hours shall constitute a day's work," to be regarded as in anywise repealing or modifying that provision of the act of August 1, 1892, which makes it unlawful to employ or permit laborers to work more than eight hours in any one calendar day on any public works of the United States "except in case of extraordinary emergency." Differently stated, is the declaration in the act of June 17, 1902, that eight hours shall constitute a day's work upon the public works therein specified, in conflict with the saving clause in the act of August 1, 1892, which allows more than eight hours' work in one calendar day "in case of extraordinary emergency?"

(2) Are blacksmiths and their helpers, teamsters hauling camp supplies, etc., firemen, pumpmen, cooks, and flunkies to be classed

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as "laborerers and mechanics" within the meaning of these terms as employed in the act of August 1, 1892?

(3) Are the engineers of the Reclamation Service responsible under the statutes in case the contractors on the works under their supervision shall require more than eight hours' labor from laborers and mechanics upon these works?

The opinion of Attorney-General Moody given in reply is reproduced in full:

The letter of the Director of the Geological Survey states that it is dangerous to both life and property to do blasting during the regular hours of labor when the men and the steam shovel are at work; and that it is very necessary to keep the powder men at their posts after the regular working hours in order to make their final preparations for shooting the blasts. The letter also states that it is necessary to clean up the shale thrown down by the blasts upon the tracks before the regular working hours the following morning, in order that the force on the cuts and steam shovel shall not then be standing around idle until the tracks can be cleaned. The same reason for work before or after the regular hours applies to the necessary shifting of track, shoeing of horses, repair and cleaning machinery, and to other labor essential to the promptness and efficiency of the regular day service of men and machinery. It is also suggested that if water for domestic use of the camp may not be hauled after regular working hours by some of the teams on the work, it would be necessary to keep an extra team for this purpose only, at much greater cost than "by putting in a little time by extra work;" and that teamsters hauling supplies, cooks, and "flunkies" (by which I understand scullions or assistants to cooks are meant) must put in more than eight hours per day.

The eight-hour law of 1892 (act of August 1, 1892, 27 Stat., 340) provides (sec. 1):

"That the service and employment of all laborers and mechanics who are now or may hereafter be employed by the Government of the United States, by the District of Columbia, or by any contractor or subcontractor upon any of the public works of the United States or of the said District of Columbia, is hereby limited and restricted to eight hours in any one calendar day, and it shall be unlawful for any officer of the United States Government or of the District of Columbia or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics to require or permit any such laborer or mechanic to work more than eight hours in any calendar day except in case of extraordinary emergency."

The Reclamation Act provides (act of June 17, 1902, sec. 4, 32 Stat., 388):

"In all construction work eight hours shall constitute a day's work."

There can be no doubt that under the terms of these laws and in the light of the discussions and opinions relative to the eight-hour law (20 Op., 454, 459; 26 Op., 30, 36) "irrigation works for the storage, diversions, and development of waters for the reclamation of arid and semi-arid lands" (sec. 1, Reclamation Act) perfectly and comprehensively fill the idea of "public works of the United States."

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This conception is not weakened by the fact that ultimately the management and operation of such irrigation works is to pass to the owners of the lands irrigated (sec. 6), for not only when constructed are all these irrigation works public works of the United States upon lands of the United States to be acquired by condemnation if necessary (sec. 7), but section 6 also provides "that the title to the reservoirs and the works necessary for their protection and operation shall remain in the Government until otherwise provided by Congress."

But I think that the eight-hour day means eight hours of effective labor, and therefore so far as your questions present the case of laborers and mechanics who, from the exigencies of the situation, must wait until after the completion of the regular day to finish their work, I am of the opinion that the blasting, cleaning of tracks, repair of machinery, and all other similar work essential to prompt and continuous service in the regular day may be legally done before and after the regular hours. To be more specific, laborers and mechanics who are called upon to do two hours' work, for example, before or after the regular day begins or ends have no just cause for complaint that the law is violated if they are only called upon to work six more hours during the regular hours. The law gives no countenance to the conception that the interval between the beginning and end of the regular day is a controlling convention which excludes labor at any other time and entitles workmen to stand around idle if their services can not be fully availed of during that interval. The law limits the working day to eight hours, but it does not prescribe in what hours of the day the work shall be done. Practically, no doubt, there should be a real necessity, as is obviously the case here, for work during other hours than the regular day; and there should be scrutiny and care lest abuses arise which, however, the right of contract, subject to the law, between laborer and employer ought to prevent.

I do not wish to enter upon the minima of the case unnecessarily, and yet, noticing the claim that it would cost more to provide water for the camp unless it can be hauled on "extra time," I take occasion to observe that the element of cost makes no difference. The legality of the proceeding depends upon the consideration whether the men employed on this service are laborers or mechanics, or whether they give, excluding this service, eight hours' effective labor.

Your inquiry whether the engineers of the Reclamation Service are responsible for the action of contractors in requiring more than eight hours' labor for laborers and mechanics is susceptible of two constructions. It is certainly my opinion that it is their duty to be vigilant in their scrutiny and to report violations of law which may come under their observation. This is not altogether a question of law for my determination, but rather, perhaps, a question of administration for you to settle in the light of the general executive policy. But as the question has been touched upon by my predecessor, Mr. Miller, I may properly express my view. The case of United States *v.* Driscoll (96 U. S., 421) has also been brought to my attention. That decision merely held that a workman for a contractor could not maintain a claim against the United States for compensation for labor over eight hours a day; that there was no privity between him and the United States. There was no occasion there for any inti-

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mation from the court regarding the administrative duty of the United States in respect to violations of the law by contractors, and, accordingly, no intimation whatever was given. There is a current misconception as to the scope of Attorney-General Miller's opinion (20 Op., 501). Mr. Miller was requested by the Secretary of the Treasury, at the instance of a contractor, to determine whether laborers and mechanics engaged by the contractor to carry out a contract by the Government came within the application of the eight-hour law. Mr. Miller declined to answer the inquiry, on the ground that it was not a question of law arising in the administration of the Treasury Department. The inquiry was in reality the inquiry of the contractor, and with that fact in mind, doubtless, Mr. Miller observed that—

"The duty to employ, direct, or control such laborers or mechanics, and the penalty of their wrongful employment is with the contractor and not with the Government or any of its officers or agents."

But Mr. Miller does not by this remark undertake to determine what the deliberate executive policy on the subject might or should be. My own view of the matter, as now squarely presented, is that it is the duty of the engineers of the Reclamation Service under your direction to see to it that the law is observed by the contractors and to report any violation of it which comes under their observation. I understand this to be the sense in which you ask whether they are responsible—not in the sense of legal liability to the workmen.

Recurring, then, to your questions, as to the first my answer is that there is no conflict between the act of August 1, 1892, and the proviso to section 4 of the act of June 17, 1902. The "extraordinary emergency" of the former act would apply to the latter. The acts are to be construed together, and I do not think that it was the intention of Congress, by the proviso in the Reclamation Act and use of the term "construction work," either to displace the provisions of the act of August 1, 1892, as to laborers and mechanics not strictly engaged in "construction work," or to exclude the exception of an "extraordinary emergency." It is not necessary for me to define generally what an extraordinary emergency is, and it is clear to me that the facts in this case do not present an extraordinary emergency as intended by the law. But, with the qualifications which I have stated, I wish to make it clear that the eight-hour law applies fully to contractors on the irrigation works constructed by the United States.

Your second question I have answered, as far as the facts before me permit; but I may add that it seems clear to me that blacksmiths and their helpers, firemen and pumpmen are either mechanics or laborers. As to teamsters, cooks, and "flunkies," I leave the inquiry as to their status where Mr. Miller left a similar query in 20 Op. 459 [to be answered according to the conditions of employment and other matters of fact not stated, and therefore not within the cognizance of the Attorney-General], and add the remark that the obvious necessity of eight hours' effective labor in any case seems to dispose of that point as now raised. The answer to the third question, as already indicated, is that the engineers of the Reclamation Service are responsible to the extent of requiring the law to be observed and reporting violations of it.

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DECISIONS OF COURTS AFFECTING LABOR.

[Except in cases of special interest, the decisions here presented are restricted to those rendered by the Federal courts and the higher courts of the States and Territories. Only material portions of such decisions are reproduced, introductory and explanatory matter being given in the words of the editor. Decisions under statutory law are indexed under the proper headings in the cumulative index, page 239 et seq.]

DECISIONS UNDER STATUTORY LAW.

Boycotting—Picketing—Injunction—*Goldberg, Bowen & Company v. Stablemen's Union, Local No. 8,760, Supreme Court of California, 86 Pacific Reporter, page 806.*—This case was before the supreme court on appeal from the superior court of the city and county of San Francisco, in which the company named above had been granted an injunction restraining the Stablemen's Union and others from interference with its business. The firm was a mercantile one, engaged in selling groceries and general household goods, for the delivery of which it kept a number of horses and wagons and employed many stablemen, who were members of the union. Owing to a disagreement on the subject of wages, a strike of the stablemen occurred, which was followed by a boycott, against which the injunction above mentioned was secured. The appeal resulted in the affirmation of the injunction in a modified form.

The allegations charged conspiracy and the picketing of the stores and stables of the complainants, and the display of transparencies and placards bearing legends that were false in fact, which acts were injurious to the complainants' business; also that the customers were impeded and deterred from dealing with and other employees from serving the complainants by reason of intimidation and other forms of interference. The defendants being irresponsible and the damage likely to be continuing and irreparable, the continuance of the injunction was urged by the company.

The defendant organization claimed that they were protected by chapter 235, Acts of 1903, which declares that "no agreement, combination, or contract by or between two or more persons to do or procure to be done, or not to do or procure not to be done, any act in contemplation or furtherance of any trade dispute between employers and employees in the State of California shall be deemed criminal, nor shall those engaged therein be indictable or otherwise punishable for the crime of conspiracy, if such act committed by one person would not be

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punishable as a crime, nor shall such agreement, combination, or contract be considered as in restraint of trade or commerce, nor shall any restraining order or injunction be issued with relation thereto."

Judge McFarland, who delivered the opinion of the court, touched on this contention, as well as on the other points of law involved, in the course of his remarks, from which the following is quoted:

We think that the complaint clearly states facts sufficient to constitute the cause of action alleged. It is not necessary here to undertake to define the limits within which a number of persons conspiring for the purpose of injuring the business of another may legally do acts tending to accomplish that result. It is averred in the complaint that in the case at bar, and for the purpose above stated, and with intent to threaten and intimidate employees and patrons and customers of plaintiff, the said defendants do keep immediately in front of plaintiff's place of business, and threaten to so keep there, representatives and pickets bearing the placards and transparencies above set forth, and that by said means they have intimidated patrons and customers of plaintiff from entering said place of business, and will, if not restrained, continue to so intimidate the said patrons. It can not be successfully contended that the said acts of defendants committed immediately in front of plaintiff's place of business as aforesaid could not, in the nature of things, have had the effect of intimidating plaintiff's patrons, and, as it is averred that they did have that effect, the fact of such intimidation must, for the purposes of this case, be considered as established; and such acts, having such effect, undoubtedly interfered with and violated plaintiff's constitutional right to acquire, possess, defend, and enjoy property. [Cases cited.]

Appellants make the bare statement, without argument, that "an injunction in this case is also specifically forbidden by Pen. Code, p. 581." The section of an act of the legislature there referred to (Act March 20, 1903; St. 1903, c. 235, p. 289) is somewhat difficult of construction; but, in the first place, it can not, in our opinion, be construed as undertaking to prohibit a court from enjoining the main wrongful acts charged in the complaint in this action, and, in the second place, if it could be so construed, it would to that extent be void, because violative of plaintiff's constitutional right to acquire, possess, enjoy and protect property.

It is contended by appellants that the judgment rendered in this case is too comprehensive, and enjoins them from doing some acts which are not within the averments of the complaint, or within the principle, even if conceded to be correct, upon which the court below based its conclusion. We think that this contention must be sustained, to the extent, at least, as is hereinafter stated. Some parts of the judgment seem to enjoin the appellant from a mere expression of an opinion at any time or place as to plaintiff and its business, which would, at the worst, consist only of slander, which could not be reached in this form of action and seem to restrain them from doing other things which do not appear to be connected with or incidental to the main acts and threatened acts done at and in front of plaintiff's said places of business as above stated. The judgment must therefore be modified so as to eliminate those objectionable parts.

The judgment, after the first paragraph thereof, is amended and modified, so as to read as follows: "Now, therefore, it is ordered,

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adjudged, and decreed that the Stablemen's Union, Local No. 8,760, of San Francisco, T. F. Finn, T. J. White, and all and each of the defendants herein, and each of their officers, members, agents, clerks, attorneys, and servants, be, and they are hereby, enjoined and restrained from interfering with, or harrassing, or obstructing plaintiff in the conduct of its business at any of its said places of business No. 432 Pine street, No. 232 Sutter street, and No. 965 Sutter street, in the city and county of San Francisco, State of California, by causing any agent or agents, representative or representatives, or any picket or pickets, or any person or persons, to be stationed in front of or in the immediate vicinity of said places of business with a placard of [or] transparency having on it the words and figures as alleged in the complaint herein, or any placard or transparency (having words or figures) of similar import, and from, at said places of business, or in front thereof, or in the immediate vicinity thereof, by means of pickets or transparencies, or otherwise, threatening or intimidating any person or persons transacting or desiring to transact business with said plaintiff, or being employed at said place or places by the plaintiff." And as thus amended and modified the judgment will stand affirmed.

Contract Labor—Aliens—Construction of Statute—*United States v. Aultman Company, United States District Court, Northern District of Ohio, Eastern Division, 143 Federal Reporter, page 922.*—The Aultman Company was charged with a violation of the contract labor law, chapter 1012, 32 Stat., 1214; U. S. Comp. St. Supp. 1905, p. 277. The claim was made that the defendant, in violation of that law, solicited and procured the importation of one Hermann, an alien, from Canada. It appeared on examination that Hermann was of German descent, having come to this country at the age of 17 years, and had remained here ever since, with the exception of about two weeks spent in Canada working at his trade. He had never been naturalized, and the prosecution charged that to secure his return to take employment again in the United States was a violation of the law named. The court ruled to the contrary, however, and directed a verdict for the defendant. The grounds for the action appear in the opinion as quoted below.

Judge Tayler, speaking for the court, first took up the question as to the kind of persons, measured by employment, to whom the law in its original scope and purpose applied. He cited first the case of Holy Trinity Church *v.* United States, 143 U. S., 457, 12 Sup. Ct., 511, involving the admission of a clergyman, under contract with a church in New York, and quoted from Judge Brewer, who delivered the opinion in that case, as follows:

"Again, another guide to the meaning of a statute is found in the evil which it is designed to remedy; and for this the court properly looks at contemporaneous events, the situation as it existed, and as it was pressed upon the attention of the legislative body. The situ-

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ation which called for this statute was briefly, but fully, stated by Mr. Justice Brown when, as district judge, he decided the case of United States *v.* Craig (C. C.) 28 Fed. 795, 798: 'The motives and history of the act are matters of common knowledge. It had become the practice for large capitalists in this country to contract with their agents abroad for the shipment of great numbers of an ignorant and servile class of foreign laborers, under contracts, by which the employer agreed, upon the one hand, to prepay their passage, while, upon the other hand, the laborers agreed to work after their arrival for a certain time at low wages. The effect of this was to break down the labor market, and to reduce other laborers engaged in like occupation to the level of the assisted immigant. The evil finally became so flagrant that an appeal was made to Congress for relief by the passage of the act in question, the design of which was to raise the standard of foreign immigrants, and to discountenance the migration of those who had not sufficient means in their own hands, or those of their friends, to pay their passage.'

"We find, therefore, that the title of this act, the evil which was intended to be remedied, the circumstances surrounding the appeal to Congress, the reports of the committee of each house, all concur in affirming that the intent of Congress was simply to stay the influx of this cheap unskilled labor."

Judge Tayler then said:

Now I must confess that, having read so much of that opinion, I could not escape the conviction that the Supreme Court of the United States would have greater difficulty in excluding from the language of that act a minister than it would have to exclude a person like Hermann from the act. It seems to me that the reason that was applied by the Supreme Court in that case would apply with double force to the case that we have here; and to that conclusion, subject to further reflection and the argument that might be presented, I had come when my attention was called to what I had not had time to find—these cases where the United States courts have held, both in a contract labor case and in other cases where the definition of the persons who were included within this act was made, that a person who had come into this country, who had migrated to this country, had become a part of the wage-earning body of this country, in a sense had assimilated to our society, who, in a word, had become a resident and domiciled here, although not naturalized, could not be said to be a person with whom to make such a contract as here charged would be to violate this contract labor law. But we find that in many instances the courts have so held.

In re Maiola (C. C.) 67 Fed., 114, Judge Lacombe held, as it is stated in the syllabus:

"The statutes of the United States relating to the exclusion of contract laborers, including the act of March 3, 1891, making the decision of the immigration officers final as to the right of such laborers to land, are directed solely against alien immigrants, not against alien residents returning after a temporary absence; and the courts, therefore, have power, upon habeas corpus, to inquire whether one who is refused admission to the country by the immigration officers is or is not an immigrant, and so within the jurisdiction of such officers.

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"An unmarried man, who has immigrated to the United States in 1892, with the intention of making his home there, has remained about two years, working at his trade, and then, being taken ill, has returned to his native country, remained about ten months, doing no work, and then in 1895 returns to the United States—is not an immigrant on his return in 1895."

Citations were also made from In re Panzara et al., 51 Fed., 275; In re Martorelli, 63 Fed., 437, and In re Ota, 96 Fed., 487, of the same tenor, and the following conclusions were reached:

I must differ from these several judges who have defined this law and declared that such a person is not within the terms of the law, if I find that Hermann comes within it.

The facts in this case are infinitely stronger than the facts in any of the cases from which I have just quoted. In this case nobody would pretend that Hermann ever intended to go back to Germany to live, or that he was any less absorbed into the body of American workmen than anybody who had always lived here. From the age of 17 to 30 he had worked in this country; and, then, because he had been working as a strike-breaker, he went to Canada to help break a strike there, and there remained, as he said, a short time, two weeks, when he was called upon to assist in breaking a strike down at Canton. Now, was he an immigrant when he came over from Canada? Could the immigrant officers have stopped him? The unbroken current of authority is that he was not an immigrant within the meaning of this statute. I doubt if he would be an immigrant within the meaning of any statute. If he belonged anywhere, he belonged in this country, whatever technical relation he may have sustained to the Emperor of Germany.

