56TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { Doc. No. 359, Part 6.

BULLETIN

OF THE

DEPARTMENT OF LABOR.

No. 31—NOVEMBER, 1900.

ISSUED EVERY OTHER MONTH.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1900.

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No. 31. WASHINGTON. NOVEMBER, 1900.

THE BETTERMENT OF INDUSTRIAL CONDITIONS.

BY VICTOR H. OLMSTED.

In order to ascertain in some degree the character, extent, and effect of different plans in operation in various parts of the United States, looking to industrial improvement and the elevation of workingmen, numerous establishments have been visited in which the practical workings of such plans have been observed, and from which accounts concerning them have been secured. There has been no attempt to make such investigation exhaustive, but merely to present a large number of examples of typical establishments. No statistical presentation of these different plans can be made, but brief descriptive accounts of them are given, which it is hoped will induce large employers of labor, whose attention has not heretofore been called to them, to at least give consideration to the question as to whether some of the plans mentioned can not be profitably introduced in their establishments.

The various measures for the improvement of the condition of workingmen, found in successful operation in the establishments visited, may be summarized as follows:

1. Club organizations in which employees are banded together for social, educational, recreative, and other purposes incident to such associations.

2. The encouragement of physical culture by means of gymnasiums, calisthenics, baseball, bicycle, and similar clubs.

3. The improvement of intellectual conditions by means of free lectures, libraries, kindergartens, and educational classes.

4. The increasing of industrial efficiency through industrial schools and manual-training classes.

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5. The advancement of spiritual life by means of Sunday schools and general religious work.

6. The cultivation of musical taste and ability by means of concerts and musical entertainments for employees, and the encouragement of musical clubs and organizations among them.

7. The promotion of improved social conditions by means of social gatherings, summer outings, meeting places, and game rooms for employees, banquets, dances, etc.

8. The sharing of profits with employees.

9. The promotion of employees' personal interest in the successful conduct of the business by encouraging and assisting them to purchase shares in it, thus, in effect, taking them into partnership.

10. The improvement of domestic conditions by means of improved dwellings, instruction in sewing, cooking, and housekeeping, and in landscape and kitchen gardening and the exterior and interior decoration of homes.

11. The care for employees' health and comfort by means of bathing facilities, dining and lunch rooms, the furnishing of hot lunches to female employees, and by improved sanitary construction and appliances.

12. The care of sick and disabled employees and their families by means or free insurance, free medical attendance or hospital facilities, and by the encouragement of beneficial organizations.

13. The cultivation of thrift through savings bank facilities, building associations, or provident organizations, and by the giving of prizes for valuable suggestions of employees and rewards for faithful service or the manifestation of zeal and interest in their employment.

14. The rendering of financial aid to employees in cases of hardship or distress.

15. The manifestation of interest in the personal affairs of individual employees, the cultivation of cordial and even confidential relations with them, and the promotion of their welfare in all possible ways.

All the plans and ideas outlined above have been tested, and are now in successful operation. The experience of the employers who have adopted such of them as the exigencies or the character of their business would permit proves that they are worthy of more general adoption, not only because of their beneficial effect upon the employed, but also for the reason that they result in decided business improvement from a purely financial standpoint. The accounts following, gathered from some of the establishments in which the efficacy of the plans described have been demonstrated, give ample proof of their social and economic value.

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STEEL WORKS CLUB, JOLIET, ILL.

A number of years ago, sometime in the eighties, several of the principal stockholders and officers of the Joliet Steel Company decided to carry into effect the idea that improved social and intellectual conditions among the employees would not only promote their welfare but would advance the material interests of the company. At first the plan was simply to furnish a resort for the men during their leisure hours, and to this end a generous sum of money was offered the city of Joliet wherewith to equip a public library and reading room. The proposition was not accepted by the city and, other attempts to operate through outside agencies having failed, the company decided to act for itself, with the result that in 1889 the beautiful structure now occupied by the Steel Works Club was erected and partially equipped at a cost of $53,000. The club was organized in December, 1889, with 100 members, a charter was secured, and the clubhouse with its appurtenances was leased to it for the nominal sum of $1 per year, the company agreeing to make good at any time any deficiencies arising in the exchequer of the club.

The building is an imposing stone structure with harmonizing surroundings and grounds in which a fine tennis court is maintained. The basement of the building contains a gymnasium 45 feet square and 24 feet high, fully equipped with modern athletic appliances. In another part of the basement is a hand-ball court, 32 feet square, adjoining which is a bowling alley. In addition, this part of the building contains 16 bathrooms, 6 shower baths, a pool for plunge baths, all supplied with hot and cold water, together with dressing rooms, lockers, and all necessary conveniences. The basement also contains the sleeping apartments of the janitors, and a barber shop in which club members and other employees of the company are served at very low prices.

The main floor consists of a large reception room elaborately furnished and decorated with statuary, paintings, and bas-reliefs; a spacious room devoted to social games, such as cards, checkers, etc.; a library containing in the neighborhood of 6,000 volumes; a reading room; a billiard room with 6 tables, and the superintendent's office. The upper floor has a large lecture hall and entertainment room equipped with stage and dressing rooms and capable of seating 1,100 people. Other rooms on this floor are devoted to educational purposes, and there is an art gallery containing many examples of the best in painting and statuary. There is also a music room with a $1,000 grand piano, which, as well as many of the pictures, statues, and minor accessories, was presented to the club by individual stockholders of the company. The building is heated by steam, and is provided with both gas and electricity for lighting. It is open to members on week days from 7 a. m. until 9.45 p. m., on Saturdays until 10.45 p. m., and on Sundays and holidays until noon.

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Only employees of the steel company are eligible to membership in the club. The dues are $2 per year, and the members are subject to no other charges except a fee of 50 cents per month for participation in educational classes. The entire expense of maintenance, light, heat, care, and repair of the property, and all costs of administration, such as salaries of the superintendent, librarian, physical director, and janitors, are paid by the steel company. The dues paid by members are devoted to incidental expenses, such as pay of kindergarten teachers, printing, soap, towels, etc.

During the ten years of the club's existence its membership has fluctuated constantly and greatly. During periods of industrial depression it has diminished and has correspondingly increased with the revival of trade. In 1895-96 the club had about 1,200 members as against 300 in 1893, in 1897 only 500 of the company's employees were members, and in the summer of 1899 there were 650.

The club supplements the revenues derived from members in the shape of dues by giving, at frequent intervals, theatrical and literary entertainments, which are well attended by the general public. The funds derived from this source usually provide the club with sufficient means for its purposes. The privileges of the club are in many cases extended to the families and friends of the members; for example, in the large hall, social affairs, dances, and the like are of frequent occurrence, and the bathing facilities, at stated times, are free to the females of members' families.

The library and reading room are supplied with the leading magazines and newspapers, and these, with the billiard and recreation rooms, the gymnasium, baths, tennis court, and other features give constant opportunities for mental and physical recreation and culture, and are largely taken advantage of. Stationery and conveniences for letter writing are furnished the members free of charge. Instruction is given, under the direction of competent teachers, in mechanical drawing, mathematics, vocal music, penmanship, stenography, and any other branches which the members desire to pursue, and a kindergarten is maintained to which the children of members may be sent without charge.

In connection with the club there is an organization known as the "Ladies Auxiliary," composed of the wives and daughters of club members, who are given free use of the clubhouse for their meetings and for social gatherings and entertainments conducted under their direction.

The members of the club are enabled to reduce their family expenses through the purchase, in large quantities at lowest rates, of domestic supplies, such as coal or flour. These supplies are bought at wholesale, through the officers of the club, and are sold to the members at cost. The business affairs of club members are attended to, when

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desired, by the superintendent of the club, who is always ready to meet and advise with them upon any subject within the scope of his experience.

The beneficial effects of this organization upon its members and their families and the community generally have been incalculable, while the officers of the steel company are very emphatic in the assertion that the money they have furnished for erecting and equipping the clubhouse and in aiding the club has proved a good investment, considered from a purely commercial standpoint.

JOHNSTOWN ATHLETIC CLUB, JOHNSTOWN, PA.

This is a purely athletic organization, composed almost exclusively of employees of the Cambria Steel Company. It was organized in 1890, and after a varied experience of alternate prosperity and adversity was finally reorganized in February, 1898. Its affairs are now in a highly satisfactory condition, though its membership is not so large as formerly, numbering 210 as against over 500 two years ago.

The club has the free use and control of a large and well-equipped gymnasium, which was built and furnished with complete apparatus by the Cambria Steel Company, in conjunction with Andrew Carnegie, at a cost of about $15,000, and occupies a large portion of the library building erected and presented to the city of Johnstown by Mr. Carnegie. The club has also one of the finest bicycle race tracks and baseball fields in the country, having a grand stand with a seating capacity of 2,000 and surrounded by an immense level field.

The club is fostered and encouraged in all possible ways by the steel company. The members pay small fees and dues, which, in connection with the receipts derived from athletic exhibitions, yield a sufficient revenue to pay the expenses of the club. That its influence has been highly beneficial is beyond question.

THE CARNEGIE CLUB OF BRADDOCK, BRADDOCK, PA.

In January, 1889, the Carnegie Library building was completed, stocked with books, and presented to the town of Braddock, Pa. Subsequently Mr. Carnegie added to his original gift, and the edifice was enlarged so as to make it a superb home for the Carnegie Club of Braddock.

The club portion of the handsome building was informally opened in January, 1895, and contains most complete and effective appliances for its members' well-being and comfort. It has a beautiful theater, with an ample stage, full supply of scenery and accessories, and a seating capacity of 1,200. The swimming pool in the basement is one of the finest and largest in the country. The gymnasium is spacious, and is provided with every modern device for the development of muscle and the promotion of health. There are also a fine billiard

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room, containing 5 billiard and 4 pool tables, bathrooms, bowling alleys, separate bath and billiard rooms for ladies, card rooms, reading rooms, instruction rooms for classes, and dark room for developing photographs by club members—in fact, the club possesses a home perfectly adapted to its needs and in every way inviting. The general architectural effect of the building is full of dignity and beauty, and its location is fine and commanding.

The affairs of the club are managed by a superintendent, appointed by Mr. Carnegie, in conjunction with a board of trustees. The members have no voice in its management, but are entitled to enjoy all its facilities and privileges by simply paying their quarterly dues. Employees of the steel company are admitted to membership upon payment of dues at the rate of $1 per quarter. Other citizens of Braddock, not employees, may become members at the rate of $2 per quarter, and boys, under 18 years of age, who are sons or brothers of members, are permitted the use of the baths, are given instruction in gymnastics and swimming, and accorded various other privileges for 50 cents per quarter. Ladies are also given special advantages in the way of separate bathing and billiard rooms and instruction in swimming and gymnastics, with the services of a female attendant, for $1 per quarter. The revenues of the club are supplemented by annual contributions by its founder of such amounts as may be necessary to meet its expenses.

Courses of lectures and entertainments are provided, regardless of expense, which the club members have the privilege of attending at nominal prices of admission. Educational classes are conducted in bookkeeping, shorthand, mechanical drawing, commercial arithmetic, instrumental music, photography, and other subjects, as desired, at a cost to club members of 50 cents per month. An organ, costing $15,000, has recently been presented to the club by its founder. A number of additional features were contemplated when the information here given was secured, among which may be mentioned an industrial class for girls, furnishing instruction in sewing, knitting, etc., a savings bank for the children of members, an orchestra and a brass band composed exclusively of club members, banking facilities, a free kindergarten for members' children, and a barber shop.

The membership of the club in the latter part of 1899 was about 750, of which about 500 were employees of the steel company, the remainder being principally ladies and boys under 18 years of age.

HOMESTEAD LIBRARY ATHLETIC CLUB, HOMESTEAD, PA.

This club, which was organized in August, 1898, upon the completion and opening of the Carnegie Library at Homestead, Pa., is similar in character to the Carnegie Club of Braddock. Its membership consists mainly of employees of the Homestead Steel Works, though citizens of the town, not employees, may be admitted.

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The library building occupied by the club was erected and equipped by Mr. Andrew Carnegie at a cost of about $250,000. The material of the building is Pompeian brick, and its exterior dimensions are 228 by 133 feet. It consists of three divisions—the music hall, occupying the eastern end, the club, the western end, and the library, the central portion of the building.

The portion of the building which is devoted to the uses of the Library Athletic Club contains in the basement a tile-lined swimming pool 36 by 68 feet, with accompanying dressing rooms. Connecting with this is the basement of the library, where there are 18 bathrooms for men and 4 for women. Besides the pool under the club there are 2 bowling alleys. In the first story of the club are 2 billiard rooms containing 10 tables with their accompanying seats and racks and 2 recreation rooms. The second story and roof space are thrown open for one large gymnasium fitted with all necessary equipments.

The entire establishment is under the general supervision of a board of directors appointed by Mr. Carnegie, but it is the purpose of the founder of the club to leave its management in the hands of its members as far as possible, and to this end it is provided that a board of control consisting of nine members, shall be elected annually from and by the club membership, which shall regulate the internal affairs of the club, and, in connection with the superintendent, have control of field sports and athletic events, selecting players for the various teams that may be organized and arranging for games, contests, tournaments, etc. A competent superintendent is in charge and in constant attendance, whose duty it is to look after the successful operation of the club and the athletic department. There is also a trained physical director for the gymnasium, and various assistants for the care of the building and grounds and the convenience of the club. It is intended that the club shall become self-supporting by securing a large membership, but until this is accomplished the income of the club from membership fees and other sources will be supplemented by appropriations out of the general library fund, contributed by the founder.