Counsel refers to the fact that he was a strike-breaker, and that they are the kind of people that this legislation was intended to keep out. It is not worth while to discuss whether the work of the strike-breaker is virtuous, or the contrary. The legislation was not intended to touch the case of strike-breakers in the sense in which that argument was made. It was intended to reach strike-breakers, in the way of cheaper labor coming here at lower wages, as it would demoralize labor here, and most seriously and grievously affect the well-being of this country. But it was not intended to touch strike-breakers in the sense in which these men were strike-breakers, whatever we may think of such a trade, if there is such a trade.

The last of the four cases defining an alien immigrant was decided December 1, 1899. Since that time the law has been amended, especially by the act of March 3, 1903; and it is a familiar principle that when a certain construction has been given to a statute, especially when its general language has been qualified and subsequent legislation has not undertaken to change the language so as to meet with the judicial definition, added persuasiveness is given to the construction of the law which the courts have put upon it. That is to say, if Congress intended to give a wider application to the law than the courts had given it, it is reasonable to assume that it would have so legislated when it came to amend the law after the decisions were made public.

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Employers' Liability—Employment of Children—Negligence—Contributory Negligence—*Nairn v. National Biscuit Company, Kansas City (Missouri), Court of Appeals, 96 Southwestern Reporter, page 679.*—This case was before the Kansas City court of appeals on appeal from the circuit court of Jackson County, in which Joseph Nairn, a minor, had secured judgment for damages on account of an injury received by him while in the employment of the defendant company. Nairn, who was about fifteen years of age, was engaged, at the time he received his injury, in attending a roller for the reduction of sheets of molasses caramel to the desired thickness. While thus employed his hand was caught and drawn between the rollers, inflicting the injury complained of.

The court of appeals sustained the ruling of the court below, on grounds that appear in the following quotation, taken from the opinion of the court as delivered by Judge Broaddus:

The theory of the defendant is that there was no negligence shown on the part of the defendant company, and that as plaintiff's injury was the result of his own careless act, the court committed error in not sustaining its demurrer to the evidence. But the defendant has assumed too much. The plaintiff's suit was instituted upon the theory that defendant in putting him to work on the machinery in question did an unlawful act, and therefore an act of negligence. Section 6434, Rev. St. 1899, provides that no minor shall be required to "work between the fixed or traversing parts of any machine, while it is in motion by the action of steam, water or other mechanical power." The act of defendant in requiring plaintiff, a minor, to work at said machinery, it being the kind interdicted by the statute as unsafe to minors and women, was an act of negligence. (Lore *v.* American Manufacturing Company, 160 Mo. 608, 61 S. W. 678; Bair *v.* Heibel, 103 Mo. App. 621, 77 S. W. 1017.)

The fact of defendant's negligence being established, the question arises whether there was such contributory negligence on the part of plaintiff as should prevent him from recovering. As we look at the evidence in relation to the character of the machinery, the material manufactured, and the manner in which the machinery was managed by the operator, we have come to the conclusion that its operation was attended with much danger and that consequently great care was required of the workman intrusted with its operation. We conclude that an injury like that of plaintiff is a danger incident to the business, notwithstanding the person engaged in the work may be using the care and caution of a person of ordinary caution. The slightest diversion of the mind from the work in hand may cause the hand of the workman to come in contact with the rollers which will usually result in injury.

The defendant's answer, among other things, alleges that plaintiff's injury occurred as an incident to the business. But it is no defense. When defendant violated the law by requiring plaintiff to work at the machinery in question, it assumed all the risks of danger to the latter. It is not logical nor just to permit the defense to prevail under such circumstances. Its obvious inconsistency needs only to be stated to be controverted and overturned. (Stafford *v.* Adams, 113 Mo. App.

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717, 88 S. W. 1130.) But, waiving that question, we do not believe that plaintiff, take into consideration his youth and that want of caution usual with boys of his age, should, under the circumstances, be charged with contributory negligence. When injured he was sprinkling starch on the rollers to prevent the candy material from sticking to them, and, while so doing, inadvertently his fingers came in contact with them, the sticky matter adhering sufficiently to cause his hand to be drawn in between said rollers. It is not probable that the plaintiff was aware of danger from such a source. And in the absence of the adhesive substance on the rollers there would have been little or no danger attending the mere touch of the fingers to them. The defendant's counsel, seemingly, does not believe that the injury was inflicted in that way. But we think it makes no difference whether it was so inflicted or not. There is nothing to show that plaintiff knowingly placed his hand in danger. At most he was only guilty of mere negligence, which would not prevent him from recovering. (Adams *v.* Kansas & Texas Coal Company, 85 Mo. App. 486; Western Coal Co. *v.* Beaver, 192 Ill., 335, 61 N. E. 335.) To hold otherwise would be to defeat the purpose of the statute. It was such dangers the legislature had in view when the act was passed. The opinion disposes of all other questions raised.

Affirmed.

Employers' Liability—Fellow-Servant Act—Constitutionality—*Vindicator Consolidated Gold Mining Company v. Firstbrook, Supreme Court of Colorado, 86 Pacific Reporter, page 313.*—This was an action to recover damages for the death of the husband of the plaintiff, the death having resulted from an accident occasioned by the negligence of a fellow-servant. The widow had secured judgment in the district court of Teller County, which was on appeal affirmed by the supreme court of the State. The case involved the constitutionality of the fellow-servant law of 1901, which abolishes the doctrine of coservice as a defense. After disposing of other points involved in the appeal, Judge Gabbert, who delivered the opinion of the court, maintained the constitutionality of the statute referred to, using in part the following language:

The final and important question is the validity of the coemployee act. It is urged that the act is unconstitutional, in that it is in conflict with the fourteenth amendment to the Federal Constitution, because it deprives persons of their property without due process of law. The act in question renders the employer liable for damages resulting from injuries to or death of an employee, caused by the negligence of a coemployee in the same manner, and to the same extent, as if the negligence causing the injury or death was that of the employer. That the act in question may be regarded by some as harsh or unjust, because imposing too great a liability, is not a matter which we can consider in determining its validity by constitutional tests. Whether or not the employer is liable under the act in question must be determined by each particular case based on the

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provisions of that act. It does not deprive him of any defense to the liability thereby imposed which, under the established rules of law, could be regarded as sufficient, save and except his own lack of negligence; but such a defense is not a constitutional right. The law itself, as a rule of conduct, may, unless constitutional limitations forbid, be changed at the will of the legislature. The exercise of the discretion of that branch of the government to enact laws can not be questioned so long as such laws do not conflict with either State or Federal constitutional provisions. No such provisions have been called to our attention which limit the authority of the general assembly to abolish the rule heretofore existing which exempted the employer from liability to employees caused by the negligence of a coemployee, and render him liable to his employees for the negligence of a coemployee. For the purpose of providing for the safety and protection of employees in the service of a common employer, the law-making power has the undoubted authority to abrogate the exception to the general rule of respondeat superior in favor of the employer, and make him liable to one of his employees for damages caused by the negligence of another employee while acting within the scope of his employment, regardless of the fact that such employees are fellow-servants.

Employers' Liability—Railroad Companies—Powers of Federal Government—Interstate Commerce—Constitutionality of Statute.—*Brooks v. Southern Pacific Company, United States Circuit Court, Western District of Kentucky.* (From copy of opinion obtained from the Department of Justice.)

Action was brought by Mrs. N. C. Brooks to recover damages for the death of her son, an employee of the railway company named above. The right to recover was based on an act of Congress approved June 11, 1906, the title of which is "An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees."

The act is given in full in Bulletin No. 64, page 909. The principal features are the abrogation of the defense of common service where the accident causing injury was due to the negligence of a fellow-workman, and the granting of a right to proportionate recovery in cases where the negligence of the injured employee contributed to his own injury, but was slight in comparison with the negligence of the employer. In both these respects the act modified the common-law liability of the employer, thus affecting the contract of labor as it has existed under such law.

The decision in the case turned entirely on the question of the constitutionality of the statute, the first inquiry being whether the creation and enforcement of liabilities growing out of the negligence of certain common carriers to their employees is a regulation

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of commerce between the States within the meaning of that clause of the Constitution which gives Congress power to regulate commerce; and, secondly, whether the act, if valid in this respect, does not also regulate commerce that is exclusively within the several States, and if so, whether such fact would not condemn the entire act as unwarranted by the Constitution.

Judge Evans, before whom the case was argued, condemned the statute on both grounds, as appears from the following quotation from his opinion:

Obviously the first inquiry is whether an act, strictly limited as this is to fixing liability to their employees of such common carriers as are engaged in interstate commerce, is a regulation of such commerce—that is to say, does it prescribe a rule for *carrying on* commercial intercourse among the States, which seems to be the essential requisite in such legislation? The solution of that question may, and probably must, depend upon whether *a rule of liability for injuries* is or by any reasonable probability can be regarded as commerce or a rule for carrying it on in any sense whatever, either as the word is used in the Constitution or otherwise. Commerce has been described by the Supreme Court in many cases, from 1824, in Gibbons *v.* Ogden, 9 Wheaton, 189, down to very recent times, but it has never been deemed desirable to give the word any hard and fast definition in view of the great changes constantly occurring in the business affairs of the world.

It may help us to note that Webster defines commerce to be "the exchange or buying and selling of commodities, especially the exchange of merchandise on a large scale between different places or communities; extended trade or traffic." In Gibbons *v.* Ogden it was said that commerce is more than traffic, it is intercourse, and that it is regulated by prescribing rules for carrying on that intercourse. In many cases it has been held by the Supreme Court that commerce includes navigation and transportation of both persons and property, as well as traffic generally, and all the cases agree in treating the word "commerce" as one of large and extensive meaning. In Hopkins *v.* United States, 171 U. S., at page 597, speaking through Mr. Justice Peckham, the court said:

"Definitions as to what constitutes interstate commerce are not easily given so that they shall clearly define the full meaning of the term. We know from the cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purposes of trade in any and all its forms, including transportation, purchase, sale and exchange of commodities between the citizens of different States, and the power to regulate it embraces all the instruments by which such commerce may be conducted." [Cases cited.]

And the instruments by which commerce may be carried on necessarily vary as improvement and invention expand the opportunities and facilities therefor. Many cases might be cited showing the various applications of the word "commerce" to existing instrumentalities of traffic, but it is not deemed necessary to elaborate that phase of the discussion. Certainly section 8, article 1 of the Constitution gives Congress the power to regulate commerce among the States, and as

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we have seen it may do this by any law which is appropriate and plainly adapted to that end and which is within the scope and consistent with the letter and spirit of the Constitution,—conditions of great moment which can not be overlooked. While the courts would be exceedingly slow to inquire into the mere appropriateness of legislation, they can not decline the duty of inquiring whether legislation is within the constitutional power of Congress when a proper case demands the investigation, and a most patient consideration of the question in this instance has led us to the conclusion—we think to the inevitable conclusion—that the act of June 11, 1906, only creates and imposes a liability upon certain common carriers to their employees and in no way prescribes rules for *carrying on* traffic or commerce among the States, and consequently in no way regulates such commerce. If the operation of the act could in any wise affect commerce among the States, it would do so in a manner so remote, incidental and contingent, as in no proper sense to afford a factor of any value in determining the question now in contention. With what the Supreme Court has said in many cases before us, and with an open Constitution to control, we should be trifling with important things if we gave force to any other conclusion. Indeed, it may be said that it is obvious that Congress, in the act referred to, had in contemplation no more than the creation of the liability mentioned, and it would be a most strained construction to hold that it included anything broader than that. Creating new liabilities growing out of the relations of master and servant on the one hand and regulating commerce on the other are two things so entirely different that confusion of the judicial mind upon them is hardly to be expected under normal conditions. In the opinion of the court the act does not regulate commerce among the States.

But if we are in error in the conclusion that the act when properly considered does not "regulate commerce among the States," there yet remains to be considered the second of the questions above stated, namely, whether the act, if it does regulate commerce among the States, does not also equally regulate commerce that is exclusively within the several States and thereby embrace not only matters which are constitutional, but also those which are unconstitutional in a way to make the two indivisible, and to bring the entire act under condemnation when subjected to well established rules of construction.

But before entering upon a discussion of this last question it may not be inappropriate to recall the trite, but transcendently important, proposition that while the powers given to Congress are to be fairly and even liberally construed, especially in respect to the commerce clause of the Constitution, yet those powers have a limit beyond which Congress can not legitimately go. We should not grow restive under the restrictions and limitations of that great instrument, for the stability of our institutions largely depends upon their enforcement, and so great is our respect for the legislative branch of the Government that we shall always regard any overstepping of those bounds by that body to have been an inadvertence. This the courts can and should correct when they come to look more critically into the subject than Congress had probably had the opportunity to do.

In the Trade Mark Cases, 100 U. S., 82, the Supreme Court had before it in concrete form the second question to which we have just

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referred. The following syllabi prefixed to the report of that case clearly and accurately summarize the points decided and present at once and in succinct form the propositions of law upon which the question now under discussion must turn:

"If an act of Congress can in any case be extended, as a regulation of commerce, to trade-marks, it must be limited to their use in 'commerce with foreign nations, and among the several States, and with the Indian tribes.'

"The legislation of Congress in regard to trade-marks is not, in its terms or essential character, a regulation thus limited, but in its language embraces, and was intended to embrace, all commerce, including that between citizens of the same State.

"That legislation is void for want of constitutional authority, inasmuch as it is so framed that its provisions are applicable to all commerce, and can not be confined to that which is subject to the control of Congress."

Sutherland, in his work on Statutory Construction (section 169), says:

"In this country legislative bodies have not an unlimited power of legislation. Constitutions exist which contain the supreme law. Statutes which contravene their provisions are void. Courts have power, and they are charged with the judicial duty, to support the constitutions under which they act against legislative encroachments. They will declare void acts which conflict with paramount laws."

And in section 170 he states the general principle applicable to this case, as follows:

"It may be laid down generally as a sound proposition that one part of a statute can not be declared void and leave any other part in force, unless the statute is so composite, consisting of such separable parts that, when the void part is eliminated, another living, tangible part remains, capable by its own terms of being carried into effect, consistently with the intent of the legislature which enacted it in connection with the void part. If it is obvious that the legislature did not intend that any part should have effect unless the whole, including the part held void, should operate, then holding a part void invalidates the entire statute."

The text of the author is supported by many cases, State and Federal, cited in his notes.

The general doctrine has been reannounced in numerous cases by the Supreme Court. In Baldwin *v.* Franks, 120 U. S., 686, et seq., it was much emphasized, as it also had been in previous cases. And that there is no disposition to change this thoroughly established rule was unmistakably manifested when the Supreme Court, on the day on which this case was argued, in Illinois Central R. R. *v.* McKendree, held that an order of the Secretary of Agriculture regulating quarantine was void because too broad in its scope.

With this perfectly plain rule before us, we must, by its requirements, test the act of June 11, 1906, which, we repeat, provides that "every" common carrier engaged in interstate commerce shall be liable to "any" of its employees, or in case of his death to his personal representative, for "all" damages which may result from the negligence of "any" of its officers, agents or employees, or by reason of "any" defect or insufficiency due to its negligence in its cars, etc. Language could hardly be broader or more comprehensive in its scope.

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Argument was made attempting to show that the language should be construed to create a liability only where the employee was *at the time of the injury engaged upon interstate* commerce; but the words of the statute are plain and unambiguous, and if they admit of any construction it clearly does not admit of the one contended for. On the contrary, as already emphasized, that language expressly is that every such common carrier shall be liable to any of its employees for all damages which may result from the negligence of any of its employees or by reason of any defect in cars, etc. The rule is elementary that where language is plain it admits of no construction, but must be taken in its obvious signification and to mean what it says.

The act in question was attempted to be likened to that of March 2, 1893, usually known as the Safety Appliance Act, but in all the respects with which we are concerned the provisions of the latter act are wholly different from those of the former, as will at once be seen by comparing section 1 of the Safety Appliance Act with section 1 of the act of June 11, 1906. Section 1 of the former provides that 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 which is not equipped, etc., * * * or to run any train in such traffic after said date that has not a sufficient number of cars in it so equipped," etc. This comparison at once makes manifest the difference between the two acts. No doubt it is for this reason that small question has ever been made as to the constitutionality of the Safety Appliance Act.

Furthermore, the act of June 11, 1906, obviously includes *all* of the employees of *every* common carrier which is engaged in interstate commerce, whether the employee is so engaged or not. If the common carrier be itself engaged in interstate commerce as part of its business, it is wholly immaterial, under the terms of the act, whether an injured employee was ever so engaged.

An intelligent consideration of the authorities will lead, we think necessarily, to the conclusions, first, that even if the act regulates commerce in any possible constitutional sense it is too broad and applies not only to interstate commerce, but also to that which is entirely within the States respectively; and second, that the provisions of the act in these respects are single and altogether inseparable, the one from the other.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—POWERS OF FEDERAL GOVERNMENT—INTERSTATE COMMERCE—CONSTITUTIONALITY OF STATUTE—*Howard v. Illinois Central Railroad Company et al., United States Circuit Court, Western District of Tennessee, Western Division.*—(From copy of opinion obtained from the Department of Justice.)

The action in this case, like the one above, was based on the Federal Employers' Liability Law, the declaration being demurred to on the ground that the statute was unconstitutional. Judge McCall, before whom the case was heard, expressed the same opinion as to the con-

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stitutionality of the act as was adopted in the foregoing case, it being handed down but three days later. His reasons were in the main identical with those given by Judge Evans in the former case; but, in addition to what there appears, the following is quoted:

Without citing the great array of cases which support the proposition, we may restate the well-settled rule that Congress has full, ample and plenary power to regulate interstate commerce, and, therefore, to regulate the business of interstate commerce as carried on by common carriers.

But what is this commerce for the regulation of which Congress has power to prescribe the rules, when carried on between the States? This brings us face to face with the bone of contention in the case. With that question answered correctly, the remainder of the way is comparatively smooth. "Commerce is the exchange, or the buying and selling of commodities. Intercourse." Webster. "Commerce undoubtedly is traffic, but it is something more, it is intercourse." Gibbons *v.* Ogden, 9 Wheaton, 189. "Transportation of freight and passengers is commerce." Wabash, St. L. & P. R. R. Co. *v.* Ill., 118 U. S. 557.

Interstate commerce is the trading and trafficking in commodities between and amongst citizens of different States. It is transporting by common carriers passengers and property from one State into another State. It is the selling and buying of a commodity, or commodities, by a citizen of one State to a citizen of another State, which commodity is to be transported from the State of the seller to the State of the buyer, or to another State, and there resold, or used, as may serve the purpose of the buyer. The citizen may be an individual, firm or corporation. [Cases cited.]

These definitions do not solve the problem here. The interstate feature of it may be, and perhaps is, sufficiently clear. But, manifestly, the character of commerce legislated about, or on by the act in question is not of the varieties or kinds heretofore mentioned. The commerce mentioned and referred to in the act of June 11, 1906, is the liability of common carriers, engaged in interstate trade or commerce, to their employees. Congress, by the enactment of this law, assumed that this liability is commerce, or so related to, or connected with it as to fall within the power of Congress as a proper subject for its legislation under article 1, section 8, clause 3, of the Constitution of the United States.