The club has three classes of membership, viz, full, junior, and ladies. Males over 18 years of age are admitted to full membership, entitling them to all the privileges of the clubrooms and grounds, upon payment of a fee of $1.50 per quarter, if employees of the steel company, or $2 per quarter if not such employees; males under 18 years of age are admitted to junior membership by paying 50 cents per quarter, which entitles them to all the privileges of the club except the use of the billiard and card rooms. Ladies may become members by the payment of $1 per quarter, which entitles them to use the clubrooms on at least two afternoons each week, together with the use of the grounds upon application to the superintendent. The clubrooms, including the baths and gymnasium, are open daily, except Sundays,

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from 9 a. m. to 9 p. m. from April to September, and from 9 a. m. to 10.30 p. m. from October to March. In addition, the baths are open Sunday mornings from 9 to 12 o'clock. The club membership has varied from, approximately, 600 in summer to 1,100 during the winter. About half the members are employees of the steel company, the remainder being principally ladies and boys, largely members of employees' families.

It is the intention of the management to provide for courses of instruction, lectures, and entertainments, and for evening classes in various branches.

METROPOLITAN STREET RAILWAY ASSOCIATION, NEW YORK, N.Y.

This is a beneficial and social club, organized in February, 1897, with membership confined to employees of the Metropolitan Street Railway Company of New York City. It was incorporated under the laws of New York with 150 members; in July, 1899, its membership had risen to 2,643, and was constantly increasing. The payment of 50 cents per month as dues entitles a member to receive financial aid in case of disability arising from sickness or accident, not to exceed $90 in a year, or $150 is paid the representatives of a member in case of his death. It is mainly through its social features, however, that this club has been able to attain its great prosperity and to wield a powerful and beneficial influence among the railway company's employees.

The club holds regular monthly meetings for business and social purposes in the commodious rooms which the railway company has provided and furnished for it at the corner of Seventh avenue and Fiftieth street. These rooms consist of a large assembly hall, with a seating capacity of 450, and a library and reading room, which is also used for correspondence purposes, social games, etc. The rooms are open daily to the members, except Sundays, from 9 a. m. until 10 p. m. They are constantly patronized, as a place of regular resort, by the club members while not on duty, bringing them into friendly intercourse and giving them opportunity for rest, recreation, or intellectual diversion, and enabling them to spend their leisure hours away from saloons or other undesirable resorts where they would otherwise be almost compelled to congregate.

The secretary, who has general control of the club's affairs, is in daily attendance, his office being in the club's library room, and he is at all times ready to render assistance or give counsel to the men in their personal affairs. His salary is paid wholly by the railway company as is also that of the librarian, who, in addition to his regular duties, aids the secretary in his work. The circulating library contains 1,500 volumes of miscellaneous literature, together with the current magazines and papers, all furnished by the railway company.

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The rooms are cared for, heated, and lighted by the railway company, without expense to the club; in fact, the club has no expense of administration whatever, all requirements in that direction being provided for by the company, which also makes frequent cash contributions to the club's treasury in order to enable it to promptly meet its obligations in the payment of disability and death benefits for which its regular revenue from membership dues is insufficient. The club also employs a physician, for whose services each member pays a small sum monthly, who gives regular medical attention whenever it is needed by the members or their families.

At the regular monthly meetings, after the transaction of its ordinary business, the club devotes the evening to social entertainment. The exercises consist of singing, instrumental music, recitations, addresses by members or invited guests, and occasionally of vaudeville features by either members or outside invited talent. The assembly room is provided with a piano.

Once a year a theatrical entertainment is given in one of the larger New York theaters, to which all the employees of the company with their families are invited. This entertainment is managed entirely by the club, which secures the best theatrical talent from the various New York theaters, but the entire expense of it is paid for by the railway company. During the summer of each year an excursion and picnic is arranged and conducted under the auspices of the club, and, similarly, each winter a grand ball is given, for which tickets are sold to the company's employees, the surplus arising from such sale being used in the payment of financial benefits to which the members or their families may be entitled.

This organization, outside of the good accomplished by its insurance features, has brought about and fostered a very cordial feeling between the company and its employees; has brought the men into closer acquaintance and relationship with each other, and promoted a general feeling of good-fellowship among them; has kept them from the streets or saloons during their hours of leisure; and has distinctly benefited them, morally, socially, and intellectually.

THE NATIONAL CASH REGISTER COMPANY, DAYTON, OHIO.

The advanced methods and liberal policy pursued by the National Cash Register Company, of Dayton, Ohio, in its business and social relations with its employees, who number about 2,000, have attracted widespread attention and commendation among sociologists and economists; and the example they have established, coupled with the indubitable proof they give that "it pays" to foster and advance the moral, social, intellectual, and physical well-being of the wage-earner, is resulting in the practical adoption of their ideas and many of their special plans by manufacturers in various sections of the country.

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Among the many beneficent things which this company has accomplished, the organization of its employees into clubs and societies is prominent. The advantages of these organizations, as stated by one of the company's officials, are, first, the creation of an esprit de corps among the employees, and the improvement of their morale as well as that of their families and all the neighborhood; second, they result in more intelligent labor, and enable the company to command a higher class of people; third, having a better class of people, the company secures better work and more of it, the employees being rendered more efficient and capable of performing much more and better work than formerly; fourth, they have created an atmosphere of good-fellowship and warm family interest among employees and their families, and have removed the barriers that ordinarly exist between employer and employee; fifth, the character of the workmen has been elevated, and throughout the entire city a love of better homes and a desire to do better work has been brought about; sixth, other employers have been led to see the value of these methods and to adopt them in their dealings with their employees. The principle upon which the whole system of the company is based is simply the showing of a daily personal interest in their employees' comfort and welfare.

The headquarters for the social, intellectual, and moral life of the employees is the N. C. R. House, a cottage owned by the company, which consists of the apartments occupied by the deaconess and her assistant (who are employed by the company and give their entire time to the many interests which center here); the library, the books of which circulate among the employees, and a large room which serves as a meeting place for the boys' and girls' clubs, the kindergarten, and the various sewing classes. The house is maintained by the company—light, heat, janitor's services, and furnishings all being supplied. Frequently as many as sixteen meetings per week are held by the various clubs and committees, attended by an aggregate of more than 500 people. Brief descriptions follow of the various clubs and organizations in this establishment:

The Advance Club is an organization consisting of the officers of the company, heads of departments, foremen, assistants, clerks, and from 75 to 100 of the rank and file from the different departments of the factory. The club meets at irregular periods, on the call of the president of the company, in a commodious hall specially provided for the purpose. The design of the club is to discuss any questions that may arise of interest to the members regarding the management of the business; to hear reports of visits to prominent manufacturing establishments by those making them—the company frequently sending employees to study the work of other factories; and to consider the best methods of factory and office organization and criticise weak points therein. This club was organized in 1896. The president of

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the company designates some one to preside at each meeting. The organization is informal, no elections being held nor dues paid by members.