The demurrant challenges the correctness of this position, and insists that the liability of the employer to the employee for injuries is not commerce at all, and that Congress exceeded its authority under the Constitution in enacting the law in question. No case of the Federal Supreme Court, holding that such liability is commerce within the meaning of the commerce clause of the Federal Constitution has been cited, and I know of none.

The Supreme Court of the United States has, in cases on writs of error to the State courts, repeatedly upheld the decisions of the State supreme courts where the latter courts have sustained the validity of the State statutes which altered the common law rule in regard to common carriers and made them liable to their employees for injuries, much in the same fashion as is done by the act under consideration. (Missouri Pacific Ry. Co. *v.* Mackey 127 U. S. 205;

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Minneapolis & St. Louis R. Co. *v.* Herrick, 127 U. S. 210; Tullis *v.* Lake Erie and Western R. R. 175 U. S. 348.) It does not follow, however, that because the United States Supreme Court upheld the validity of these State statutes, that that is tantamount to deciding a Federal statute to the same purport and effect would be valid. What was decided in all, or in many of these cases, was that such State legislation did not undertake to regulate interstate commerce, and was not obnoxious to the Constitution or to any law of the United States for that reason. This would necessarily be so under the well-known rule that the Supreme Court will follow the decisions of the supreme court of a State in its construction of its own statutes and constitution, unless such statute or constitution is obnoxious to the Constitution of the United States.

It would not necessarily follow, therefore, that because it has been held in several of the States that the liability of common carriers for injuries to their employees is a proper subject for State governmental regulation, and these State decisions not having been disturbed by the Supreme Court of the United States on review, that the liability of common carrier for injuries to their employees is a proper subject for Federal governmental regulation for the very simple reason that many things are subject to State governmental control which are not subject to Federal control.

I am unable to bring my mind to the conclusion that the liability of a common carrier to its employees for injuries is interstate commerce, or commerce of any character within the meaning of the commerce clause of the Constitution.

It is insisted that the relation between common carriers and their employees more or less affects interstate commerce; and that this legislation more or less affects interstate commerce, and for that reason it is within the power of Congress to regulate it. Chief Justice Fuller, speaking for the Court in Williams *v.* Fears, 179 U. S. 278, says: "If the power to regulate interstate commerce applied to all the incidents to which said commerce might give rise, and to all contracts which might be made in the course of its transaction, that power would embrace the entire sphere of mercantile activity in any way connected with trade between the States, and would exclude State control over many contracts purely domestic in their nature." In the case of Sherlock *v.* Alling, 93 U. S. 99, the Court says: "Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it, within the meaning of the Constitution." See also State Tax Case, 15 Wallace, 293, to the same effect.

Congress has power to regulate,—that is, to prescribe rules by which commerce is to be governed. Under this construction of the interstate commerce clause of the Constitution the "Safety Appliance Act" was passed. That act has been acquiesced in, if not sustained, by the Supreme Court of the United States. Perhaps its validity has not been questioned. The fact that the Safety Appliance Act imposes a liability upon common carriers, and the further fact that that act has passed muster before the Supreme Court of the United States, and by that court its provisions have been enforced, does not necessarily warrant the conclusion that the Employers' Liability Act should be sustained. Our attention is called to that act, and the

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insistence is made that the Safety Appliance Act and the Employers' Liability Act are the same in character. And if it is within the power of Congress to enact the former, it must have the power to enact the latter.

There is a vast difference between the two enactments. In the Safety Appliance Act, Congress lays down specific rules and regulations with which common carriers are required to comply. For a failure to observe such rules or perform such duties prescribed by Congress for the conduct and government of their business, a penalty is provided which may be recovered by the United States Government, and in addition it provides: "That any employee of any such common carrier who may be injured by any locomotive, car, or train in use contrary to the provisions 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 has been brought to his knowledge." There, the carrier is made liable to the employee, not simply because he is injured, but, rather, because the carrier violates and sets at naught the rules for the government of its business, prescribed by Congress, and because, as a result of such violation, the employee was injured. The liability, in its nature and essence is a penalty. The power of Congress to prescribe a penalty for the infraction of a rule or regulation which it is empowered to enact by the express terms of the Constitution, is clearly and necessarily implied, but if it was not so implied, then authority for its enactment is found in clause 18, section 8, article 1, of the Constitution.

In the act of June 11, 1906, Congress does not undertake to prescribe a rule or regulation for the conduct or government of the business of the common carrier, for the infraction of which a penalty or liability is imposed, but the act only declares that the carrier shall be liable for all damages to its employees, the result of the negligence of its officers, agents, employees, etc. In other words, the act abolishes the common law rule as to fellow-servants, as heretofore applied in the United States Courts.

There is no express grant of power to Congress over the subject of the liability of common carriers, or other employers to their employees for torts, nor, in my opinion, is there any express grant from which such power can be necessarily or even reasonably implied. The power to prescribe rules for the government of interstate commerce, necessarily carries with it the power and right to declare liability for their infraction. Otherwise, a statute prescribing a rule would be a dead letter. A government with power to enact laws, but without power to enforce obedience of them would be a howling farce in these strenuous practical times. Had the act prescribed some rule, or rules, for the safer and more expedient transaction of the business of common carriers, and which they were to observe, and fixed the liability, as it is in the act, for their failure to observe the rules and regulations, we would have a different act, and one very similar to the Safety Appliance Act.

My conclusion on this branch of the case is that the power of Congress to define the liability of common carriers, engaged in interstate commerce, to their employees, and to create rights of action in favor of employees and to define the method of procedure, can only

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be exercised when Congress in the first instance has prescribed rules of conduct governing common carriers, and it is only for the breach of these rules that Congress has the power to prescribe civil liability. Independent of such rules, Congress has no power to define the liability of a common carrier to its servants on account of torts committed by other servants of the common carrier. (Sherlock *v.* Alling, 93 U. S., 99.)

The second ground of demurrer in substance is, that if the act regulates commerce at all, it regulates intrastate as well as interstate commerce. The act provides: That every common carrier engaged in trade or commerce between the several States shall be liable to any of its employees, etc. The character of commerce, that is, whether it is intra or inter state is to be determined by the point of reception and the point of destination, and not by the number or length of railroads over which it is routed. All common carriers who haul or forward interstate commerce over any portion of its route are engaged in interstate commerce, if the several roads have existing a joint schedule of traffic rates for the purpose of handling through passengers and freight. Now, manifestly, the line of one of the carriers may lie wholly within a single State, yet, it is engaged in interstate commerce if it maintains a joint traffic schedule of rates, and receives, from an interstate road, freight that comes from another State and forwards it to its point of destination, or delivers it to a connecting line. And under this act of Congress, its liability to all of its employees for all damages is the same as is the common carrier whose line extends across the continent, when, in point of fact, this intrastate road may handle only one car or one train of interstate freight in a month, while, under the act, it is liable for all damages to all employees all the time, even though at the time of the injury, it is doing strictly an intrastate business.

The infirmity in this act is so plainly observable that I deem it unnecessary to further discuss it. Certain it is, that the States have not delegated to Congress the power to regulate commerce wholly within a single State; and if Congress has the power to enact the law in question limited to interstate common carriers, it has, in this act, exceeded that power by including within its terms intrastate commerce.

It was indirectly suggested in the argument that, if the court should take this view of the case, and hold that as the act reads it applies to intra as well as inter state commerce, it was not the intention of Congress that the act should extend to and embrace intrastate common carriers, and that this objection might be remedied by judicial interpretation and construction. The act is plain on its face. It applies to all common carriers engaged in trade or commerce between the States, and imposes upon common carriers whose lines lie wholly within a State, if such lines do any interstate business, the same liability as a common carrier who handles only interstate business.

The act is single in character, and includes commerce, if it be commerce, wholly within the State, thereby exceeding the authority delegated to Congress by the Constitution of the United States.

Judge McCall concluded as follows:

Congress is not authorized, under the commerce clause of the Constitution of the United States, to enact this legislation, for the

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reason that the relation of interstate common carriers, engaged in interstate trade or commerce, to their employees, and their liability to them in damages for injuries sustained in their employment, as the result of the negligence of any of their officers, agents or employees, or by reason of any defects or insufficiency due to their negligence in their cars, engines, appliances, machinery, track, roadbed, ways or works, is not commerce within the meaning of the Constitution. But if it were, the act does not undertake to regulate this relation or liability, but simply announces by an act of Congress a new law on torts limited to a special class of those engaged in interstate commerce.

The act does not limit the liability which it seeks to impose upon common carriers engaged in interstate trade and commerce to such common carriers, but imposes the same liability upon common carriers engaged in trade and commerce wholly within the State.

Employers' Liability—Railroads—Prevention of Accidents—Application of Statute—*Cincinnati, New Orleans and Texas Pacific Railroad Co. v. Holland, Supreme Court of Tennessee, 96 Southwestern Reporter, page 758.*—Fannie Holland had secured a judgment for damages against the railroad company above named on account of the death of her husband, an employee in its service. Holland's employment required him to pass over the road, and he was at the time of his death riding on a railway velocipede carrying mail from one train to another. He was following one section of a fast train and was killed by the second section, which was running at the rate of about 60 miles per hour. The statute that requires the observance of prescribed precautions and the employment of every possible means to prevent injury to persons or animals on the road was relied on by the plaintiff to support her action, but this the supreme court refused to allow, holding that such precautions were not prescribed for the benefit of employees. The decision of the lower court was therefore reversed on grounds that appear in the following extracts from the opinion of Judge Wilkes, who spoke for the court:

It is insisted upon the part of the railroad company that the statutory precautions were observed; but this is denied by the plaintiff, and there is some evidence to support the contention of the plaintiff upon this point.

Conceding, therefore, that the statutory precautions were not observed, we think the crucial question is whether or not this was a case which required the observance of the statutory precautions.

We think there is ample evidence to show that the plaintiff's intestate was guilty of the grossest contributory negligence in attempting to operate a velocipede upon the railroad track between the two sections of a train which were running at the rate of 60 miles an hour. He was entirely familiar with the schedule of the trains. He knew

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that the first section had passed Boyce going in the direction of Chattanooga, and that the second section would immediately follow after; and yet he placed himself upon this velocipede in front of the rear section, and attempted to go down the road between the two sections, his rate of speed being about 10 miles per hour.

It is not shown that he was authorized to use a velocipede or that it was done with the consent of the railroad company, nor that it was necessary in the discharge of his duty; but, on the contrary, it is charged, and, we think, clearly appears, that he was using it for his own convenience and without the consent of the defendant.

If the rule of common-law liability is applied, we think it clear that because of his negligence and we may say recklessness, he would not be entitled to any recovery, and, if he is entitled to any recovery it must be solely on the ground that the company failed to observe the statutory precautions; for there is no evidence to show that he was run down recklessly or maliciously by the railroad employees, but everything was done that could be done to stop the train after deceased was discovered.

In the case Railroad Co. *v.* Hicks, 89 Tenn. 301, 17 S. W. 1036, the plaintiff was using a velocipede on the track rightfully. It was completely under his control, and could be easily removed from and replaced upon the track. On a trial the circuit judge charged that the statutory precautions were applicable; but this court held that the application of the rule to employees upon the track, even in the discharge of their duties, would necessitate the stopping of all trains whenever they came in sight of section hands upon the road, although it was altogether reasonable that such hands would get out of the way without making it necessary to stop at all, and that a proper charge would have been that the road, when it sees an employee on the track in peril of being run over, must do all in its power to avert a collision and prevent an injury, which is, in effect applying the rule of the common law.

Judge Wilkes quoted with approval the following from Railroad *v.* Burke, 6 Cold., 45:

"The statute was intended for the benefit of the general public, not for the servants of the company, and clearly not for a servant whose negligence caused, or contributed to cause, the accident. The legislature surely never intended that a railroad company by a mere noncompliance with certain forms made obligatory as to a stranger, whether their observations would have prevented the act or not, should become liable to an employee whose plain dereliction of duty caused the accident."

He then concluded as follows:

In the language of Judge McFarland in Railroad *v.* Robertson, 9 Heisk. 276: "The liability of the company to its agent for injuries resulting from the misconduct or negligence of that agent must be determined, not by the statute, but by the common-law principles."

Under the facts as we find them in the record, we think that there is no liability on the part of the defendant railroad; and the judgment of the court below is reversed, and the cause is remanded for a new trial.

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EMPLOYMENT OF CHILDREN—AGE LIMIT—CONSTITUTIONALITY OF STATUTE—*Ex parte Spencer, Supreme Court of California, 86 Pacific Reporter, page 896.*—This case was before the supreme court on an application by J. M. Spencer for a writ of habeas corpus to secure his release after conviction and confinement for violation of the act of February 20, 1905, which prohibits the employment of children under 14 years of age "in any mercantile institution, office, laundry, manufacturing establishment, workshop, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages." Provision is made in the act for the children of parents disabled by illness, for employment during vacations, against night work by children under 16 years of age, and against employment during school hours of illiterates under 16 years of age.

The petitioner objected to the statute on the ground of its alleged unconstitutionality. It was, however, upheld by the court, and the petition denied. Judge Shaw, who delivered the opinion of the court, spoke in part as follows:

The first objection to the validity of the part of the section above stated is that it is discriminatory and special because it does not prohibit such employment of minors in all occupations, but only in those specifically mentioned; that work at other places, of which saloons, barber shops, railroads, ferries, and warehouses are specified by counsel as instances, would be equally injurious, and that in order to be general and uniform they should be included in the prohibition. The objection is twofold: First, that the legislation constitutes an unfair discrimination against the particular trades mentioned; second, that it unduly and without reasonable cause restricts the rights of minors to work at any and every occupation in which they may wish to engage. There is nothing in the act to indicate a purpose on the part of the legislature to make use of the laudable object of protecting children as a mere pretense under which to impose burdens upon some occupations or trades and favor others. It appears to have been framed in good faith and for the purpose of promoting the general welfare by protecting minors from injury by overwork and by facilitating their attendance at schools. The legislature may undoubtedly forbid the employment of children under the age of fourteen years at any regular occupation if the interests of the children and the general welfare of society will be thereby secured and promoted. The power to forbid their employment in certain occupations and not in all depends on the questions whether or not any appreciable number of children are employed in the callings not forbidden, and whether or not those callings are injurious to them, or less injurious than those forbidden. If certain occupations are especially harmful to young children and others are not so, there can be no serious doubt that it is within the power of the legislature to forbid their employment in one class and permit it in the other. The difference in the results would justify the classification with a view to the difference in the legislation. Also, if children are employed in certain occupations to their injury, and are not employed at all in others, or so infrequently that the number is inappreciable and insignificant, the

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occupations regularly employing them have no ground to complain of discrimination. They compose the entire class to which the legislation is directed, the class which causes the injury to be prevented. And upon the facts assumed, neither the children nor the persons engaged in the occupations in which they are not employed would be affected by the prohibition as to other occupations. The preliminary question as to the effect of the specified occupations on the children, and as to the number of children engaged therein, are questions of fact for the legislature to ascertain and determine. It has determined that the facts exist to authorize the particular legislation. If any rational doubt exists as to the soundness of the legislative judgment upon the existence of the facts, that doubt must be resolved in favor of the legislative action and the law must accordingly be held to be valid in these respects. The specifications of forbidden callings are broad and comprehensive. Even of those which, as counsel assert, are omitted from the classification, we can not say a saloon is not a "mercantile institution," it being a place where merchandise is sold; nor that a barber shop is not a "workshop," it being a place where a handicraft is carried on; nor that ferries and railroads are not engaged in the "distribution or transmission of merchandise or messages." At all events, in view of the rule that a statute must be liberally construed to the end that it may be declared constitutional rather than unconstitutional (People *v.* Hayne, 83 Cal. 117, 23 Pac. 1), we would not give the description of forbidden occupations this narrow construction in order to make the law invalid. The decision of the legislature that the specified occupations are more injurious to children than others not mentioned, and hence the subject of special regulation, and that they constitute practically all the injurious occupations in which children are employed at all, and therefore the only cases in which regulation is needed, is not so manifestly incorrect, not so beclouded with doubt concerning its accuracy, as to justify the court in declaring it unfounded and the law, consequently, invalid.

There is a proviso in this clause of the section, to the effect that if either parent of such child makes a sworn statement to the judge of the juvenile court of the county that the child is over 12 years of age, and that the parent or parents are unable, from sickness, to labor, such judge, in his discretion, may issue a permit allowing such child to work for a time to be specified therein. There is no force to the objection that this discriminates against orphans and abandoned children. The exception allowed by the proviso is not made for the direct benefit of the child, but for the sick parent. It is a burden put upon the child because of the special necessity of his case which justifies the different provisions respecting him. The legislature deemed the necessity of allowing a child to work to aid in the support of the sick parent sufficient to outweigh the benefits which would otherwise accrue from the education and protection of the child during such inability. If there are no parents whose necessities the child's labor could alleviate, the reason for this exception is wanting. The provision seems a reasonable one in view of the conditions upon which, alone, it can apply. There is a further proviso or exception, to the effect that any child over 12 years old may work at the prohibited occupations during the time of the regular vacations of the public schools of the city or county, upon a permit from the principal

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of the school attended by the child during the term next preceding such vacation. This does not, as counsel contends, give the principals of the public schools the exclusive power to give the contemplated permits. Its true meaning is that the permit is to be given by the principal of the school which the child has attended, whether the school is public or private, but that it can extend only to the time of the public school vacation. This act was approved February 20, 1905. Its provisions relating to attendance upon schools, and those of section 1 of the act of March 24, 1903 (St. 1903, p. 388, c. 270), with the amendment of March 20, 1905 (St. 1905, p. 388, c. 333), to said section 1 must be considered together. The act of 1903, in effect, requires all children to attend, either the public schools, or a private school, during at least five months of the time of the session of the public schools. The amendment of March 20, 1905, extends the time of such compulsory attendance, so as to embrace the whole period of the public school session. Therefore, if the parents, guardians, or custodians of a child choose to send it to a private school, it must attend thereon at least during the time the public schools are in session. A permit may then be obtained for it to work during the vacation of the public schools, if its interests or necessities so require, without subjecting it to conditions substantially different from those affecting the children attending the public schools. There is no discrimination. The legislature has the power to make such reasonable regulations as these with respect to the time of the vacations of schools, whether public or private, in the interest of the public welfare and the welfare of the children.

A third clause of section 2 declares that no child under 16 years of age shall work at any gainful occupation during the hours that the public schools are in session, unless such child can read English at sight, and write simple English sentences, or is attending night school. The first clause of section 2 provides that no minor under 16 shall work in any mercantile institution, office, laundry, manufacturing establishment, or workshop, between 10 o'clock in the evening and 6 o'clock in the morning. Section 5 (page 15) of the act further provides that nothing in the act is to be construed to prevent the employment of minors at agricultural, viticultural, horticultural, or domestic labor, during the time the public schools are not in session, or during other than school hours. The petitioner's contention with respect to the first and last clauses of section 2 is that they constitute such important parts of the statute that it can not be presumed that the legislature would have adopted the other parts thereof if it had been aware of the invalidity of these particular provisions, and hence the whole act must fall. We can not accede to this proposition. They are separable and independent provisions, and are not so important to the entire scheme as to justify us in concluding that the legislature would have refused to adopt the other parts without these, and thereby to declare the entire statute invalid. Nor can it be conceded that these provisions are invalid. The principles already discussed apply with equal force to the first clause of the section. The proviso concerning illiterate children is a reasonable regulation to prevent those having control of such children from working them to such an extent as to hinder them from acquiring, or endeavoring to acquire, at least the beginning of an education before arriving at the age of 16 years. The exemption of domestic labor and the sev-

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eral kinds of farming from the operation of the act is not an unreasonable discrimination. Such work is generally carried on at the home and as a part of the general home industry which should not be too much discouraged, and it is usually under the immediate care and supervision of the parents or those occupying the place of parents, and hence is not liable to cause so much injury. These circumstances distinguish them from the prohibited industries and is a sufficient reason for the exemption. We find no reasonable ground for declaring the law invalid.

The petition is denied, and the petitioner remanded to the custody of the officer.

Employment of Children—Certain Employments Forbidden—Constitutionality of Statute—*Ex parte Weber, Supreme Court of California, 86 Pacific Reporter, page 809.*—Henry Weber had been convicted of violating section 272 of the Penal Code, as amended by chapter 568, Acts of 1905, which prohibits the employment of children under 16 years of age in immoral, injurious, or dangerous occupations, and petitioned for a writ of habeas corpus to secure his release from confinement. The statute in question contains a proviso excepting from its application children employed as singers or musicians in churches, schools, and academies.

Weber contended that the statute was unfairly discriminating and therefore unconstitutional. This the court denied, upholding the law, and refusing to grant the writ petitioned for. Its rulings appear in the following quotations from the remarks of Judge Shaw, who delivered the opinion of the court:

The contention of the petitioner is that these provisions contain an arbitrary and unreasonable classification, and, consequently, are not of uniform operation, and that the act constitutes a special law for the punishment of crimes, where a general law could be made applicable. It is said that only a certain portion of the minor children of the State are affected by the act, namely, those who are under 16 years of age, and that this is an arbitrary discrimination between those who are over that age and those who are under that age; that any child over that age may enjoy his natural privilege of working for his own support as he pleases, while those under that age are prohibited therefrom. There is no sound reason for any such criticism. The same reasoning might be applied to a large number of laws which are universally conceded to be valid and constitutional. The law providing that a male person under 21 years of age is a minor, subject to the legal disabilities of minority, might be rendered unconstitutional by the same process of reasoning. It is competent for the legislature to provide regulations for the protection of children of immature years. The growth of a child is gradual and the age of maturity varies with different children. It is impossible for any person to fix the exact time when a child is capable of protecting itself. The legislative judgment in regard to the proper age at which such regulations shall become applicable to the child can not be interfered with by the courts.

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It is also stated that the law makes an unfair discrimination by allowing the employment of children as singers or musicians in churches, schools, or academies. The ground of this objection is that such employment, so far as the court can see, may be as injurious to the health or morals, or as dangerous to the life or limb of the child as those which are prohibited in the law, and that no prohibition is lawful under the constitution unless it extends to all employments which are equally injurious. In matters of this kind the legislature has large discretion. It must determine the degree of injury to health or morals, which the different kinds of employment inflict upon the child, and the corresponding necessity for protecting the child from the effects thereof, and, unless its decision in that regard is manifestly unreasonable, there is no ground for judicial interference. We do not think the law in question so unreasonable as to require us to hold it unconstitutional.

The petition is denied, and the petitioner is remanded to the custody of the officer.

Employment of Children—Hours of Labor—Constitutionality of Statute—*State v. Shorey, Supreme Court of Oregon, 86 Pacific Reporter, page 881.*—John F. Shorey had been convicted in the circuit court of Multnomah County of a violation of section 5 of the Oregon child-labor law of 1905, which prohibits the employment of a minor under 16 years of age for more than 10 hours per day. An appeal was taken on the ground that the statute was unconstitutional, as being in conflict with the fourteenth amendment of the Constitution of the United States, which provides that no State shall "deprive any person of life, liberty, or property, without due process of law;" and of section 1 of article 1 of the State constitution, which reads: "We declare that all men, when they form a social compact, are equal in rights."

The court ruled in favor of the constitutionality of the act, Judge Bean speaking for the court, using in part the following language:

It is competent for the State to forbid the employment of children in certain callings merely because it believes such prohibition to be for their best interest, although the prohibited employment does not involve a direct danger to morals, decency, or of life or limb. Such legislation is not an unlawful interference with the parents' control over the child or right to its labor, nor with the liberty of the child. (People *v.* Ewer, 141 N. Y. 129, 36 N. E. 4.) Laws prohibiting the employment of adult males for more than a stated number of hours per day or week are not valid unless reasonably necessary to protect the public health, safety, morals or general welfare, because the right to labor or employ labor on such terms as may be agreed upon is a liberty or property right guaranteed to such persons by the fourteenth amendment to the Constitution of the United States, and with which the State can not interfere. (Lochner *v.* New York, 198 U. S. 45, 25 Sup. Ct. 539, 49 L. Ed. 937.) But laws regulating the right of minors to contract do not come within this principle. They are not sui juris,

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and can only contract to a limited extent. They are wards of the State and subject to its control. As to them the State stands in the position of parens patriæ and may exercise unlimited supervision and control over their contracts, occupation, and conduct, and the liberty and right of those who assume to deal with them. This is a power which inheres in the government for its own preservation and for the protection of life, person, health, and morals of its future citizens.

We are of the opinion, therefore, that the law prohibiting the employment of a child under 16 years of age for longer than 10 hours in any one day is a valid exercise of legislative power. It is argued, however, that the provisions of the statute forbidding the employment of such a child at any work before the hour of 7 in the morning or after the hour of 6 at night, is so manifestly unreasonable and arbitrary as to be void on that account. The defendant is not accused nor was he convicted of violating this provision of the statute, and is therefore not in a position to raise the question suggested.

It follows that the judgment of the court below must be affirmed, and it is so ordered.

Examination and Licensing of Plumbers—Constitutionality of Statute—*Caven et al. v. Coleman, Court of Civil Appeals of Texas, 96 Southwestern Reporter, page 774.*—W. P. Coleman sued in the district court of Harrison County for a mandamus to compel T. S. Caven and others, mayor and aldermen of the city of Marshall, to appoint an examining and supervising board of plumbers for the city, as required by chapter 163, Laws of 1897. The law in question provided that on this board there should be, among others, the city engineer and a member of the local board of health, while the city of Marshall had no such officers. The mayor and aldermen contended that the appointment of such officers was discretionary with the city council and not mandatory; that the special charter of the city, which contained no specific provision for such officers, was in conflict with the statute named, and operated as a repeal thereof so far as the city of Marshall is concerned; and, finally, that the act itself is an unwarranted interference with the right of private business enterprise, and is therefore unconstitutional and void.

All these contentions were denied in the lower court, and, on appeal, in the court of civil appeals. The views of the court as to the constitutionality of the statute are set forth in the following extract from the remarks of Judge Talbot, who delivered the opinion of the court:

Referring to respondents' contention, that the act of the twenty-fifth legislature under consideration, "interferes with the rights of citizens to do business, and confers special privileges on a certain class, etc., and is therefore unconstitutional and void," it may be said that said act comes clearly within the police powers of the State.

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An indisputable function of the police power, and one frequently exercised by the State municipalities, is to provide for the preservation of the health of the people. And while the right of the individual to labor and enjoy the fruits thereof is recognized as a "natural right which may not be unreasonably interfered with by legislation," yet whenever the "pursuit concerns the public health and is of such a character as to require special training or experience to qualify one to pursue such occupation with safety to the public interest, the legislature may enact reasonable regulations to protect the public against the evils which may result from incapacity and ignorance." Such regulations, which have been uniformly upheld, will be found in statutes prohibiting the practice of medicine or surgery by persons not licensed, or the compounding of medicines by any other person than a licensed or registered pharmacist. Other examples of this principle are found in our Sunday laws and the laws which require study and an examination before a person is permitted to practice law or engage in the occupation of a dentist.

Nor does the statute in question, as contended by counsel for respondents discriminate against individual plumbers not members of a firm, in that it allows a firm of any number of members to do plumbing, if only one member has the license required. Neither does it allow members of a corporation to do a plumbing business without having passed the required examination and procured a license. Section 5 of the statute is sufficiently broad and comprehensive to include every person engaged in the work of plumbing, whether he be a member of a firm or of a corporation. It provides: "That license shall not be issued to any person or firm to carry on or work at the business of plumbing or to act as inspector of plumbing until he or they shall have appeared before the examining and supervising board for examination and registration, and shall have successfully passed the required examination. Every firm carrying on the business of plumbing shall have at least one member who is a practical plumber." A distinction seems to be made of a licensed plumber and a practical plumber, and, in the case of a firm, the members must not only pass the required examination, but one of the members must be a "practical plumber." It can not be said that the provision, "every firm, carrying on the business of plumbing shall have at least one practical plumber," means that only one member of the firm is required to pass the examination. The section quoted requires all who engage in the work to stand the examination. We think it well settled that a statute which selects particular individuals from a class and imposes upon them special obligations or burdens, from which others in the same class are exempt, is unconstitutional; but such is not, in our opinion, the character of the statute under consideration.

Examination and Registration of Miners—Construction of Statute—Constitutionality—*Commonwealth v. Shaleen, Supreme Court of Pennsylvania, 64 Atlantic Reporter, page 797.*—John Shaleen, a citizen of Illinois, had been convicted of working as an anthracite miner in the State of Pennsylvania without a certificate of qualifica-

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tion. The act of July 15, 1897 (page 287, Acts of 1897), makes it a misdemeanor so to work, and fixes as a condition necessary to the securing of such a certificate that the applicant shall have had two years' experience as a miner or mine laborer "in the mines of this Commonwealth." Shaleen's counsel argued that there was no restriction in the phrase quoted, but that miners in bituminous as well as in anthracite mines might procure such certificates, and that the act was therefore discriminatory as against bituminous miners from other States, and was on this account unconstitutional and void. The case was appealed, first to the superior court and afterwards to the supreme court of the State, the judgment of the lower court being affirmed in each instance. The position of the supreme court is indicated in the following quotation from its opinion, as delivered by Judge Stewart:

The construction here contended for would defeat utterly the manifest purpose of the act, as expressed in its title, and as may be gathered from its different provisions. What the legislature had in view was the protection of the persons and lives of those employed in the anthracite mines of the State. The safety of those so engaged depends upon the intelligent understanding by each of those things which distinguish anthracite mines from all others, both in general design and the methods employed in working them. It will not be contended that experience even of a lifetime in an iron ore mine, or a zinc mine, would acquaint one in the slightest degree of the dangers that lurk in an anthracite coal mine. Whether experience in a bituminous mine would to any extent be helpful may be a question that admits of discussion. But the interpretation of the act that would admit the experienced bituminous miner, would admit as well every other kind of experienced miner, no matter whether he has ever seen a coal mine or not.

The learned judge of the court below held that the act required as a qualification for registration two years' experience in the anthracite coal mines of the Commonwealth, and in this view we concur. The superior court, while dissenting from this view, found other reasons justifying an affirmance of the judgment. These call for no consideration here.

The judgment is affirmed.

Labor Organizations—Production of Records—Contempt—Liability of Members—*Patterson v. Wyoming Valley District Council, Superior Court of Pennsylvania.* (Opinion printed in inserted front pages of advance sheets of Federal Reporter, Vol. 146, No. 2.)—This was a case in which the plaintiff, Patterson, who conducted a planing mill and dealt in lumber and builders' supplies, sought an attachment as for contempt against the members of the labor union named on account of alleged violations of an injunction. The injunction had been granted by the court of common pleas of Luzerne County to restrain a boycott against the firm, and as no appeal was

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taken therefrom the points involved are not reviewed here. In the proceedings in the same court to secure the attachment, specific instances of violations were named, and, on hearing, sentence was imposed. An appeal was then taken to the superior court, but was dismissed on grounds that are set forth in the opinion below. Following this action by the superior court the case was again appealed to the supreme court of the State, but was dismissed without opinion, leaving the judgment of the court of common pleas in effect.

Judge Head, who delivered the opinion of the superior court, after stating the facts given above, said:

While testimony was being taken on the rule [to show cause why the attachment should not issue] certain officers of the Wyoming Valley district council and subordinate locals were subpœnaed to produce their records and minute books showing what action, if any, had been taken concerning the business of the plaintiffs. Acting under advice of counsel they refused to produce these records before the commissioner who was taking the testimony, and on November 5, 1904, the court filed an order requiring the production of the records. This is the first error assigned in the present appeal.

The argument advanced to convict the learned court below of error in this respect is drawn from article 5 of the amendments to the Constitution of the United States, which provides that no person "shall be compelled in any criminal case to be a witness against himself;" and section 9 of article 1 of the constitution of Pennsylvania, which provides that "in all criminal prosecutions the accused can not be compelled to give evidence against himself." These provisions having been imbedded in the fundamental law to safeguard the individual rights and liberties of the citizen, must be construed with reasonable liberality so as to accomplish the object intended. But it is equally clear that their construction should not be so strained as to compel their application to cases not clearly and fairly within the letter or intendment of the language quoted. Now it must be apparent at a glance that the immunity from testifying is conferred, not in all cases, nor even in all cases where it may be in some way to the detriment of the witness to be compelled to give evidence, but only in such cases as are fairly embraced in the expressions "in any criminal case," "in all criminal prosecutions." In any ordinary or commonly accepted understanding of the meaning of these expressions, an investigation begun in a court of equity to determine whether its decree, entered in a purely civil suit between private parties, had been obeyed or violated, could hardly be classed as either "a criminal case," or "a criminal prosecution." But our courts, in their solicitude to secure to the citizen the full measure of his constitutional rights, have not been content to rest their judgments upon any such consideration, but have sought for the nature and essential character of the proceeding in question, and from a study of these have determined whether, in substance, it was civil or criminal. Thus it has been held that in an action to recover penalties inflicted by a statute the defendant can neither be compelled to testify against himself, nor to produce his books to be used as evidence against him. (Boyle *v.* Smithman, 146 Pa., 255, 23 Atl. Rep., 397.) So the act of June 11, 1879 (P. L. 129), enabling a plaintiff in an execution, upon filing an affidavit of his

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belief that the defendant was fraudulently concealing property, etc., to examine the defendant on oath as to said property, was held to be a violation of the constitutional provision now under consideration. (Horstman *v.* Kaufman, 97 Pa. 147, 39 Am. Rep. 802.) In these and many other cases that could be cited the court determined that the proceeding in its nature was criminal, and thus drew the witness within the sheltering mantle of the constitution.

What, then, was the essential character of the proceeding in the court below where the immunity from testifying and producing records claimed by certain witnesses was denied them? As we have already seen, it was simply an inquiry by a court of equity to determine whether its own decree, made in a strictly civil case, had been obeyed or contemptuously violated by the party against whom it had been entered.

Proceedings to ascertain and publish contempts are as ancient as the courts which conduct them. It has been well said that "the power to fine and imprison for contempt, from the earliest history of jurisprudence, has been regarded as a necessary incident and attribute of a court, without which it could no more exist than without a judge." (Watson *v.* Williams, 36 Miss. 331, cited In re Debs, 158 U. S. 564, 15 Sup. Ct. Rep., 900, 39 L. Ed. 1092.) But from the earliest days of our legal history contempts of court and proceedings to ascertain them have been divided into two broad and easily distinguishable classes. Where the alleged contemptuous act is aimed directly at the power or dignity of the court, or subversive of the due administration of public law, and where the responsive act of the court is purely punitive in character, to vindicate the rights of the people at large vested in their properly constituted legal tribunals, such contempts, and the proceedings to ascertain and punish them, have always been regarded as essentially criminal, as distinguished from civil, in their character. But where the act complained of consists merely in the refusal to do or refrain from doing some act commanded or prohibited for the benefit, primarily at least, of a party litigant, proceedings to ascertain such contempts and enforce obedience to the order or decree have ever been deemed akin to execution process, and civil, rather than criminal in their nature. "Indeed, the attachment for most of this species of contempts, and especially for nonpayment of costs and nonperformance of awards, is to be looked upon rather as a civil execution for the benefit of the injured party, though carried on in the shape of a criminal process for a contempt of the authority of the court. And therefore it hath been held that such contempts, and the process thereon, being properly the civil remedy of individuals for a private injury, are not released or affected by the general act of pardon." (4 Bl. Com. p. 285.) The same distinction has been drawn by the courts of last resort of many of our States, but a quotation from one will be sufficient to make obvious the point now under consideration. In Thompson *v.* Penna. R. R. Co., 48 N. J. Eq. 105, 21 Atl. Rep., 182, the court says: "Proceedings in contempt are of two classes, namely: First, those instituted solely for the purpose of vindicating the dignity and preserving the power of the court. These are criminal and punitive in their nature, and are usually instituted by the court in the interest of the general public and not of any particular individual or suitor. Second, those instituted by private individuals for the purpose mainly, if not

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wholly, of protecting or enforcing private rights and in which the public have no special interest. These are remedial or civil in their nature rather than criminal or punitive." (See, also, People *v.* O. & T. Court, 101 N. Y. 245, 4 N. E. Rep., 259, 54 Am. Rep. 691; Dodd *v.* Una, 40 N. J. Eq. 672, 5 Atl. Rep., 155; Water Co. *v.* Strawboard Co. (C. C.), 75 Fed. Rep., 972.)

Although we have been referred to no Pennsylvania case exactly in point, there is ample authority for holding that the distinction so clearly stated by the New Jersey court in the case quoted from is recognized in our own State. Our act of 1842, abolishing imprisonment for debt, excepts from its operation "proceedings as for contempt to enforce civil remedies." In Chew's Appeal, 44 Pa. 247, it was held that a court of equity has power to enforce a decree for the payment of money by a trustee by process of attachment against his person as for a contempt. The orphans' court has like power. (Tome's Appeal, 50 Pa. 285; Com. *v.* Reed, 59 Pa. 425.)

A careful study of all these cases leaves no room to doubt that the proceeding in the court below was a civil proceeding in essence and substance; that under no adjudication of the terms "a criminal case" or "a criminal prosecution" could it be fairly classed as either, and, as a consequence, that no constitutional right was denied to the appellants in compelling the production of the books and records referred to in the first assignment of error, which is therefore overruled.