The Woman's Century Club was organized in 1896, and in the summer of 1899 had 264 members, all female employees. It is a regular literary club, electing its own officers, outlining its own work, having its own dues for membership, and wholly controlling its own plans, the company simply furnishing a place of meeting, with light, heat, and furnishings in the hall of the Advance Club. Its meetings are of one hour's duration, bimonthly, and at noon. The meetings are conducted pursuant to regular programmes such as are usual in the Federation of Women's Clubs of which this club is a member. The club issues an annual calendar outlining its work for the ensuing year. The programmes include music, recitations, addresses, discussions, and the reading of original essays. The membership is divided into sections, each section following a particular line of study and taking a leading part in the programme at regular intervals. The expenses of the club are met by the dues paid by members, 50 cents being paid annually by each.

The Progress Club is an organization of male employees founded in 1896, and has a membership of about 400. It has the usual equipment of officers and an executive committee that plans and directs its work. Its meetings are held bimonthly, in the afternoons, in a hall provided by the company. Its dues for membership are 50 cents per year. The programme usually consists of the discussion of practical topics of interest to men—politics, religion, mechanics, science, travel, and questions pertaining to factory life. The programmes are arranged from time to time by the executive committee and are announced on the bulletin boards throughout the factory.

The Young People's Club is a social and literary society composed of the young people in the factory. Its meetings are held weekly, in the evening, at the N. C. R. House, under the general supervision of the deaconess. It has a regular organization and prepares its own programmes, which are, generally, of a literary character for the first part of the evening, followed by social features. It has a membership of 40, who pay monthly dues of 5 cents each, and its officers are elected, as in all other organizations in this factory, semiannually.

The Outdoor Art Association was organized in 1899 and has about 50 members, who pay annual dues of $2 each. Its purpose is to enlarge interest in landscape gardening, flower culture, and photography. The company furnishes it with whatever printing is necessary and a place of meeting.

The South Park Girls' Literary Club was organized in 1897 and has 150 members. It meets weekly in the N. C. R. House. Its

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work, carried on under the direction of the deaconess, usually consists of readings and other literary exercises and in the taking of lessons in embroidery. It has its own organization and makes and carries out its own programmes and plans. The members pay weekly dues of 2 cents each.

The Boys' Garden Club has been in existence since 1896, and consists of about 50 boys who are taught during the summer the best methods of vegetable gardening. The company furnishes two acres of ground, tools, seed, and competent instructors, and offers prizes amounting to $50 per year for the best work accomplished by club members. The results have been remarkable and the interest taken in the club's success, by both old and young, highly encouraging.

The Boys' Club was organized in 1897 and has 120 members. It includes sons of employees and boys of the neighborhood between 12 and 16 years of age. Its meetings are held one night each week, in the N. C. R. House, under the direction of the deaconess and her assistant. It has its own organization and officers, and makes its own programme of exercises, which are usually literary and debating. The members of this club form a part of the Boys' Military Brigade and are equipped with quaker guns, and uniforms supplied partly by the company and partly by the members themselves. They have regular days for military training and are officered by boys employed in the factory.

The colored janitors of the factory, 24 in number, have a regularly organized Glee Club and hold periodical meetings for rehearsal. They sing popular melodies for their own pleasure and that of employees of the establishment. There is also an Autoharp Club composed of young women, who meet every week and practice under a competent leadership, and a brass band, known as the N. C. R. Band, of 20 members, which was organized in 1897. The band is furnished with instruments, uniforms, and a place to practice by the company, and in return play on special occasions for the company and employees. The band derives considerable income from outside engagements.

The N. C. R. Relief Association is a mutual insurance society, organized in 1896, in which any person who has been in the company's employ for 30 days is eligible to membership. It pays liberal disability and death benefits, has a membership approximating 1,000, and its affairs are in a prosperous condition. The company assists it by furnishing a place of meeting, light, and heat, doing whatever printing is necessary, and giving its officers, without deduction of pay, whatever time is necessary in attending to its affairs.

The Woman's Guild is an association of about 100 women, mostly wives of men employed in the factory, which was organized in 1896. The guild meets every Thursday afternoon and conducts a literary programme varied with discussions of practical questions of neighbor-

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hood life or addresses by prominent visitors. It has a special committee on outdoor art, whose duty it is to encourage the beautifying of homes in the neighborhood. It also assists in the work of the boys' and girls' clubs.

Among the various beneficent features which this company has provided for the improvement of industrial conditions are the educational and other classes. In the fall of 1895 the School of Mechanics was organized by the company among its employees, and instruction was given on light, heat, power, and similar subjects. The purpose was to instruct the workmen so as to make them better qualified to perform the work required of them. Subsequently the organization of evening classes by the Y. M. C. A. led the company to encourage its people to join those classes, and there are now about 150 in regular attendance in them. In 1898 a company of young men, some of whom were studying at home, some in correspondence schools, and some in the city evening classes, organized a club under the leadership of the best trained men in the factory for the study of algebra and mechanics, and this club holds regular weekly meetings, without any expense except for materials and text-books, the company furnishing a meeting place and necessary facilities.

The Industrial School for Girls has been conducted since 1895, under the direction of the Women's Christian Association, in rooms furnished, lighted, and heated by the company. It is composed of the children of residents in the vicinity of the factory, mostly employees therein. Instruction is given for 3 hours weekly, from October 1 to June 1, in practical and plain sewing, no other branch being taught. The school has about 125 pupils.

The training of the younger children of the company's employees, and of the neighborhood, is provided for by the Kindergarten Association, which was organized in 1896 and is composed of a regular membership of 100 women, who pay 50 cents per year as dues, and an honorary membership of over 100 male employees and officers of the company, who pay from $1 to $10 per year. This association supplies the materials used in the kindergarten. The school is conducted 10 months in the year, and, in addition, a summer kindergarten and playground has been established, for which purpose the company has given the use of two cottages which have been united and fitted up as schools and residences for the instructors. This summer school takes care of children from 4 to 12 years of age, the regular limit being from 4 to 7. Four teachers are employed in the work of the kindergarten, 2 of whom also teach in the afternoon in the kindergarten extension, a school open to the children of a small suburb two blocks away from the factory. In the school the usual kindergarten work is conducted and in addition there is a kitchen-garden class, nature-study classes, sewing, drawing, modeling, physical culture, and choral classes, with

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sloid work for the small boys, gymnastics, and physical culture. The grounds connected with the school are fitted with swings, hammocks, and games, and a small rivulet runs through them, in which the children take great delight. The importance attached to the work of these schools by the company is evidenced by a sign hung at the entrance of the factory reading: "By the year 1915 no application for a position in the factory will be considered unless the applicant, when a child, attended the kindergarten." There is also a sign reading: "Do not apply for any position, either mechanical, requiring special skill, or clerical, if not a graduate of a high school or its equivalent."