The second assignment alleges error in making absolute the rule to show cause why an attachment should not issue. The argument supporting it indicates that the ruling of the court below is challenged because there was no sufficient evidence to warrant a finding that the appellants had been in fact guilty of any violation of the decree previously entered. In other words, we are asked to review the action of the court in ascertaining the fact of a contempt of its own order and decree. As the power to ascertain the fact of a contempt is a necessary and integral part of the right of a court to enforce its own decrees and to punish those who willfully disregard or defiantly disobey them, it has been frequently held by courts of the highest authority that the decision of the court wherein the contempt was committed is, as to the fact of such contempt, final and not the subject of review. In re Debs, 158 U. S. 564 Sup. Ct. Rep., 900, 39 L. Ed. 1092, Mr. Justice Brewer, speaking for the whole court, says: "But the power of a court to make an order carries with it the equal power to punish for a disobedience of that order, and the inquiry as to the question of disobedience has been, from time immemorial, the special function of the court. And this is no technical rule. In order that a court may compel obedience to its orders, it must have the right to inquire whether there has been any disobedience thereof. To submit the question of disobedience to another tribunal, be it a jury or another court, would operate to deprive the proceeding of half its efficiency."

The same doctrine was held by Chancellor Kent in the case of Yates, 4 Johns (N. Y.) 317, and by the court of King's Bench in the case of Earl of Shaftsbury, 6 State Tr. 1270. In our own case of Com. *v.* Newton, 1 Grant's Cases, 453, Woodward J., after setting forth the powers of the Supreme Court, says: "This charter of our powers can not be so narrowed by construction as to exclude proceedings for contempt. We do not, indeed, revise such cases on

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their merits. The courts having a limited jurisdiction in contempts, every fact found by them is to be taken as true, if it appears to us that they proceeded within and did not exceed their jurisdiction; but for the purpose of seeing that their jurisdiction has not been transcended, and that their proceedings, as they appear of record, have been according to law, we possess, and are bound to exercise, a supervisory power over the courts of the Commonwealth."

There being no complaint that the court below had exceeded its jurisdiction, or that its proceedings, as they appear of record, have not been according to law and precedent, speaking for myself, I would say there appears no ground for the exercise of the supervisory powers of the appellate court. But, in addition, we feel obliged to say that a careful reading of all the testimony discloses ample warrant for the finding that there was in fact a contemptuous violation of the injunction entered by the court below, and the second assignment is therefore dismissed.

The third and fourth assignments assail the sentence imposed by the court below upon those adjudged guilty of contempt. In form and the character of the punishment inflicted the sentence is in harmony with the provisions of the act of 1836 and the decisions of the Supreme Court. (Com. ex rel. *v.* Perkins, 124 Pa., 36, 16 Atl. Rep., 525, 2 L. R. A., 223.)

The particular error alleged in this respect seems to have been that Daniel Post and Peter Koser were ordered to stand committed until the fine imposed on the Wyoming Valley district council should be paid. It is to be remembered that this body, called the district council, was not an incorporated society. It was not a person, natural or artificial. It was but a name, adopted for their own convenience, by the individuals composing it. Each individual who became a member thereby adopted that name as a proper designation of himself acting with his fellows to carry out the object common to all. Such a body could not be sued, eo nomine, in a common-law action. (McConnell *v.* Apollo Sav. Bank, 146 Pa., 79, 23 Atl. Rep., 347.)

It partakes more of the characteristics of a partnership than of a corporation. The law therefore looks behind the name and deals with the individuals who move and act under and behind such name chosen by themselves. They lose neither their identity nor their individuality by the assumption of the common name. Just as the obligations and responsibilities of a partnership become those of each individual member of the firm, so, when the moment of responsibility comes, must the individual actors of a body like this stand forth from behind the veil with which they have enveloped themselves and assume their proper shares of the common burden. It is characteristic of courts of equity that they do not usually enforce their decrees by writs of execution directed in rem as do common-law courts, but by coercing the persons of individuals who have been properly brought within their grasp. Hence particular supervision of the affairs of unincorporated societies has been committed to our courts of equity as best equipped to deal with such bodies. (Fletcher *v.* Gawanese Tribe, 9 Pa. Super. Ct., 393.)

The appellants Post and Koser were shown by the evidence to have been active and influential members of the "district council." They were present at most of the meetings of which the records were in evidence, and particularly at the one where action was taken which

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has been found to be a violation of the decree. If they can not be held responsible for such a contempt none of the other members can be. Thus the court will be left to fulminate against a name only, while the living, breathing actors, who really did the acts subversive of the decree, are beyond its reach. We can not think that a court invested with the dignity and exercising the high powers of our courts of equity is so impotent to enforce its final decrees. If it must permit such contempts to go unpunished, it would soon become itself contemptible. On the whole record we are all of opinion that no substantial error has been committed by the learned court below.

Appeal dismissed, at the costs of the appellants.

Labor Organizations—Reinstatement of Members—Injunction—Contempt—Jurisdiction—*Bachman v. Harrington, Court of Appeals of New York, 77 Northeastern Reporter, page 657.*—Charles H. Harrington, president of the Rochester Musicians' Protective Association, had been judged guilty of contempt in the appellate division of the supreme court on account of his failure to comply with a mandate directing the reinstatement of the plaintiff, Bachman, as a member in the union. The association was unincorporated, and Bachman had been suspended for an alleged violation of one of its by-laws. A temporary injunction had been secured by Bachman, ordering that he be reinstated as a member in good standing, and restraining the defendant from taking further steps toward the prosecution of the plaintiff, and from suspending or expelling him, and from denying to him any of the benefits of membership in the association, and preventing or attempting to prevent members of the association by threats, persuasion, speech, writing, or otherwise, from working with or for the plaintiff. The plaintiff also asked for damages.

Proceedings were subsequently instituted to punish Harrington for contempt, it being alleged that he had violated the injunction in various ways. On hearing at special term he was acquitted on all charges except that of having "failed, neglected, and refused" to reinstate Bachman, to the prejudice of his rights, and a fine of $160 was imposed on the defendant, the same to be paid to Bachman as indemnity. This order was affirmed by the appellate division, which, however, allowed an appeal to the court of appeals and certified to it two questions: First, was that portion of the original injunction order granted by the justice in special term, which required the defendant association immediately to reinstate the plaintiff as a member in good standing, void? Second, can the defendant, an unincorporated association, be convicted of a contempt of court upon the facts appearing in the record herein?

Taking up the first question before the court, Judge Cullen, who announced the opinion of the court of appeals reversing the judgment of the court below, said:

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Of course, the question before us is as to the power of the court, not as to the propriety of its action. If, on the papers presented, the court had authority to make the order that the defendant forthwith reinstate the plaintiff as a member of the association, though it erred in making the order, the defendant was properly convicted. But if the court had no authority to make that order, then the defendant should not be punished. It is well settled by repeated decisions of this court that in this State a court of equity has no inherent absolute power to grant interlocutory injunctions, but that authority therefor must be found in the Code of Civil Procedure. The subject is regulated by sections 603 and 604 of the Code of Civil Procedure, which provide:

"Sec. 603. Injunction. When the right thereto depends upon the nature of the action. Where it appears, from the complaint, that the plaintiff demands and is entitled to a judgment against the defendant, restraining the commission or continuance of an act, the commission or continuance of which, during the pendency of the action, would produce injury to the plaintiff, an injunction order may be granted to restrain it. * * *"

Section 604 was also quoted and discussed, but was dismissed as not being applicable. Judge Cullen then said:

In the present case the defendant being a voluntary association, the action for reinstatement was properly brought in equity, though as to a corporation the remedy would be by mandamus. But reinstatement in the association was the final relief sought. So far as the complaint sought to restrain the enforcement of his suspension against the plaintiff, the case falls within section 603, and the court had power to restrain by temporary injunction the same acts which, were the plaintiff successful, would be restrained by a final judgment, but that in no way includes reinstatement, which so far from being restrained would be enforced by the final judgment. While, however, the language of the code in terms authorizes an injunction only against the commission of acts, still it is doubtless within the power of a court of equity, in proper cases, to issue mandatory injunctions, and the provisions of the code should not be so strictly construed as to deny that power in any case. But while such power may exist it is by no means unlimited, and when it exceeds the limit it is not a mere error, but void as without jurisdiction.

The essential difference between the two classes of cases and the nature and function of an interlocutory injunction are well stated by Judge Taft of the United States Circuit Court in Toledo, etc., R. R. Co. *v.* Pennsylvania Company (C. C.) 54 Fed. 730, 19 L. R. A. 387:

"The office of a preliminary injunction is to preserve the status quo until, upon final hearing, the court may grant full relief. Generally this can be accomplished by an injunction prohibitory in form, but it sometimes happens that the status quo is a condition not of rest, but of action, and the condition of rest is exactly what will inflict the irreparable injury upon complainant, which he appeals to a court of equity to protect him from. In such a case courts of equity issue mandatory writs before the case is heard on its merits." To that doctrine I express my full assent. Therefore, where the complainant presents a case showing or tending to show that affirma-

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tive action by the defendant, of a temporary character, is necessary to preserve the status of the parties, then a mandatory injunction may be granted. But if there be neither proof nor allegation to that effect, and the act sought to be enforced is not continuous in its character, but solely the one sought to be decreed by final judgment, then the issuing of a preliminary mandatory injunction is without authority. In the present case the strictly injunctive provisions of the order alleged to be violated were of the broadest and most sweeping character. The defendant was enjoined from denying "to the plaintiff any of the benefits of membership in said association * * * from preventing or attempting to prevent members of the association by threat, persuasion, speech, writing, or otherwise from working with or for the plaintiff in his profession, from preventing or attempting to prevent the plaintiff from obtaining work in his profession." The injunction to this extent was within the power of the judge to grant, and it operated during its continuance to nullify the suspension of the plaintiff. The defendant, however, has been acquitted of any violation of these provisions of the order, and he has been punished solely for failure "to reinstate the plaintiff as a member in good standing."

As already said, this was the very relief that the plaintiff sought to obtain by a final judgment. Had the defendant complied with the order of the judge, the plaintiff might have discontinued the action, or let it go against him by default, for he would have obtained all he sought except damages. True, the plaintiff might have been subsequently tried and expelled from the association, but in that respect his case would in nowise differ from that of any other member of the association. Being a member in good standing, charges again would have to be preferred against him and he would be again entitled to a trial. Counsel for the appellant urges that the order directed only a temporary reinstatement pending trial or hearing. It is a sufficient answer to this to say that such are not the terms of the order. It directs reinstatement unqualified. Nor is there any provision in the by-laws for a reinstatement of a temporary character, or any procedure with reference to it prescribed. So far as what is termed a temporary reinstatement is involved, that was effected by the order of the court which enjoined the defendant from denying the plaintiff any of the benefits of membership. As long as the defendant complied with this provision the plaintiff was substantially reinstated.

It is suggested by counsel, based on a statement of the affidavit of the defendant in answer to the proceedings to punish him for contempt, that members of the union would not work with the plaintiff unless he was actually reinstated, even though the association should recognize his rights and obey the injunction of the court. There is no suggestion, however, of this character to be found in the complaint on which exclusively the injunction was granted. If there had been presented any proof, or even if there were an allegation in the complaint that a mere restraining order, however fully obeyed, would be practically inoperative to maintain the status of the plaintiff unless accompanied by a temporary reinstatement in the association, and the court or judge had ordered a temporary reinstatement pending the hearing or trial, a different question would be presented. There is no such question, however, in the present case. The fore-

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going views render it unnecessary to consider the second question certified to this court.

The orders of the appellate division and of the special term should be reversed, and the motion to punish for contempt denied, with costs in this court and ten dollars costs of motion. The first question certified should be answered in the affirmative. The second need not be answered.

MINE REGULATIONS—WASH ROOMS FOR MINERS—CONSTITUTIONALITY OF STATUTE—*Starne v. People, Supreme Court of Illinois, 78 Northeastern Reporter, page 61.*—Charles A. Starne was convicted of a violation of the act of May 14, 1903 (Acts of 1903, p. 252), which requires operators of coal mines to provide and maintain wash rooms at the top of their mines for the use of miners and other employees, with accommodations for drying their clothing therein. Judgment against Starne was rendered by a justice of the peace of Sangamon County, and, on appeal, in the circuit court. A further appeal was taken to the supreme court of the State, Starne's counsel claiming that the statute in question was unconstitutional. The finding of the supreme court was in favor of this claim, the statute being declared unconstitutional, and the judgment of the lower courts reversed.

The reasons for the conclusions reached are given in the following extracts from the opinion of the court as given by Judge Scott:

It is insisted that the statute is unconstitutional. It is apparent, upon inspection thereof, that it places upon mine owners or operators a burden not borne by other employers of labor and is special legislation, and for that reason invalid, unless for some reason it does not fall within the operation of the general rule forbidding legislation of that character. [Cases cited.]

It is said, however, that the miner works at a depth which removes him from all climatic changes and conditions on the surface and in a temperature which, throughout a portion of the year, is much higher than that outside the mine; that when his work is over for the day his skin is covered with grease, smoke, dust, grime, and perspiration; that without an opportunity to bathe and change his attire, he can not clothe himself comfortably for his journey through cold weather to his home; that these adverse conditions inevitably lead to colds, consumption, pneumonia, and general unhealthfulness; and that the statute in question should be sustained as a valid exercise of police power, and it is urged, as that power may be exercised to promote the comfort, health, welfare and safety of the public, that this statute is referable to that power as a health regulation, for the reason that it will afford the miner an opportunity to avoid danger to his health, otherwise consequent upon his occupation. It is true, as suggested by counsel, and as stated by this court in Lasher *v.* People, 183 Ill. 226, 55 N. E. 663, that the legislature has the power to form classes for the purpose of police regulation if it does not arbitrarily discriminate between persons in the same situation.

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The only purpose of this act is to promote the health of miners and other persons employed in coal mines. Many men in this State are employed in the foundries and steel mills who work in a higher temperature than do the miners, surrounded by conditions deleterious to health and inimical to longevity. The convenience provided for by this act is not less desirable to them than to the coal miner. While the power of the legislature to form classes in reference to which the police power may be exercised is unquestioned, there can be no discrimination among individuals in forming such classes unless there is some difference in their condition which causes them to naturally fall into different groups. It is apparent that a statute of this character, providing that a wash house should be provided for miners working at a greater depth than 200 feet below the surface, and making no similar provision for miners working at a lesser depth, would be unconstitutional because it would make an arbitrary distinction between individuals surrounded by the same conditions. We think the act in question, when considered as an exercise of police power, is properly the subject of the same objection. The fact that it proposes to benefit workmen employed in coal mining does not make it valid, in view of the fact that laborers in other employment are surrounded by like conditions and are equally in need of the benefit of this statute. Conceding the importance which defendant in error attaches to this act as a sanitary measure, it is apparent that it is not sufficiently comprehensive to remedy the evil at which it is aimed, because it will bring relief only to a part of the people who suffer therefrom.

Defendant in error predicates its contention that this statute is constitutional principally upon the ground that it is within section 29 of article 4 of the constitution of 1870. That section reads as follows: "It shall be the duty of the general assembly to pass such laws as may be necessary for the protection of operative miners, by providing for ventilation, when the same may be required, and the construction of escapement shafts, or such other appliances as may secure safety in all coal mines, and to provide for the enforcement of said laws by such penalties and punishments as may be deemed proper."

To adopt the view of the defendant in error would require us to interpolate the words, "and health," after the word "safety," and then the provision would be of doubtful meaning. If it was the purpose of the builders of the constitution to direct the general assembly to pass laws other than such as should "secure safety in all coal mines," they fail to use language to manifest their intention, and an ascertainment of their purpose can avail nothing under such circumstances. We are of opinion that the legislation in question is not authorized by this constitutional provision for two reasons: First, the purpose of this provision of the constitution is to require the enactment of laws providing for the safety of the miner while in the mine, and this act makes no provision that will benefit the miner or protect or aid him until a time after he has left the mine; second, the provision of the constitution was designed only to require the enactment of laws which should promote ventilation and guard the personal safety of the miner—that is, protect him from personal injury.

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The miner works in a place where he is exposed to dangers which do not assail those who labor above ground. Damp, darkness, noxious gases, lack or difficulty of ventilation, and other causes contribute to render his situation while at work unpleasant, undesirable, and perilous. The constitutional convention and the people of the State recognized this condition, and, by the constitution, wisely commanded the legislature to enact such laws as should secure his personal safety while in the mine. When, however, he has ceased his labor, left the mine and reached the surface of the earth, he has for the time being passed beyond the operation of the constitutional provision and of any valid statute authorized thereby. His situation is not then different from that of many other workmen leaving their employment at the end of the day, and his rights under the constitution are not then greater than those of such other workmen. We conclude that the enactment here in question is not within the meaning of the section of our constitution herein above set forth, and that it is obnoxious to that provision of the fundamental law of the State which forbids special legislation in certain enumerated cases.

Protection of Employees as Members of Labor Organizations—Federal Control Over Labor Contract—Constitutionality of Statute—*United States v. Scott, United States Circuit Court, Western District of Kentucky, 148 Federal Reporter, page 431.*—J. M. Scott, the chief train dispatcher of the Louisville and Nashville Railroad Company, was indicted for violation of section 10 of the act of Congress of June 1, 1898 (see Tenth Special Report of the Commissioner of Labor, p. 1377), which makes it a criminal offense for any interstate carrier, or the officers or agents thereof, as employers to require any employee or person seeking employment, to enter into an agreement not to become or remain a member of any labor organization, or to threaten any employee with loss of employment or unjustly discriminate against any employee because of his membership in such labor organization. The defendant demurred to the indictment on the ground that the statute was unconstitutional.

The facts and rulings in the case appear in the following quotations from the opinion of Judge Evans:

The indictment in this case contains six counts; but it will suffice to say that in substance each of them charges, in appropriate language, that the Louisville & Nashville Railroad Company is a common carrier engaged in the transportation by railroad of passengers and property by continuous carriage or shipment from one State into another; that the accused, J. M. Scott, is and was its agent and chief train dispatcher, and as such had supervision and control of the employment for the said company of certain telegraph operators, including those mentioned in the indictment, who were, as such, in the employment of the said railroad company; and that the accused did threaten them and each of them with the loss of their said employment if they joined a certain labor association known as the "Order of Railroad Telegraphers," which order was a corporation organized

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under the laws of the State of Iowa, but the aims and purposes of which are not otherwise shown.

The defendant has demurred to the indictment upon the ground that the provisions of section 10 of the act are not such as Congress is authorized by the Constitution of the United States to enact, and thus is raised a question of great delicacy as well as interest and importance, and one which therefore has called for very deliberate consideration. The subject has been carefully investigated by the court, and its conclusions are now to be stated.