The Domestic Economy Department of the establishment is under the direction of a graduate of Pratt Institute, who has charge of the instruction of the cooking and sewing classes mentioned below, the arrangement and preparation of the lunches of the company's officers, and of those furnished daily to the female employees, without charge, in the large and beautiful dining room provided and arranged expressly for the purpose.

A cottage in the company's grounds is fitted up for the cooking school, and is equipped with a range, utensils, and a laboratory. In this school the Cooking Class for N. C. R. Women and the Cooking Classes for Girls are conducted. The class for women was organized in 1897, and is open to all young women of the factory who pay 50 cents a year to partially cover the cost of materials. The course of study is that of the best institutes, and includes plain and fancy cooking, instruction in housekeeping, marketing, and the details of domestic economy. This class is divided into two sections, and meets on Mondays and Fridays from 5.15 to 7.15 p. m. The Cooking Classes for Girls, of which there are two, are conducted for the benefit of the children of the employees and of the neighborhood. One of the classes is arranged specially for girls who work during the day, and is held each Wednesday evening; the other meets on Saturday afternoons and is open to younger children and school girls. The course of instruction covers plain cooking and the simpler details of housekeeping; and all materials and supplies for the classes are furnished by the company, free of charge.

The Sewing Class for N. C. R. Women was organized in 1898. It meets each Thursday at noon, and receives a regular course of instruction in plain and fancy sewing, similar to that followed in Pratt Institute. The instruction and place of meeting are supplied by the company, and, in 1899, 42 members were enrolled. The Summer School for Sewing was organized June 1, 1899, and has a membership of 100. It meets once each week, on Wednesday, in a room provided for the purpose, and is given instruction by an expert dressmaker, particular attention being given to the making of women's garments. On Wednesday mornings the children of employees and of

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the neighborhood are taught, and in the afternoons the mothers. Each pupil pays 5 cents per lesson, which supplies sufficient funds to pay the teacher and for materials.

Besides those already described, there are other features in this establishment, all tending toward the betterment of industrial conditions.

The Boys' and Girls' Gymnasium Classes, composed of the younger members of other clubs connected with the factory, meet on Saturday afternoons. The company supplies instruction and a place of meeting, either a room or in the open air, according to the season, and a small amount of apparatus. The practice is largely calisthenics, and no charge is made for membership.

The Dancing Classes, which were organized in 1898 and 1899, are open to all the young people in the factory and to members of the boys' and girls' clubs upon payment of 50 cents each per year. The classes meet in the company's large dining hall.

The Bicycle Club is supplied with stall room for wheels and a man to care for them, and holds occasional social meetings.

In the fall of 1898 the Penny Bank was instituted for the purpose of encouraging savings by the children in the organizations connected with the establishment. The savings are by means of stamps, after the manner of the Penny Provident Association, and when the deposits reach sufficient amounts the depositors are urged to transfer them to good building associations.

The company also provides for a Sunday school, in which are enrolled over 600 of the children and youth of the neighborhood. The teachers of this school are regularly organized, the name of the society being the South Park Teachers' Association. The Sunday school is unique, its purpose being to teach, in addition to the truths of Christianity and their application to daily life, the planting and culture of flowers, the care of home, music, and similar beneficial things.

The improvement of homes in the neighborhood of the factory is encouraged, through the South Park Improvement Association, by the giving of prizes amounting to $250 per year for the best examples of ornamental planting and vine growing, and for the best-kept houses, yards, and window boxes. Free instruction is given in the principles of decorative planting and landscape gardening. By means of free illustrated lectures examples of good and bad taste in gardening are shown, together with pictures of beautiful homes and scenes in all parts of the world.

Especial attention is given to the comfort of female employees, of whom there are more than 200. "They go to work an hour later than the men in the morning and leave 10 minutes earlier in the evening. In addition to a 10-minutes' recess each morning and afternoon, they have regular holidays during the year. This gives them 8 hours' work per day, for which they receive 10 hours' pay. They are furnished with

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aprons and oversleeves, which are laundered free of charge. In factory and office rooms alike the women have chairs with high backs and foot rests. At the noon hour luncheon is served to the women in the dining room, on the fourth floor of the administration building, which is tastefully fitted up and reached by elevators. Here, free of charge, are served coffee or tea and hot portions requisite to a satisfactory luncheon, to which the women add whatever their fancy dictates from their own luncheon baskets. These luncheons are served from a model kitchen adjoining the dining room, which is a daily lesson in good housekeeping. On the opposite side of the room is a curtained rest room, with cots and easy chairs for the comfort of any of the women who at any time may be indisposed. A piano, purchased by the young women, offers opportunity for music during the intervals of the noon hour. There are also a reading room and a bookcase supplied with good literature, inviting familiarity with the best writers."

The company has fitted up a large building in the business center of the city, with stage and chairs, in which frequent lectures and entertainments are given for the employees, who are also at liberty to use the hall for meetings of their organizations or other purposes. This is in addition to the large hall in the administration building, which is handsomely fitted and furnished for similar purposes.

The male employees are given 10 hours' pay for 9½ hours' work, and are allowed time for weekly baths, as are also the women, in comfortably and conveniently arranged bathrooms.

The employees of the company are encouraged in every way to make suggestions, criticisms, or complaints of any kind, either affecting the construction of machines, the management of the business, or the relations of employees with their immediate superiors or with each other. For this purpose autographic registers are placed in every department, upon which each employee is invited to write his suggestions or criticisms, which are collected and carefully considered at frequent intervals. Many thousands of valuable suggestions have been made by the workmen and adopted by the company, which gives, every six months, prizes amounting to $650 in gold, varying from $5 to $50 each, to the employees whose suggestions have been found most worthy of adoption. The presentation of these prizes is always an occasion of public interest. In the winter they are given in the opera house, with appropriate ceremonies and exercises. In summer they are held in the open air, all employees and their families uniting to make the occasion a delightful social event. The company contributes refreshments and amusements of various kinds, including day and night fireworks, and erects pavilions for dancing, and the thousands who attend have a day of thorough enjoyment.

The entire arrangement and construction of the factory is such as

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to afford all employees the greatest possible amount of light and pure air, while rigid rules regarding neatness and cleanliness are enforced. Attention is constantly given to the health, comfort, convenience, education, and happiness of employees and their children and families, and the management is ever on the lookout for new plans and ideas that will contribute to these ends. The result of the company's effort to give pleasant and elevating surroundings and facilities has been a vastly increased interest and efficiency on the part of employees in their work and a corresponding increase in the profits of the company.

THE KINNARD MANUFACTURING COMPANY, DAYTON, OHIO.

President Kinnard, of this company, which is a large manufacturing concern of Dayton with many female employees, states that during the summer of 1898 considerable trouble was encountered because of the fact that the experienced force of the establishment was constantly being depleted on account of sudden illness and fainting spells among the women, as many as seven or eight a day being frequently compelled to quit work. Physicians were summoned to examine the factory and its management for the purpose of ascertaining the cause of these frequent collapses, and they all pronounced the sanitary conditions to be perfect. No cause for the excessive rate of sickness could be found, and it was finally suggested that perhaps the trouble was caused by too close application on the part of the women to their work, and that a little rest in the forenoons and afternoons would probably be found beneficial. The suggestion was promptly acted upon, and an informal calisthenics club was immediately formed, a competent instructor employed by the company, and ever since the female employees have been given 15 minutes' recess each morning and afternoon, during which all the women join in light gymnastic exercises. The effect of this has been very marked upon the health and efficiency of the women. After the calisthenics they resume their work with cheerfulness and alacrity; buoyancy of spirits and happiness of mind prevail where formerly languor and despondency ruled, and much more and better work is accomplished than before the organization of the calisthenics club.

About once each month, except during the summer, an entertainment of a musical and literary character is given, in which the programme is participated in and almost wholly carried out by the company's employees for the enjoyment and education of themselves and their friends. The company gives its employees one day each year for a picnic or outing, for which they form a committee of arrangements among themselves. The company pays all expenses connected with this annual holiday, and it always proves a very enjoyable occasion for both employers and employees, who come back to their work with renewed energy and interest.

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At the time the foregoing information was furnished (in 1899) the company was arranging for the equipment of rooms in a building adjoining their factory to be used for club meetings, reading and rest rooms, and was encouraging the formation of social and literary clubs of various kinds among the employees. The effects of the company's efforts have been, in addition to improved efficiency of the employees, to bring them into closer and more pleasant relations with each other and with their employers, and to greatly enhance their moral, intellectual, and physical welfare; to make them feel that they are something more than mere toilers, and to realize that they occupy responsible positions in the estimation of the company for which they work and in the community in which they live.

LEGLER & CO., DAYTON, OHIO.

The Young Woman's Progress Club is a club composed of about 60 members, constituting in the neighborhood of three-fourths of the female employees of the manufacturing establishment of Legler & Co., of Dayton, Ohio. It originated in 1898 through the suggestion and efforts of a lady residing in Dayton who had been in the habit of visiting the factory at the noon hour and reading to the young women. The club has a regular organization, with the usual officers, and the members pay dues of 60 cents per year. It meets daily at the noon hour—45 minutes being granted for this purpose by the company every day except Tuesday, when 1 hour is allowed. The club also meets twice a month, in the evening, in a pleasant room in the factory set aside and furnished for its use by the company. It is a literary and social organization, pursuing special lines of study, upon which original papers are prepared, read, and discussed by the members, and its room is provided with most of the current magazines and with games of different kinds, which furnish diversion to the members when not engaged in the more serious work of the club. Their daily noon meetings are informal, except the ones held on Tuesdays, at which regular programmes are carried out, as at their semimonthly evening meetings. They are connected with a larger organization, known as the Young Women's League, whose meetings they attend twice a month. One of the firm members states that the effect of this organization upon the employees has been elevating, morally and intellectually; that they work better than formerly, and have more self-respect, and that, considered from a purely financial aspect, "it pays in dollars and cents."

ELIAS WEINREICH, DAYTON, OHIO.

The cigar factory of the above-named manufacturer is located in a large, well-ventilated building, constructed with special reference to the health and comfort of the employees, of whom about 140 are

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females. The women are organized into a literary club, which meets for an hour and a half each week and is presided over by a representative of the Women's League. Various lines of study are pursued by this club, original papers are prepared and read by the members, according to prearranged programmes, and interesting and improving exercises of an educational nature are engaged in. Great interest is taken in the proceedings of the club by the female employees, all of whom participate in its meetings. Mr. Weinreich also furnishes a commodious and well-equipped dining room for the use of his employees at the noon hour. He is convinced that the profits of his business have been greatly increased, and says that the morale of his employees has been vastly improved by the features that prevail in his establishment for their benefit.

JOHN WANAMAKER, NEW YORK, N. Y.

There are three organizations among the employees of this establishment, the Looking Forward Club, the Noonday Club, and the Employees' Relief Association.

The first named, the Looking Forward Club, was organized in February, 1898, all female employees being eligible to membership, and had, in August, 1899, about 300 members, whose literary and social advancement is the club's object. It has commodious rooms near the establishment, fully furnished and equipped, and handsomely decorated by the firm, connected with which is a lunch room and kitchen for the exclusive use of club members. The club has a full organization, with the usual officers and committees, and meets such minor expenses as are not provided for by the firm by the collection of dues from members at the rate of 50 cents for each 6 months. The executive board of the club plans its work. Its meetings are held informally, daily at the noon hour, and regularly, once a month at 8 p. m., for business, literary, and social purposes. Other meetings, social or otherwise, are held from time to time, or may be arranged by the executive board, while classes in calisthenics and in history are held weekly. The club has five standing committees, known as the library, comfort, reception, social, and gymnasium committees, and each of these looks after the special features indicated by its name. The comfort committee's special province is to provide for the care and comfort of such employees as may be disabled by sickness or otherwise, whether club members or not. This club has brought about a remarkable spirit of friendliness and cooperation among the employees, and the general results accomplished by it have been so highly beneficial as to cause the firm to take an active interest in it and to encourage it in every possible way.

The Noonday Club was organized May 1, 1899, with 85 members, all males, consisting of department heads, buyers, and aisle managers.

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The club is regularly organized and has rooms near the establishment, provided with necessary furnishings, materials for correspondence, daily New York papers, most of the leading magazines, and a lunch room. The rooms are open daily from 11 to 2 to members, who spend their lunch hours there. The rooms and their equipment are supplied by the firm, without expense to the club, the minor expenses of which are met by the payment of small monthly dues by the members. The plan of the club contemplates the holding at night of regular monthly meetings of a social or literary nature. This organization can not fail of being beneficial to its membership, which includes all employees who are eligible.

The Relief Association is a beneficial insurance organization with a membership of about 3,500, including every employee of the establishment. Its funds, which accrue in the ordinary way by the regular payment of dues by members, are used in paying sick and death benefits, and for the care and nursing of sick members, and, occasionally, for the payment of their traveling expenses when necessary for them to seek change of climate. Its finances are in a prosperous condition, and many thousands of dollars are collected and disbursed by it annually.

THE ACME SUCKER ROD COMPANY, TOLEDO, OHIO.