It is conceded that there are no clauses of the Federal Constitution which can support the tenth section of the act, unless it be those found in article 1, section 8, of that instrument. It is there provided that:

"The Congress shall have power [among other things] to regulate commerce with foreign nations, and among the several States, and with the Indian tribes [and] to make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

The interpretation of the last of these clauses is governed by the rule laid down by the Supreme Court in McCulloch *v.* Maryland, 4 Wheat. 421, 4 L. Ed. 579, which, ever since its announcement in 1819, has been accepted by that court (and, of course, by all other courts) as perfectly accurate. Speaking through Chief Justice Marshall, the court said:

"We admit, as all must admit, that the powers of the Government are limited, and that its limits are not to be transcended. But we think the sound construction of the Constitution must allow to the National Legislature that discretion, with respect to the means by which the powers it confers are to be carried into execution, which will enable that body to perform the high duties assigned to it in the manner most beneficial to the people. Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are constitutional."

In respect to the legislation now in question, emphasis may profitably be laid upon the elements of the rule requiring that legislation "shall be within the scope of the Constitution," that it shall "be plainly adapted" to constitutional ends, and be consistent with the spirit of that instrument.

The word "commerce" as used in the Constitution, has been defined by the Supreme Court. In the great case of Gibbons *v.* Ogden, 9 Wheat. 189, 6 L. Ed. 23, it was said:

"Commerce, undoubtedly, is traffic, but it is something more—it is intercourse. It describes the commercial intercourse between nations and parts of nations in all its branches, and is regulated by prescribed rules for carrying on that intercourse."

The power conferred upon Congress is to regulate this commercial intercourse and the carrying on thereof among the States, and unquestionably it may devise any proper and necessary means for doing that particular thing. Does the legislation now in question, in any fair sense, regulate commercial intercourse among the States, or does it only regulate certain phases of the intercourse between employer and employee? If the latter is all, even though this legislation is associated in the same act with other provisions which do regulate com-

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mercial intercourse among the States, can it be maintained as constitutional? It is elementary that one provision in an act may be constitutional and another unconstitutional. One may stand and the other fall if they may be separated, as here they easily can be as between section 10 and the other clauses of the act; so that section 10 might fall and the remaining portions of the act of June 1, 1898, be constitutional. It is true it has been judicially determined that Congress has the power, in regulating interstate commerce, to impose duties upon carriers which have reference to the safety of employees while actually discharging duties pertaining to interstate commerce, as well as to that of passengers and property; but it can hardly be fairly contended that the provisions of section 10 have any such purpose in view.

Those provisions relate, not to the safety of the employees while actually discharging duties pertaining to interstate commerce, but to their being members of labor unions, and, in the matter of making and enforcing contracts for hiring them, forbids discriminations against them on that ground. Indeed, we can not, and we certainly should not, shut our eyes to the fact (which is clear enough upon the face of the section as well as otherwise) that the essential purpose of the enactment was not to "regulate commercial intercourse among the States," but was to prevent, generally, discriminations against what is called union labor in one State alone as well as in more than one. We can not too strongly emphasize this obvious fact. If this proposition be true (and it seems to us that no one can fairly doubt it), then the question is settled; for, whatever the States might do in such matters through their own legislatures, the Constitution of the United States does not confer upon Congress by any express language, nor by any fair implication from any language used, the power, when servants are employed, to prevent discriminations against union labor, either in Kentucky alone or in several States, even if the hirer at the time does happen to be engaged in interstate traffic. Such legislation for such a purpose can not be supposed to have been in the contemplation of the framers of the Constitution. The legislation to prevent discrimination against union labor in respect to employing or retaining servants, therefore, is not, in the opinion of the court, a regulation of commerce, and certainly it is not a "regulation of commercial intercourse among the States" within the meaning of the Constitution, and yet the regulation of that one thing, namely, the matter of discrimination against members of labor unions in respect to the employment and retention of servants, is the clear and only purpose of section 10. Looking squarely at the language of the section, this would seem to be the only conclusion that is possible.

Viewing the matter from another and somewhat narrower standpoint, we find another most cogent objection to section 10 of the act. In the Trade-Mark Cases, 100 U. S., at page 96, 25 L. Ed. 550, Justice Miller, speaking for the court, said:

"Governed by this view of our duty, we proceed to remark that a glance at the commerce clause of the Constitution discloses at once what has been often the subject of comment in this court and out of it, that the power of regulation there conferred on Congress is limited to commerce with foreign nations, commerce among the States, and commerce with the Indian tribes. While bearing in mind the liberal construction that commerce with foreign nations means commerce

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between citizens of the United States and citizens and subjects of foreign nations, and commerce among the States means commerce between the individual citizens of different States, there still remains a very large amount of commerce, perhaps the largest, which, being trade or traffic between citizens of the same State, is beyond the control of Congress. When, therefore, Congress undertakes to enact a law which can only be valid as a regulation of commerce, it is reasonable to expect to find on the face of the law, or from its essential nature, that it is a regulation of commerce with foreign nations, or among the several States, or with the Indian tribes. If not so limited, it is in excess of the power of Congress. If its main purpose be to establish a regulation applicable to all trade, to commerce at all points, especially if it be apparent that it is designed to govern the commerce wholly between citizens of the same State, it is obviously the exercise of a power not confided to Congress. We find no recognition of this principle in the chapter on trade-marks in the Revised Statutes."

See, also, Baldwin *v.* Franks, 120 U. S. 686, 7 Sup. Ct. 656, 763, 32 L. Ed. 766.

Now, it can not be overlooked that the legislation, the constitutionality of which is drawn in question by the demurrer to the indictment in this case, undertakes to punish any discrimination against union labor by any railroad company which is actually engaged in interstate commerce, whether such discrimination be in respect to the hiring or retention of telegraph operators employed in respect to purely local and State traffic, or to the hiring or retention of those employed in respect to commerce among the States. Properly construed, the indictment fails to show whether the operators named therein were employed upon one or the other description of commerce, but whether this is so or not, the characteristic we have imputed to section 10 would seem manifestly to bring the objections to it within the reach of those sustained by the Supreme Court in its condemnation of the trade-mark legislation.

Again, it may well be said that section 10 regulates in a certain respect the outside conduct of those railroad companies which, as part of their business, engage in interstate commerce, but it does not regulate the commerce itself, and what it does regulate has as much and probably more relation to State commerce than to that which is interstate. Section 10 of the act, in short, does not differentiate cases where the telegraph operator is employed in merely local and State traffic from cases where the work relates to interstate traffic. Both those who work upon local and State traffic and those who work upon interstate commerce are embraced by the legislation indiscriminately. In other words, all are equally embraced in the provisions of section 10, whether the operator works upon local or State business only or upon interstate traffic. In the opinion of the court it can not reasonably be doubted that this brings section 10 within the rule laid down in the Trade-Mark Cases.

While section 10, as a whole, is easily separable from other provisions of the act of June 1, 1898, its own clauses are not separable from each other, and other observations of the Supreme Court in its opinion in the Trade-Mark Cases, 100 U. S., pp. 98, 99, 25 L. Ed. 550, may very appropriately be referred to in this connection. It was there said:

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"It was urged, however, that the general description of the offense included the more limited one, and that the section was valid where such was in fact the cause of denial. But the court said, through the Chief Justice: 'We are not able to reject a part which is unconstitutional and retain the remainder, because it is not possible to separate that which is constitutional, if there be any such, from that which is not. The proposed effect is not to be attained by striking out or disregarding words that are in the section, but by inserting those that are not there now. Each of the sections must stand as a whole, or fall altogether. The language is plain. There is no room for construction, unless it be as to the effect of the Constitution. The question, then, to be determined is, whether we can introduce words of limitation into a penal statute so as to make it specific, when, as expressed, it is general only. * * * To limit this statute in the manner now asked for would be to make a new law, not to enforce an old one. This is no part of our duty.' If we should, in the case before us, undertake to make by judicial construction a law which Congress did not make, it is quite probable that we should do what, if the matter were now before that body, it would be unwilling to do, namely, make a trade-mark law which is only partial in its operation, and which would complicate the rights which parties would hold, in some instances, under the act of Congress, and in others under State law."

The same view was also taken in Baldwin *v.* Franks, 120 U. S. 687, 7 Sup. Ct. 656, 763, 32 L. Ed. 766.

The able arguments of counsel have included a discussion of many collateral questions supposed to have more or less bearing upon the main points involved, such as the question of class legislation and the objection thereto, the question of the right of private contract, and the danger of interfering therewith, and the question of the alleged public, and overwhelming necessity that the carriers of the country shall be left in full control of the matter of the employment of their own servants and in the exclusive exercise of the right to select them and discipline them. Certainly it might be pertinently contended that that was class legislation, and possibly very unfair legislation, which, favoring a certain class, made it criminal to discriminate against it, and yet permitted that very class of labor to discriminate arbitrarily against everybody else. Justice might rather demand (if, indeed, the questions of fitness and freedom of choice are to be ignored or minimized) that any discrimination by any class against any other class of laborers should be forbidden, if any is, inasmuch as one class of laborers is probably no more sacred than another, and the weaker class is quite as much entitled to protection against the powerful as the latter is against the former. To forbid discriminations against union labor, while discriminations by it against others, if made, are allowed, would not seem to be a very palpable or conspicuous example of equal and exact justice to all, and might be open to the criticism that it is class legislation. But, while all these considerations might have weight in other connections, still the court prefers to put its judgment in this case upon two propositions, viz.: (1) That section 10 of the act of June 1, 1898, is not, in the constitutional sense, a regulation of commerce or of commercial intercourse among the States, and can not justly nor fairly be so construed or treated, inasmuch as its essential object manifestly is only to regulate certain

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phases of the right of an employer to choose his own servants, whether the duties of those servants when employed shall relate to interstate commerce or not; and (2) upon the ground that section 10 is so broad as to be condemned by the rule laid down in the Trade-Mark Cases.

These considerations have brought the court to the very clear and deliberate conclusion that section 10 of the act of June 1, 1898, is not sustained by constitutional warrant, and is therefore insufficient to support the indictment.

The demurrer must be sustained.

Sunday Labor—Recovery for Labor Performed—*Carson v. Calhoun, Supreme Judicial Court of Maine, 64 Atlantic Reporter, page 838.*—David A. Calhoun sued in the superior court of Cumberland County to recover a sum of money claimed as wages earned by work done as a plumber on Sunday, August 4, Sunday, August 11, and Sunday, August 18, 1901. Besides the account stated, the following specification was added: "Under the money counts the plaintiff will claim to recover the sum named in the first count of his writ, being money earned by said plaintiff for labor performed by said plaintiff at White Oak Spring Hotel at Poland, Me."

Recovery was denied in the court named, a judgment of nonsuit being entered. The case was then brought to the supreme judicial court of the State on exceptions, with the result that the rulings of the court below were sustained on grounds which appear in the quotation from the opinion of Judge Peabody, who spoke for the court, given herewith:

The plaintiff thus invokes the aid of the court to assist him in recovering for labor performed in violation of the statute Rev. St. c. 125, sec. 25. The unlawful acts were not only made the basis of the suit, but were also proved by the testimony of the plaintiff himself.

In the case at bar the objection is not to the time of making the contract, but concerns the actual performance of labor which was forbidden by statute. Whatever remedies the plaintiff may have by other actions at law or in equity, the court can recognize no valid contract or implied promise based on the work done on the Lord's Day set forth in this declaration. It is a well established principle that in cases of this kind the law leaves the parties where their illegal contract left them, and will render assistance to neither.

DECISIONS UNDER COMMON LAW.

Boycott—Injunction—*Seattle Brewing and Malting Company v. Hansen, United States Circuit Court, Northern District of California, 144 Federal Reporter, page 1011.*—This was a motion by members of certain unincorporated labor organizations to set aside a restraining

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order granted on petition of the brewing company named to prevent the publication by the unions of notices as to "scab" or "unfair" products of the company. Judge Beatty, speaking for the court, refused to set the order aside, but continued it until final hearing. After discussing certain acts which were held to come under general and well-established rules, a ruling was made as to specific acts which were held to constitute a boycott. This portion of Judge Beatty's opinion is reproduced herewith:

Aside from these special charges of acts that have been done, there are things I think that are not disputed. They have circulated these different exhibits, or notices, which are made exhibits in this case. Here is one, which calls attention to the fact that certain parties, saloon keepers, are using or selling or handling this "Rainier" beer. That is not anything apparently oppressive at first sight. It is simply calling attention to the fact that these parties are using this beer; but what is the design of it, and what is the result of it? Why, it is to intimidate these people or prevent them from dealing in complainant's beer. That far it is oppressive of the business of complainant and tends to destroy its business. There is no question about that, in so far as it would intimidate these people. It must be remembered that there are many timid people in this world, who would be much influenced by danger of even small losses. I have no doubt that many of these men who have this notice would fear that by continuing to engage in the selling of the beer there would be some loss to them, and that far it would hurt their business. Here is another one: "Organized Labor and Friends: Don't drink scab beer!" Then it names certain different kinds of beer and says they are "unfair."

The mere use of the word "unfair" has a very distinct meaning in these days; and when a notice like this is put out it is almost in the nature of a command. Of course, it does not say to the laboring people, "You shall not drink" such beer, but it says: "To Organized Labor and Friends: Don't use this beer!" These organizations, in the way they are trained, for they are as well trained as any military force, understand these rules and know what they mean. The very use of that term "unfair" has a distinct meaning to them, and it is in the nature of a direction to the members of these organizations not to use that beer, and it is also an intimidation to those who are dealing in it. It gives them to understand that that beer will be boycotted; that it is unfair and will be boycotted. That would deter parties from using it or dealing in it. There are a number of that kind. Here is another one: "Guard Your Health by Refusing to Drink Unfair Beer!" Then it proceeds to name the beer that is unfair, and it included among others the beer of the complainant. All those things are what would be termed now under the law "a boycott." I need not go into the definition of that. We generally understand what it means. But those things tend to unfairly obstruct the business of the complainant, and in that far these defendants are wrong, and it is the duty of the court to restrain them from doing anything that will interfere with the complainant's business.

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LABOR ORGANIZATIONS—EXPULSION OF MEMBER—JURISDICTION OF COURTS.—*Harris v. Detroit Typographical Union, No. 18, et al., Supreme Court of Michigan, 108 Northwestern Reporter, page 362.*—This case was before the supreme court on an appeal by Albert S. Harris from a decree of the circuit court of Wayne County, sitting as a court of chancery. Harris had been charged by his union with improper conduct and a fine of $500 was assessed against him. The action of the union was, by the rules governing its organization, subject to review by the officers of the International Union on appeal. Harris disregarded this right, claiming that the action taken was illegal, and for the same reason he refused to pay the fine. His union then expelled him, and he brought his bill in equity to have such action set aside and to procure an order restraining the union from informing his employer of his expulsion.

The action of the lower court in dismissing his bill was affirmed by the supreme court, on grounds that appear in the following quotation from the remarks of Judge Montgomery, who spoke for the court:

The action of the local union both in its proceedings resulting in the fine and in those which resulted in complainant's expulsion are attacked on several grounds which are said to go to the jurisdiction, and it is urged that the court should interfere to prevent the perpetration of the wrong. The learned circuit judge was of the opinion that the criticism of the action taken was warranted, but held that as the complainant had a remedy within the order, to be taken by appeal, a court of equity should not interfere until that remedy is exhausted.

We think this ruling is in accord with our previous holdings. This court has in many cases stated the rule that members of a voluntary or a mutual benefit society may enter into a binding agreement that the rights of its members shall be determined by the society itself. [Cases cited.] We do not overlook the contention that the complainant had the right to ignore the proceedings which resulted in a fine, on the ground that they were taken without jurisdiction, and that complainant therefore took no appeal therefrom, and should be relieved by the court. It does not appear, however, that complainant has paid the fine, or has any purpose of doing so; nor is there any means of enforcing its payment except by expelling complainant. In the proceedings for complainant's expulsion an opportunity is afforded for the trial of the question of the validity of the fine order, and that question is now open on the appeal pending before the International Union.

It is true that the complainant may, pending his appeal, be deprived of his privileges as a member of the association, but in becoming a member of the organization and binding himself to seek redress for an unlawful or unreasonable sentence by the local body through an appeal to the International Union, he bound himself to submit to the incidents of an appeal actually taken.

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LABOR ORGANIZATIONS—TRADE AGREEMENTS—LEGALITY—*National Fireproofing Company v. Mason Builders' Association of City of New York et al., United States Circuit Court, Southern District of New York, 145 Federal Reporter, page 260.*—This case involves the legality of an agreement between employers and a labor organization. The National Fireproofing Company, as complainant, sought to secure an injunction against the maintenance of an agreement between the associations of employers and of employees, respectively, on the ground that said agreement was repugnant to the constitutional rights and liberties of the complaining company. The contract was upheld by the court on grounds that appear in the opinion as handed down by Judge Townsend, quoted herewith. The facts appear in the opinion.

The complainant is a Pennsylvania corporation, extensively engaged in the manufacture and installation of tile fireproofing, and, since November, 1898, authorized to transact business in the city of New York, where it has installed its system of fireproofing in a number of large buildings. The defendants are members of the Mason Builders' Association of New York and of various bricklayers' unions. The defendant, the Mason Builders' Association, was organized in 1884. The objects of the association, inter alia, are to "adopt such measures for the better protection of employers and employees as shall lead to the promotion of harmony between all parties engaged with us in business; to arbitrate all differences, and so avoid the great evil of strikes," etc. This association, together with the representatives from the bricklayers' unions, has a joint arbitration board, before whom difficulties between the association and the bricklayers may be arbitrated, under a trade agreement between the representatives of the association and the various unions, and the effect of this agreement has been to practically dispose of all questions between the parties and to avert strikes. The said trade agreement contains the following clauses, of which complainant complains:

"(5) Members of the Mason Builders' Association must include in their contracts for a building all cutting of masonry, interior brickwork, the paving of brick floors, the installing of concrete blocks, the brick work of the damp-proofing system and all fireproofing—floor arches, slabs, partitions, furring and roof blocks—and they shall not lump or sublet the installation, if the labor in connection therewith is bricklayers' work as recognized by the trade (the men employed upon the construction of the walls to be given the preference). [This clause is not objected to.] That all cutting of masonry be done by those best fitted for the work, and that the members of the Mason Builders' Association make the selection; but cutting of all brickwork, fireproofing, terra cotta, concrete arches and partitions, as well as the washing down and pointing up of front brickwork and terra cotta, shall be done by bricklayers. * * *

"(9) That any member of these unions, upon showing his card for membership, be permitted to go upon any job when seeking employment, unless notified by a sign 'No Bricklayers Wanted;' and that employment be given exclusively to members of the unions that are parties to this agreement. The shop steward or business agent shall

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determine who are members of these unions. It shall not be the duty of the foreman to ask any man to what union he belongs. If the shop steward be discharged for inspecting the cards of the bricklayers on a job, or for calling the attention of the foreman to any violation of the agreement, he shall be at once reinstated until the matter is brought before the joint arbitration committee for settlement. The foreman must be a practical bricklayer.