A good idea of what has been accomplished by this company toward the improvement of industrial conditions and the elimination of social barriers between employer and employed is given in a letter addressed by the president of the company, Mr. S. M. Jones, under date of June 27, 1899, to an agent of the Department of Labor. After narrating the beginning of the business of the company and describing the deplorable conditions of the workmen as they then existed, Mr. Jones says:

From the first I began to break down the senseless, silly social distinction that exists between employer and employed. I believe in equality as a fundamental proposition, and have always believed in it, and have always believed that I had no right to ask a man to work under conditions under which I myself would not be satisfied to work. Moreover, I had no inclination to ask any man to do for me what I would be unwilling to do for others. As I looked about me and saw the hard conditions of stupefying toil that characterize the lives of many of my fellow-men, and reflected how impossible it is for thousands of them under their conditions to be decent citizens, I felt keenly the shame and outrage of the social situation. Not having studied very closely the ethics of the Golden Rule, I one day resolved to put it up in the shop as the rule governing the place, foolishly thinking that I could carry out the Golden Rule while making profit from the toil of my fellow-men. Though I know now that this can not be done, the Golden Rule still hangs on the wall. It has, at least, been an ideal for which employer and employed might strive. If there has been

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failure to live up to it, it has been on the part of the employers rather than on the part of the men who do the work.

We have continued our policy of breaking down the wicked idea of social distinction from the beginning; first by little parties, excursions down the bay, and so on; then by an occasional word of counsel, a Washington birthday letter, a Christmas letter; the opening of a small park and playground for the children adjoining the factory, and of a comfortable hall upstairs over the shop, park and hall each bearing the name of "Golden Rule;" arranging for meetings and music in the park on Sundays in the summer, and in the hall during the winter time. Progressive people in the neighborhood are conducting an ethical Sunday school in the hall every Sunday afternoon. The meetings in both places are religious in the best sense of the word, though broadly catholic. The subjects discussed and studied are the Golden Rule, brotherhood, patriotism, the wage question, and various phases of the social problem. * * * In addition to this the men have organized among themselves a club for the study of social problems. * * * The men also have a German social club, and a singing club has been organized.

About a year ago the company proposed to the men to institute an insurance fund to provide for injuries, sickness, etc., the company proposing that the men deposit 1 per cent of their weekly wages to the credit of the insurance fund and a like amount would be deposited by the company. The fund is under the charge and direction of the men, who have formed the society with rules for the governing thereof. Another step looking toward the recognition of larger social obligations has been the extension of a week's vacation with pay to every workman, the men being requested to arrange for the time of vacation with the manager, so as to interfere as little as possible with the work.

For nearly three years we have been running the shorter workday, not exactly an 8-hour day, but we work a 50-hour week, 9 hours for 5 days and 5 hours on Saturday. We lay no claim to having done anything from a charitable motive; the whole aim has been to strive toward an ideal of justice. There is very little of what is known as the "boss" idea about the place—none at all, indeed, except the necessary direction—and with the disappearance of the "boss" idea I believe the alleged necessity for bosses will go also. Simple justice requires me to say that every step that has been made looking toward just dealing has met with a responsive echo on the part of the men, and shorter hours and better treatment have resulted in better work, better workmen, better men, better citizens.

The Golden Rule Park, with its delightful old trees and its children's playground, adjoining the shop where the men can look out of the windows directly upon it, has had an elevating, moralizing effect, and, indeed, the whole moral tone of the neighborhood has been improved by its healthful atmosphere.

No one has a right to hope that a man will improve very rapidly who feels that he is simply used as a cog in a wheel—as a mere instrument from which his employer wants to squeeze profit. * * * There is no room to question but that fair-play treatment pays, from the sordid, economic point of view. I have not cared to inquire, however, whether it paid or not; that fact does not concern me as much as the question, Is it right? But those who are looking at the mere material side of the question will be pleased to know that it pays in sordid dollars and cents.

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In addition to the other features in operation by this company for the benefit of its employees, it makes a distribution annually of a portion of its profits among them, each workman receiving a sum proportional to the amount of his earnings during the year.

THE PROCTER & GAMBLE COMPANY, IVORYDALE, OHIO.

The methods adopted by this large manufacturing company in dealing with its employees are described in a letter from the general manager, under date of June 22, 1899, from which the following extracts are given:

Profit sharing.—Under our system of profit sharing all employees who have been in the employ of the company for not less than three months are entitled to receive a profit-sharing dividend upon their wages equal to that declared upon the common stock; that is to say, an employee who received wages of $500 a year receives a profit-sharing dividend equal in amount to that received by the holder of $500 worth, par value, of common stock of the company. The profit-sharing dividend is paid at the same time the dividends are paid upon the common stock. The company reserves the right to refuse the profit-sharing dividend to any employee for cause, but the amount of the dividend to which he would have been entitled is distributed among the other employees. Since the inauguration of the company in 1890 the profit-sharing dividends have been at the rate of 12 per cent, with the exception of the last two years, when they have been at the rate of 20 per cent per annum. We consider the system a success, and believe that the extra interest and care shown by the employees have more than earned the amount of money that has been paid them in dividends.

Pension fund.—The company has established a pension system whereby the company pays one-half of the amount necessary and the employees contribute the other half. The employees' contribution is taken each year from the profit-sharing dividend. All employees who have been in the employ of the company for ten years and then become disabled from any cause are entitled to receive a pension of 75 per cent of their average wages during this last year of employment, which amount, however, shall not be less than $6 per week. In order to make the drain on the pension fund as light as possible, the company as far as possible gives employment to pensioners at such light work as they are capable of doing and pays them what such work is worth. The amount necessary to bring their income up to what they would be entitled to under the pension system is taken from the pension fund.

Accident insurance.—Any employee of the company who is injured from any cause while in the employ of the company receives his regular wages until such time as he is able to return to work. No charge is made against the employees for this accident insurance.

Medical attendance.—The company furnishes free medical service to all its employees living within 3 miles of the factories.

In addition to the above, the company has assisted the employees in buying the stock of the company. The company will advance the money to any employee who desires to buy the common stock of the company and charge him 4 per cent interest upon the unpaid balance. The employee pays them the money so advanced in installments of

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not less than $5. Any dividends paid upon the stock accrue to the employee. In addition to this, some of the officers of the company have given the employees making such investments in the stock of the company a written guarantee against loss upon such investments.

We employ in our factories about 700 people, of whom about 300 are boys and girls. Among the 400 men in the employ of the company there is now held, at the present market value, over $220,000 worth of the common stock of the company. We would especially call attention to the benefits, both to the employee and to the corporation, of such a scheme. If a plan which affords proper protection to employees against suffering any financial loss can be devised and encouragements held out to them to invest their savings in the stock of the corporation for which they are working, we believe a great deal of the labor trouble can be avoided. Of course the first consideration must be the absolute protection of the laborer in such investment.

Any person visiting this company's establishment can not fail of being impressed with the fact that their liberal policy in dealing with their employees and the thoughtful consideration given to their welfare have resulted in great moral and social benefits to the employed, as well as in great financial prosperity.

N. O. NELSON MANUFACTURING COMPANY, ST. LOUIS, MO., AND MOUND CITY AND LECLAIRE, ILL.

This establishment, which employs between 400 and 500 people, adopted a profit-sharing scheme in 1886, in pursuance of which, without making any changes in management or wages, interest was allowed on the company's capital at 6 per cent and the remaining profits were divided between capital and labor, after setting aside one-tenth thereof for a reserve fund, one-tenth for a provident fund, and one-twentieth for an educational fund. Interest was regarded as the proper wages of capital; the reserve fund was intended to meet the losses of bad years and to equalize dividends when profits were small; the provident fund was for the caring for the families of deceased employees, or of such as should become disabled through sickness or accident; and the educational fund was designed to establish a free library for employees.