"(10) No member of these bricklayers' unions shall work for any one not complying with all the rules and regulations herein agreed to. No laborer shall be allowed upon any wall or pier to temper or spread mortar, which shall be delivered in bulk; said mortar to be spread with a trowel by the bricklayers, who shall work by the hour only."

The fifth clause, against which complaint is particularly directed, was inserted in said agreement in 1893, at the request of the representatives of the bricklayers' unions, upon their contention that the fireproofing company were using special gangs of men for doing the work, and, thereby, making an unjust discrimination against them, in that the installation of the fireproofing blocks was strictly bricklayers' work, and that the men who had been at work upon the wall, and were exposed to the inclemencies of the weather, and the danger attached to said work, ought also to have an opportunity to do what was the easier and protected work of installing fireproof blocks, and upon the further contention that they should be allowed to do the inside work also, because it could be done almost continuously, and the men could make substantially full time, which they could not do when working upon the walls.

The complainant claims that the effect of this agreement is to ruin its business in the city of New York, so far as concerns the installation by it of its tile fireproofing, because, when it makes contracts to install its system, the bricklayers' unions have obliged the bricklayers employed by complainant to strike, and that therefore not only is the general contractor prohibited from contracting with complainant, but also an owner desiring to construct a building is precluded from contracting with it, as manufacturer, for the installation of its system of fireproofing in such building, and that this is contrary to law, because it deprives the complainant of its constitutional right and liberty to pursue its calling, and to do business in the city of New York, which is a right of property, and because, further, it is a conspiracy to prevent it, by threats and intimidations, from exercising its lawful trade in the use of its property, in violation of subdivision 5 of section 168 of the Penal Code of the city of New York, and because said agreement is in violation of public policy and the common law and statutes of New York, in creating a monopoly in the business of installing tile fireproofing, and in that it impairs the obligation of contracts, etc.

Defendants, in their affidavits, allege that the complainant has admitted that, if it were permitted to install its own material, it would be compelled to use a special gang of men, who are working for it continually; that the only way in which mason builders in the usual course of business can control the letting of contracts for the installation of fireproofing is to take the contract to do all the work of which the fireproofing is a part. They deny that the agreement was entered into with any desire to obtain the sole monopoly of said business, or to exclude the complainant from using its manufactured

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product, or to prevent it from being used in the city of New York, or to prevent complainant from making contracts for the installation of its system of fireproofing in buildings and structures. And, furthermore, they deny that they have prevented the complainant from getting such contracts by threats, intimidation, or otherwise, and deny that the agreement is directed against the complainant, asserting that the fifth clause therein was inserted years before the complainant was doing business in the city of New York.

In some of the affidavits of the defendant the situation is stated as follows:

"The defendant bricklayers have entered into an agreement with their employers, the mason builders, whereby the former will work for such employers, provided such employers contract with the persons employing them—that is, the owners of the buildings—to do all the brickwork; not to do simply the fireproofing, but all the brick masonry work necessary to be done in the erection of the building. The only brickwork that the complainants are prepared to install and have the facilities for installing, is the fireproofing. The installing of fireproofing in a building is but about 50 per cent of the brick masonry necessary to be done. If the contracts in and about New York which the complainant enters into extended to all the brickwork of a building, undoubetdly the defendant bricklayers would be as willing to work for the fireproofing company as for the mason builders. This not being the case, the complainant should not ask the court to interfere with the contracts which the defendant bricklayers have entered into or may hereafter deem it wise to enter into, whereby said bricklayers secure the installation of all the brick masonry upon a building to be erected. It is to prevent the specialization of our trade that we have entered into article 5, which has been in operation since 1891. There are thousands of bricklayers at the present day working in New York City for independent contractors, namely, those not members of the Mason Builders' Association, but they observe the terms of article 5, though they have not signed it, and are not partners to it."

This case is one of great importance, the claims of the respective parties have been presented in a large number of affidavits, and the questions involved have been discussed in voluminous briefs. The agreement does not present the ordinary case of a combination of labor against employers and capital. It is a case of a combination of capital represented by the Mason Builders' Association and of labor represented by the Bricklayers' Union, which it is claimed injuriously affects the interests of capital represented by the complainant and other capitalists, and of labor represented by employees not members of the union or who have not signed the agreement.

If the contract is a conspiracy for the purpose and with the effect alleged by the complainant, and has been carried out by threats and intimidation, as stated in the affidavits, then a case is presented of an unlawful conspiracy to deprive the complainant of its liberty and property. If the purpose of the said agreement was to coerce those who were not parties to it, the case would be brought within the principles discussed in Curran *v.* Galen, 152 N. Y. 33, 37, 46 N. E. 297, 37 L. R. A. 802, 57 Am. St. Rep. 496. There the court held that, if the purpose of an organization was to coerce their workmen to become members of an organization under penalty of loss of position

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and deprivation of employment, it would be within the principle of public policy which prohibits monopolies and exclusive privileges.

The answer of defendants denies all the material allegations of the bill and affidavits, except the allegation as to the existence of this agreement. It is therefore different in this regard from Curran *v.* Galen, supra, where the facts were admitted by demurrer. If the allegations in the answer and the statements in the affidavits be true, the agreement resolves itself into one by which the builders merely agree that they will take contracts for mason work only where such contracts include the installation of the fireproofing, and that they will not sublet the same, but will use their own men for such installation, and whereby the bricklayers agree that they will work only for those who comply with this agreement.

It is claimed, for the reasons set forth in the affidavits and referred to above, that this agreement was entered into for the mutual advantage of the parties, in the line of the avoidance of strikes and the opportunity for control by contractors of an entire contract, in permitting the bricklayers to do all the brickwork on a certain building, so that having done the outside work, exposed to the inclemencies of the weather, they might also do the inside and protected work and obtain full and better wages. If the facts be as contended by the defendants, there is nothing unlawful in this agreement. The rights of capital and labor are equally protected by the law in the making of such contracts as are for the best interests of the parties concerned, in the absence of proof of any act or motive other than that which is justified by the law. Indeed, it is difficult to see upon what theory the court could enjoin the defendants herein from carrying out said agreement. As is stated by Judge Gray in National Protective Association *v.* Cumming, 170 N. Y. 315, 335, 63 N. E. 369, 375, 58 L. R. A. 135, 88 Am. St. Rep. 648:

"Our laws recognize the absolute freedom of the individual to work for whom he chooses, with whom he chooses, and to make any contract upon the subject that he chooses. There is the same freedom to organize, in an association with others of his craft, to further their common interests as workingmen, with respect to their wages, to their hours of labor, or to matters affecting their health and safety. They are free to secure the furtherance of their common interests in every way, which is not within the prohibition of some statute, or which does not involve the commission of illegal acts. The struggle on the part of individuals to prefer themselves, and to prevent the work which they are fitted to do from being given to others, may be keen and may have unhappy results in individual cases; but the law is not concerned with such results, when not caused by illegal means or acts."

Furthermore, it is not clear, if these rules and regulations are reasonable, why complainant can not comply with said rules and with said agreement and do the outside as well as the inside work. Its argument upon this point seems to be that it desires to be permitted to do a certain branch of a certain business in the way which is most profitable to it, by means of its own men and to the exclusion of others. It may readily be seen that, if this contention is sustained, any one supplying work and materials in the construction of a building might enjoin the carrying out of any agreement which excluded him from doing his particular part of the work in the same way, no matter how

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small or insignificant that work might be in the construction of the building. Such a situation would lead to needless confusion, and might further seriously interfere with the ability of the workmen to secure their wages from the various independent employers.

The very recent decision of the Court of Appeals, in Jacobs *v.* Cohen, 183 N. Y. 207, 76 N. E. 5, shows that the question of law depends upon whether there is coercion by threats and by the unlawful use of power and influence in keeping other persons from working at their trade, and procuring their dismissal from employment, as in Curran *v.* Galen, supra, or a lawful agreement made by an employer with his workmen, regulating the performance of the work and restricting the class of workmen to such persons as are in affiliation with the association of the employers' workmen, provided the restrictions were not oppressive.

In these circumstances, and because the questions presented depend upon the existence or nonexistence of disputed facts, I do not feel justified in granting the extraordinary remedy of a preliminary injunction. The decision of the questions at issue should be postponed until after the determination of the facts, under the opportunity afforded by examination and cross-examination of witnesses.

The motion for a preliminary injunction is denied.

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LAWS OF VARIOUS STATES RELATING TO LABOR, ENACTED SINCE JANUARY 1, 1904.

[The Tenth 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, 1904. Later enactments are reproduced in successive issues of the Bulletin, beginning with Bulletin No. 57, the issue of March, 1905. A cumulative index of these later enactments is to be found on page 239 et seq. of this issue.]

DISTRICT OF COLUMBIA.

ACTS OF FIRST SESSION, 59TH CONGRESS, 1905-1906.

CHAPTER 957.—*Fire escapes on factories, etc.*

SECTION 2. It shall be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, to provide and cause to be erected and affixed thereto a sufficient number of the * * * fire escapes [of such material, type, and construction as the Commissioners of the District of Columbia may determine], the location and number of the same to be determined by the said commissioners, and to keep the hallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners of the District of Columbia, from sunset to sunrise.

SEC. 3. It shall also be the duty of the owner, lessee, occupant, or person having possession, charge, or control of * * * any building in which ten or more persons are employed, as set forth in section two of this act, to provide, install, and maintain therein proper and sufficient guide signs, guide lights, exit lights, hall and stairway lights, fire hose, and fire extinguishers, in such location and numbers and of such type and character as the Commissioners of the District of Columbia may determine.

SEC. 4. The Commissioners of the District of Columbia are hereby authorized and directed to require any alterations or changes that may become necessary in buildings now or hereafter erected, in order to properly locate or relocate fire escapes or to afford access to fire escapes, and to require any changes or alterations in any building that may be necessary in order to provide for the erection of additional fire escapes, when in the judgment of said Commissioners additional fire escapes are necessary.

SEC. 5. Each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or inclosure, separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with fireproof doors.

SEC. 6. It shall be unlawful to obstruct any hall, passageway, corridor, or stairway in any building mentioned in this act with baggage, trunks, furniture, cans, or with any other thing whatsoever.

SEC. 7. No door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any incumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

SEC. 8. No license shall be issued to any person to conduct any business for which a license is required in any building mentioned in this act until such building has been provided and equipped with a sufficient number of fire escapes and other appliances required by this act.

SEC. 9. Any person failing or neglecting to provide fire escapes, alarm gongs, guide signs, fire hose, fire extinguishers, or other appliances required by this act, after notice from the Commissioners of the District of Columbia so to do, shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars, and shall be punished by a further fine of five dollars for each day that he fails to comply with the notice aforesaid. Any person violating any other provision of this act shall be punished, upon conviction thereof, by a fine of not less than ten dollars nor more than one hundred dollars for each offense.

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Sec. 10. The said notice requiring the erection of fire escapes and other appliances mentioned in this act shall specify the character and number of fire escapes or other appliances to be provided, the location of the same, and the time within which said fire escapes or other appliances shall be provided, and in no case shall more than ninety days be allowed for compliance with said notice unless the Commissioners of the District of Columbia shall, in their discretion, deem it necessary to extend their time.

Sec. 11. Said notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or if no such office can be found in said District by reasonable search if forwarded by registered mail to the last known address of the person to be notified and not returned by the post-office authorities, or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on ten consecutive days in a daily newspaper published in the District of Columbia, or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact can not be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right, and notice to a foreign corporation shall, for the purposes of this act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia: *Provided*, That in case of failure or refusal of the owner, lessee, occupant, or person having possession, charge, or control of any buildings specified in this act to comply with the requirements of the notice provided for in section ten, then, and in that event, the Commissioners are hereby empowered and it is their duty to cause such erection of fire escapes and other appliances mentioned in the notice provided for, and they are hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, and to issue tax-lien certificates against such building and grounds for the amount of such assessments, bearing interest at the rate of ten per centum per annum, which certificates may be turned over by the Commissioners to the contractor for doing the work.

Sec. 12. The supreme court of the District of Columbia, in term time or in vacation, may, upon a petition of the District of Columbia, filed by its said Commissioners, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of this act.

Approved March 19, 1906.

Chapter 3054.—*Employment of children—School attendance.*

Section 1. Every parent, guardian, or other person residing in the District of Columbia having charge and control of a child between the ages of eight and fourteen years shall cause such child to be regularly instructed in the elementary branches of knowledge, including reading, writing, English grammar, geography, and arithmetic, and pursuant to this end every such parent, guardian, or other person aforesaid shall cause any child under the charge and control of such person to attend some public, private, or parochial school during the period of each year the public schools in the District are in session, on the customary days and during the customary hours of the school term. No child shall be credited with attendance upon a private or parochial school unless the attendance officer hereinafter provided for receives a certificate of attendance signed by the person in charge of such school. A child between the ages aforesaid may be excused from school attendance or instruction upon presentation of satisfactory evidence to the superintendent of schools that such child is being or has been within said year instructed a like period of time in the branches taught in the public schools, or that such child has acquired these branches of learning, or that the physical or mental condition of such child is such as to render such attendance or instruction inexpedient or impracticable.

Sec. 5. Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor and be punished by a fine of not more than twenty dollars.

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SEC. 6. The officers empowered under this act shall visit any place or establishment where minor children are employed to ascertain whether the provisions of this law are duly complied with, and shall as often as twice a year demand from all employers of such children a list of children employed, with their names and ages.

Approved June 8, 1906.

CHAPTER 3438.—*Employment offices.*

SECTION 1. The term person, used in this and subsequent sections of this act, means also a corporation, partnership, company, or association. The term employment agent or agency means any person who procures, offers to procure, promises to procure, attempts to procure, or aids in procuring, either directly or indirectly, help or employment for another, where any fee, remuneration, profit, or any consideration of any nature whatsoever is promised, paid, or is received therefor, either directly or indirectly. The term fee means every form or nature of fee, remuneration, profit, or consideration promised, paid, or received, directly or indirectly, for any service of whatsoever nature performed, offered to be performed, or promised to be performed by such employment agencies. The term applicant shall mean any person seeking work, employment, or engagement of any legal character. The term applicant for help shall mean any person or persons seeking help, employees, or performers in any legitimate enterprise.

SEC. 2. No person shall conduct, temporarily or otherwise, any employment agency or perform any of the acts authorized to be performed by an employment agency in the District of Columbia without procuring a license from the Commissioners of the District of Columbia as herein provided.

SEC. 3. An application for a license must be made in writing in the form prescribed by the Commissioners of the District of Columbia, and may be made at any time, and every license shall date from the first day of the month in which it is issued and shall expire on the thirty-first day of October following its issue, unless sooner revoked. Every application for such license shall contain the full name of the applicant therefor, together with his place of residence by street and number if so designated. If the applicant is a corporation, the application must specify the names and like addresses of the president, treasurer, and secretary thereof, or other officers performing corresponding duties and under different names; and the said Commissioners may, in their discretion, require the names and like addresses of all the officers, including the directors, of any corporate applicant for a license. If the applicant is a partnership or unincorporated association, the names and like addresses of all the members thereof must be specified in the application. The application must be subscribed by the applicant or applicants therefor, if natural persons, and if a corporation in the corporate name, by the president or chief officer thereof, attested by the secretary or assistant secretary, with the corporate seal attached, and each application must be acknowledged. Each application must state that the applicant or applicants is or are the person or persons who have the sole beneficial interest in the business established or to be established under said license, and also the place, by street and number and such other description as the Commissioners of the District of Columbia may determine, where it is proposed to conduct such employment agency. The said Commissioners may refuse to receive any application for such license which does not meet the requirements of this section. The Commissioners of the District of Columbia must be satisfied that the applicant is a person of good general character, or, if a corporation, that the officers thereof and those under whose direction the business of the employment agency is to be carried on are persons of good general character, and may for that purpose require any other statements to be made in the application for the license or otherwise which said Commissioners deem necessary. A license fee of twenty-five dollars shall be paid annually, which sum shall accompany each application for a license, which fee shall be returned if the license is not granted. Every application for a license shall be filed not less than one week prior to the granting thereof, and notice thereof shall be posted in the office of the assessor of said District, and a written protest may be made by any person against the granting of such license; and if said protest is made, the said Commissioners shall give a public hearing before a determination is made upon such application. Any person who conducts or intends to conduct a lodging house, separate and apart from such employment agency, shall not be granted a license unless the fact of conducting such lodging house is set forth in the application, which fact shall also be designated in the certificate of such license. The said Commissioners shall have power to reject any application for license and also to revoke any license for violation of or noncompliance with any of the provisions of this act in addition to any other penalty in this act provided.

SEC. 4. Each application for a license shall be accompanied by a bond, in due form, to the District of Columbia in the penal sum of one thousand dollars, with two or more

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sufficient sureties, who may be required to justify, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this act and the act of Congress approved August first, eighteen hundred and ninety-two (Twenty-seventh Statutes, page three hundred and forty), commonly known as the labor law. [This law regulates the hours of labor on public works.] The execution of any such bond by fidelity or surety company authorized by the laws of the United States to transact business therein shall be equivalent to the execution thereof by two sureties, and such company, if excepted to, shall justify in the manner required by law of fidelity and surety companies. If any person shall be aggrieved by the misconduct of any such licensed person and shall recover judgment against him therefor, such person may, after the return unsatisfied either in whole or in part of any execution issued upon such judgment, maintain an action in his own name, upon the bond of such employment agency, in any court having jurisdiction of the amount claimed. The Commissioners of the District of Columbia shall furnish to anyone applying therefor a certified copy of any such bond filed in their office upon the payment of a fee of twenty-five cents, and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by the persons or corporations whose names appear thereon.

Sec. 5. Every license certificate shall contain the names of the persons licensed and a designation of the city, street, number, and floor of the house in which the person licensed is authorized to conduct such employment agency, and the number and the date of its issuance. Such license shall not be used to protect any other than the person to whom it is issued nor any place other than that designated in the certificate, and shall not be transferred or assigned to any other person. Every licensed person shall post in a conspicuous place in such agency the license certificate.

Sec. 6. No such agency shall be located in rooms used for living purposes, or in rooms where boarders or lodgers are kept or where meals are served, or persons sleep, or in the building or on premises, or in connection with a building or on premises, or in connection with a building or premises where intoxicating liquors are sold to be consumed on the premises, except that no one shall be precluded from keeping an employment agency in an office building by reason of there being a cafe or restaurant in another part of said building. No such licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of any compulsory-education or child-labor laws.

Sec. 7. It shall be the duty of every such licensed person, except those conducting theatrical agencies, teachers' agencies, or agencies for the employment of vaudeville performers, or nurses' registries, or agencies for the procuring of technical, clerical, sales, or executive positions for men only, to keep a register, approved by the Commissioners, in which shall be entered, in the English language, the date of the application for employment, the name and address of the applicant to whom employment is promised or offered, the amount of the fee received, and, whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person, except those above specified in this section, shall also enter in a separate register, approved by the Commissioners of the District of Columbia, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, and the amount of the fee received. The aforesaid registers of applicants for employment and for help shall be open during office hours to inspection by the said Commissioners or their agents. No such licensed person, his agent or employees, shall make any false entry in such registers. It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: *Provided*, That if the applicant for help voluntarily waives in writing such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this act. Every licensed person exempted from the provisions of this section as to the keeping of registers shall keep accurate records in the English language of all persons to whom work is promised or offered, or from whom a fee is taken, and of all persons from whom an application for an employee is accepted, together with the date of the engagement, and the amount of the fee received.

Sec. 8. The fees charged for the employment of agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrub women, nurses (except professional nurses), chambermaids, maids of all work, domestics, servants, or other laborers (except seamen), or for the purpose of procuring or giving information concerning such person for or to employers, shall be as follows:

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Employment agents or agencies shall be entitled to receive in advance from an employer—

For male or female employees, one dollar each.

Employment agents or agencies shall be entitled to receive in advance from the applicant for work or employment, either male or female, one dollar each, one-half of which is to be returned on demand if such applicant is not secured a fair opportunity for employment within four days after the receipt of said original fee of one dollar: *Provided*, That the whole fee and any sums paid by the applicant for transportation in going to and returning from such employer shall be refunded within four days of demand, if no employment of the kind applied for was vacant at the place to which the applicant was directed: *And provided further*, That it shall be unlawful for any employment agent or agency to receive more than the fees set forth in this act in the business aforesaid.

It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt, excepting only those given by theatrical and teachers' agencies and those procuring technical, clerical, sales, and executive positions for men only, shall have printed on the back thereof a copy of this section in the English language. No such licensed person shall divide fees with contractors or their agents or other employers or anyone in their employ to whom applicants for employment are sent. Every such licensed person shall give to each applicant for employment a card or printed paper containing the name of the applicant, name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. Every such licensed person shall post in a conspicuous place in each room of such agency a plain and legible copy of this act, which shall be printed in large type.

SEC. 9. No such person shall induce or attempt to induce any domestic employee to leave his employment with a view to obtaining other employment through such agency. Whenever any licensed person, or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall give to the applicant for employment, in writing, the name and address of the employer, name and address of the employee, nature of the work to be performed wages offered, destination of the person employed, and terms of transportation.

SEC. 10. No such licensed person shall send, or cause to be sent, any female as a servant or inmate or performer to enter any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution, or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry. No such licensed person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency. No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises, whether or not dues or a fee or privilege is exacted, charged, or received directly or indirectly: *Provided*, That proprietors of barrooms shall have the right to employ bartenders through employment agents or agencies, and bartenders shall have the right to procure employment in barrooms through such agents or agencies: *And provided further*, That it shall be unlawful for employment agents or agencies to send applicants for employment to employers other than those who have applied to such agents or agencies for help or labor. For the violation of any of the foregoing provisions of this section the penalty shall be a fine of not more than two hundred dollars and in default in payment thereof by imprisonment in the workhouse for a period of not more than one year, or both, at the discretion of the court. No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement. All advertisements of such employment agency by means of cards, circulars, or signs, and in newspapers and other publications, and all letter heads, receipts, and blanks shall contain the name and address of such employment agency, and no such licensed person shall give any false information, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help.

SEC. 11. The enforcement of this act shall be intrusted to the Commissioners of the District of Columbia. Complaints against any such licensed persons shall be made orally or in writing to the said Commissioners, and reasonable notice thereof, not less than one day, shall be given in writing to said licensed person by serving upon him a concise statement of the facts constituting the complaint, and a hearing shall be had before the said Commissioners within one week from the date of the filing of the complaint, and no adjournment shall be taken for a period longer than one week. A daily

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calendar of all hearings shall be kept by the said Commissioners and shall be posted in a conspicuous place in their public office for at least one day before the date of such hearings. The said Commissioners shall render their decision within eight days from the time the matter is finally submitted to them. Said Commissioners of the District of Columbia shall keep a record of all such complaints and hearings. The said Commissioners may refuse to issue and shall revoke any license for any good cause shown, within the meaning and purpose of this act, and when it is shown to their satisfaction that any licensed person, either before or after conviction, is guilty of any illegal act in connection with the conduct of said business or in violation of this law it shall be the duty of the said Commissioners to revoke the license of such person; but notice of the charges shall be presented and reasonable opportunity shall be given said licensed person to be heard in his defense. Whenever for any cause such license is revoked, said Commissioners shall not issue another license to said licensed person until the expiration of at least six months from the date of revocation of such license. The said Commissioners shall cause the corporation counsel to institute criminal proceedings for the enforcement of this act before any court of competent jurisdiction.

Approved June 19, 1906.

GEORGIA.

ACTS OF 1906.

ACT No. 399.—*Employment of children in factories—Age limit—Night work.*

(Page 98.)

SECTION 1. From and after the approval of this act no child under ten years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State under any circumstances.

SEC. 2. On and after January 1, 1907, no child under twelve years of age shall be so employed, or allowed to labor, unless such child be an orphan and has no other means of support, or unless a widowed mother or an aged or disabled father is dependent upon the labor of such child, in which event, before putting such child at such labor, such father shall produce and file in the office of such factory or manufacturing establishment, a certificate from the ordinary of the county in which such factory or establishment is located, certifying under his seal of office to the facts required to be shown as herein prescribed: *Provided*, That no ordinary shall issue any such certificate except upon strict proof in writing and under oath, clearly showing the necessary facts: *And provided further*, That no such certificate shall be granted for longer than one year, nor accepted by any employer after one year from the date of such certificate.

SEC. 3. On and after January 1, 1908, no child under fourteen years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between the hours of seven p. m. and six a. m.

SEC. 4. On and after January 1, 1908, no child, except as heretofore provided, under fourteen years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State, unless he or she can write his or her name and simple sentences, and shall have attended school for twelve weeks of the preceding year, six weeks of which school attendance shall be consecutive; and no such child as aforesaid between the ages of fourteen and eighteen years shall be so employed unless such child shall have attended school for twelve weeks of the preceding year, six weeks of which school attendance shall be consecutive; and at the end of each year, until such child shall have passed the public school age, an affidavit certifying to such attendance, as is required by this section, shall be furnished to the employer by the parent or guardian or person sustaining parental relation to such child. The provisions of this section shall apply only to children entering such employment at the age of fourteen years or less.

SEC. 5. It shall be unlawful for any owner, superintendent, agent or any other person acting for or in behalf of any factory or manufacturing establishment to hire or employ any child unless there is first provided and placed on file in the office of such employer an affidavit signed by the parent guardian, or person standing in parental relation thereto, certifying to the age and date of birth of such child, and other facts required in this act. Any person knowingly furnishing a false affidavit as to the age, or as to any other facts required in this act, shall be deemed guilty of a misdemeanor. * * *

SEC. 6. The affidavit and certificates required in this act shall be open to inspection by the grand juries of any county where such factory or manufacturing establishments are located.

SEC. 7. Any person or agent, or representative of any firm or corporation, who shall violate any provision of this act shall be deemed guilty of a misdemeanor, * * * Any parent, guardian, or other person standing in parental relation to a child, who

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shall hire or place for employment or labor in or about any factory or manufacturing establishment within this State a child in violation of any provision of this act, shall be deemed guilty of a misdemeanor * * *

Approved August 1, 1906.

Act No. 473.—*Suits for wages.*

(Page 120.)

Section 1. The act of the general assembly of the State of Georgia approved August 13, 1904, entitled "An act providing for the situs of debts due to nonresidents for purposes of attachment, and for other purposes," [shall] be amended * * * so that said act, when amended, shall read as follows: "Section 1. From and after the passage of this act when any suit is brought by attachment in this State against a nonresident of the State, and the attachment is levied by service of summons of garnishment, the situs of any debt due by the garnishee to the defendant shall be at the residence of the garnishee in this State, and any sum due to the defendant in attachment shall be subject to said attachment: *Provided,* That the writ of attachment shall not be used to subject in this State wages of persons who reside out of the State and which have been earned wholly without the State of Georgia.

Approved August 20, 1906.

IOWA.

ACTS OF 1906.

Chapter 102.—*Commissioner of labor.*

Section 1. Section two thousand four hundred sixty-nine (2469) of the code [providing that the term of the commissioner of labor shall commence on the first day of April in each even-numbered year, and continue for two years] is hereby amended by striking out of the fourth line thereof the word "even-numbered" and by inserting in lieu thereof the word "odd-numbered"; and by adding to said section the following:

"Provided, however, that the term of office of the labor commissioner which shall commence on the first day of April, 1906, shall expire on the thirty-first day of March, 1907."

Sec. 2. The law as it appears in section two thousand four hundred seventy (2470) of the supplement to the code is hereby amended by adding thereto the following:

"He [the commissioner of labor] shall make a report to the governor during the year 1906, and biennially thereafter. The report for the year 1906 shall cover the period only from the date of his last preceding biennial report."

Approved April 10, 1906.

Chapter 103.—*Employment of children—Age limit—Hours of labor.*

Section 1. No person under fourteen years of age shall be employed with or without wages or compensation in any mine, manufacturing establishment, factory, mill, shop, laundry, slaughterhouse or packing house, or in any store or mercantile establishment where more than eight persons are employed, or in the operation of any freight or passenger elevator.

Sec. 2. No person under sixteen years of years [sic] of age shall be employed at any work or occupation by which, by reason of its nature or the place of employment, the health of such person may be injured, or his morals depraved, or at any work in which the handling or use of gunpowder, dynamite or other like explosive is required, and no female under sixteen years of age shall be employed in any capacity where the duties of such employment compel her to remain constantly standing.

Sec. 3. No person under sixteen years of age shall be employed at any of the places or in any of the occupations recited in section 1 hereof before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening, and if such person is employed exceeding five hours of each day, a noon intermission of not less than thirty minutes shall be given between the hours of eleven and one o'clock, and such person shall not be employed more than ten hours in any one day, exclusive of the noon intermission, but the provisions of this section shall not apply to persons employed in husking sheds or other places connected with canning factories where vegetables or grain are prepared for canning and in which no machinery is operated.

Sec. 4. Every person, firm or corporation having in its employ, at any of the places or in any of the occupations recited in section 1 of this act, any persons under sixteen years of age, shall cause to be posted at some conspicuous location at the place of such employment, and where same shall be accessible to inspection at all times during busi-

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ness hours, a list of the names of such persons, giving after each name, the date of the birth of such person and the date when employed.

SEC. 5. Any parent, guardian or other person, who having under his control any person under sixteen years of age causes or permits said person to work or be employed in violation of the provisions of this act, or any person making, certifying to, or causing to be made or certified to, any statement, certificate or other paper for the purpose of procuring the employment of any person in violation of the provisions of this act, or who makes, files, executes or delivers any such statement [,] certificate or other paper containing any false statement for the purpose of procuring the employment of any person in violation of this act, or for the purpose of concealing the violation of this act in such employment, and every person, firm or corporation, or the agent [,] manager, superintendent, or officer of any person, firm or corporation, whether for himself or such person, firm or corporation, either by himself or acting through any agent, foreman, superintendent or manager, who knowingly employs any person or permits any person to be employed in violation of the provisions of this act, or who shall refuse to allow any authorized officer or person to inspect any place of business under the provisions of this act, if demand is made therefor at any time during business hours or who shall willfully obstruct such officer or person while making such inspection, or who shall fail to keep posted the lists containing the names of persons employed under sixteen years of age and other information as required by this act, or who shall knowingly insert any false statement in such list, or who violates any other provision of this act, shall be deemed guilty of a misdemeanor, and upon being found guilty thereof, shall be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed thirty days.

SEC. 6. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act, and such commissioner and his deputies, factory inspectors, assistants and other persons authorized by him in writing, State mine inspectors, and county attorneys, mayors, chiefs of police and police officers, acting under their written directions, city and town marshals, sheriffs and their deputies within the territories where they exercise their official functions, and any person having authority therefor in writing from the judge of a court of record within the territory over which such judge has jurisdiction, shall have authority to visit any of the places enumerated in section 1 of this act, and make an inspection thereof to ascertain if any of the provisions of this act are violated or any person unlawfully employed thereat, and such persons shall not be interfered with or prevented from asking questions of any person found at the place being inspected by them with reference to the provisions of this act. It shall be the duty of the county attorney to investigate all complaints made to him of the violation of this act, and to attend and prosecute at the trial of all cases for its violation upon any information that may be filed within his county.

Approved April 10, 1906.

CHAPTER 148.—*Assignment of wages.*

SECTION 1. Section three thousand and forty seven (3047) of the code [relating to assignments of open accounts, shall] be amended by adding thereto the following:

But no sale or assignment, by the head of a family, of wages, whether the same be exempt from execution or not, shall be of any validity whatever unless the same be evidenced by a written instrument and if married unless the husband and wife, sign and acknowledge the same joint instrument before an officer authorized to take acknowledgements; and assignments of wages shall have priority and precedence in the order in which notice in writing of such assignments shall be given to the employer, and not otherwise.

Approved April 5, 1906.

CHAPTER 156.—*Wages a preferred claim—In receiverships.*

SECTION 1. When the property of any person, partnership, company or corporation has been placed in the hands of a receiver for distribution, after the payment of all costs the following claims shall be entitled to priority of payment in the order named:

First. Taxes or other debts entitled to preference under the laws of the United States.

Second. Debts due or taxes assessed and levied for the benefit of the State, county or other municipal corporation in this State.

Third. Debts owing to employees for labor performed as defined by section four thousand and nineteen (4019) of the code [i. e., within ninety days next preceding the transfer of the property, to an amount not exceeding one hundred dollars to each person].

Approved March 30, 1906.

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UNITED STATES.

ACTS OF FIRST SESSION, 59TH CONGRESS—1905-1906.

CHAPTER 3071.—*Inspection of steam vessels.*

SECTION 1. Section forty-four hundred and twenty-one of the Revised Statutes of the United States is hereby amended * * * so that said section, when amended, shall read as follows:

"Section 4421. When the inspection of a steam vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made, in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of inspectors signing it, before the chief officer of the customs of the district, or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval. Upon such inspection and approval, the inspectors shall also make and subscribe a temporary certificate, which shall set forth substantially the fact of such inspection and approval, and shall deliver the same to the master or owner of the vessel, and shall keep a copy thereof on file in their office. The said temporary certificate shall be carried and exposed by vessels in the same manner as is provided in section forty-four hundred and twenty-three for copies of the regular certificate, and the form thereof and the period during which it is to be in force shall be as prescribed by the board of supervising inspectors, or the executive committee thereof, as provided in section forty-four hundred and five. And such temporary certificate, during such period and prior to the delivery to the master or owner of the copies of the regular certificate, shall take the place of, and be a substitute for, such copies of the regular certificate of inspection as required by sections forty-four hundred and twenty-three, forty-four hundred and twenty-four, and forty-four hundred and twenty-six, and for the purposes of said sections, and shall also, during such period, be a substitute for the regular certificate of inspection as required by section forty-four hundred and ninety-eight and for the purposes of said section until such regular certificate of inspection has been filed with the collector or other chief officer of customs. Such temporary certificate shall also be subject to revocation in the manner and under the conditions provided in section forty-four hundred and fifty-three. No vessel required to be inspected under the provisions of this title shall be navigated without having on board an unexpired regular certificate of inspection or such temporary certificate."

Approved, June 11, 1906.

CHAPTER 3073.—*Liability of employers for injuries to employees—Common carriers.*

[See Bulletin No. 64, p. 909.] (a)

CHAPTER 3333.—*Wages as preferred claims—In bankruptcy.*

SECTION 1. Clause four of subdivision B of section sixty-four of said [bankruptcy] act is hereby amended so as to read as follows:

"Fourth. Wages due to workmen, clerks, traveling or city salesmen, or servants which have been earned within three months before the date of commencement of proceedings, not to exceed three hundred dollars to each claimant."

Approved, June 15, 1906.

CHAPTER 3583.—*Seamen—Shipping under false inducements, etc.*

SECTION 1: Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel of any kind engaged in trade and commerce among the several States or with foreign nations, shall—

First. Procure or induce or attempt to procure or induce another by force, threats, or representations which the person making them knows or believes to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to go on board of any such vessel.

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[a] In Bulletin No. 64 this chapter was erroneously given as Chapter 219. It should be Chapter 3073 or Public, No. 219.

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Second. Induce or procure or attempt to induce or procure another by force or threats, or by representations known or believed by the person making them to be untrue, or while the person so induced or procured is intoxicated or under the influence of any drug, to sign or in any wise enter into any agreement to go on board any such vessel to perform service or labor thereon, shall be fined not more than one thousand dollars or imprisonment for one year, or both.

SEC. 2. Whoever shall knowingly detain on board any such vessel any person induced to go on board thereof or to enter into an agreement to go on board thereof by any of the means defined in section one hereof shall be punished as provided in section one.

SEC. 3. Whoever shall knowingly aid or abet in the doing of any of the things declared unlawful by sections one and two of this act shall be deemed a principal and punished accordingly.

SEC. 4. Sections four, six, and twenty-four [relating to modes and times of the payment of wages of seamen, and the libel of vessels for their collection] of chapter twenty-eight of the Acts of Congress, approved December twenty-first, eighteen hundred and ninety-eight, shall apply to all vessels engaged in the taking of oysters, anything in section twenty-six of said last-mentioned act to the contrary notwithstanding.

Approved, June 28, 1906.

CHAPTER 3912.—*Eight-hour law on Isthmian Canal construction.*

SECTION 4. The provisions of an act entitled "An Act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August first, eighteen hundred and ninety-two * * * shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the Isthmian Canal within the Canal Zone.

Approved, June 30, 1906.

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CUMULATIVE INDEX OF LABOR LAWS AND DECISIONS RELATING THERETO.

[This index includes all labor laws enacted since January 1, 1904, and published in successive issues of the Bulletin, beginning with Bulletin No. 57, the issue of March, 1905. Laws enacted previously appear in the Tenth Special Report of the Commissioner of Labor. The decisions indexed under the various headings relate to the laws on the same subjects without regard to their date of enactment and are indicated by the letter "D" in parenthesis following the name of the State.]

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