The dividends arising under this plan were paid in cash or in the company's stock, according to the wish of the individual employees, who invested about three-fourths thereof in stock, until 1890, when the rule was adopted of issuing stock for all dividends to employees, which is redeemed at par whenever the holder for any cause leaves the service of the company. In 1894 the rule was adopted of permitting only such employees to receive profit-sharing dividends as saved 10 per cent of their wages when working full time and receiving full pay and invested it in the company's stock, the purpose of the rule being "to offer a substantial inducement for men when in good health and having steady employment to save something for the future, and also to make the sharing in the business profits dependent on each one doing something toward it in a direct and personal way."

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In 1892 the proportion of the profits given to labor was increased, a 2 per cent dividend being paid on wages to each 1 per cent on capital, and the original plan of setting aside fixed percentages of profits for beneficial and educational purposes was superseded by the payment of whatever amounts should be necessary therefor and charging them against the profits.

About one-half of the company's works are located at Leclaire, near Edwardsville, Ill., which was located in 1890 upon a tract of 125 acres of land, to which several additions have since been made. A beautiful village has been built by the company, and about one-half of the area has been laid out in streets. Houses have been built and sold to such employees as want them. The price charged for land, including improvements, is $2 per front foot for interior and $2.50 per front foot for corner lots, and 6 per cent interest from 1892. The company builds the houses on plans mutually agreed upon, and charges for them the cost of raw material and labor plus the average profit made by the manufacturing business. The company has its own planing mills, woodworking force, and lumber yard, and it is probable that the net cost of a house is no more than the cost of raw material and labor would be when bought in the ordinary retail way. The payments per month range from $10 to $20, depending on the price of the house and the wages received by the buyer. The attempt is made to enable everyone to secure a house, and to make the payments such as he can afford. When, for any reason, a man wishes to remove and dispose of his property, the company voluntarily takes it back at the purchase price, refunds the money paid on it, and charges rent for the time occupied. There is no intention to provide houses for rent, except a few for temporary occupancy. These houses are rented at from $6 for a 3-room house to $12 for one of 6 rooms with bath, including water and electric light. Water is free in all the houses and for yard purposes. The owners of houses are charged for electric lights 25 cents per month for each lamp. The lots are 100 feet front by from 120 to 180 feet in depth. The deeds are without restriction, save that houses must be built at least 30 feet back from the sidewalk, to allow for ample front yards; and they are to be used for residence, benevolent, and educational purposes only. Employees are free to live where they please. A large portion of them are residents of the adjoining town of Edwardsville, and many of them own their homes.

The company has erected and equipped a clubhouse upon its grounds, with kitchen, dining room, steam heat, electric light, sleeping rooms, library, and reading rooms, which had heretofore been occupied by a club of unmarried men, known as the Cooperative Boarding Club. This club had been discontinued for various reasons, and the building is now used by the employees for meetings and other social purposes.

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There is a billiard room and bowling alley, of which the employees have free use. The company maintains a large steam-heated greenhouse, from which residents are supplied with plants and flowers free of charge, together with the services of a landscape gardener, to enable them to make the grounds surrounding their homes attractive.

The employees have a literary society which provides, on alternate Tuesday nights during the winter, a course of lectures by prominent lecturers. These cover a wide range of subjects, including illustrated lectures on history and travel, and are usually given in the clubhouse, though at times it has been necessary to utilize one of the factory buildings, owing to the large attendance. The other Tuesday nights are taken up by musical, literary, and social exercises by the members of the society. There is also among the employees a well-trained band, consisting of 30 members, 18 regular and 12 auxiliary, which performs two nights each week during the summer on the spacious lawn on the company's grounds, which is provided with comfortable seats and with various accessories for the amusement of the children, such as swings, teeter boards, etc.

The Leclaire School and Library Association, consisting of the home-owning residents of Leclaire, was formed in 1894, and has control of the free library and the kindergarten school established by the company and of the educational affairs of the town. The library has upward of 1,000 volumes, to which additions are constantly being made. The school fund is endowed with $10,000 of the stock of the company, and the deed of endowment and articles of incorporation of the association provide that the school system shall begin with a kindergarten, to be followed by a regular school system and manual training. At the age of 12, boys are given light work for one hour per day in the factories or on the company's farm, and the hours of labor per day are increased each year until the age of 18 is reached, when a pupil is supposed to graduate from school and to become employed at full time and wages in the works of the company without being compelled to seek employment elsewhere.

The Provident Fund, which is used in caring for disabled employees or for the families of those deceased, is controlled by provident committees of five members each, one for St. Louis and one for Leclaire, elected by the employees. These committees, as occasion demands, draw on the treasurer of the company for whatever amounts they find to be necessary, and the sums thus paid out constitute a part of the regular running expenses of the establishment, the profits being reduced and the dividends payable to both labor and capital lessened by the amounts thus expended. These provident committees act under well-defined rules and regulations which have been adopted by the employees at large.

Concerning the profit-sharing system and other features prevailing

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in this establishment, it is said that in the opinion of the management waste of time and material has been reduced and better attention has been secured; that none of the "free" things at Leclaire are held out as charities or gifts—nor are they such in any proper sense—but they are public facilities similar to schools, libraries, parks, and lights in any well-ordered city, and are paid for out of the profits earned by the joint capital and labor of the company, and that the company and its employees attempt to combine in a practical way a backbone of productive business with an elastic system of social flesh and muscle.

That the plans upon which the business of this company has been conducted have resulted satisfactorily both to employer and employed is well evidenced by the fact that they have continued in full and successful force and operation for more than a decade, that the business is prosperous and profitable, and that the employees are contented and happy, labor troubles and disturbances being unknown among them.

PEACEDALE MANUFACTURING COMPANY, PEACEDALE, R. I.

This establishment, one of the oldest manufacturing institutions in the United States, has long been known for the liberality of its dealings with its employees and its constant efforts for their betterment and happiness. It conducts the only productive business of the village of Peacedale, and the entire population of 1,600 or more persons is directly or indirectly dependent upon it. An account of the various organizations of employees and other beneficial features fostered and encouraged by the company has been furnished by its treasurer, and is given below:

The village organizations of Peacedale, which tend to make it a pleasant and valuable place in which to live, are not generally in the hands of the manufacturing company as such, although they have been in most cases started, and to a great extent carried along, by the owners of the property. The fact that the stockholders of the corporation have always lived here and been a part of the village life itself has been an especially useful item in the growth of the place. Most of the organizations named below are thus village rather than company matters, but at the same time the company, its owners, and employees practically make up the village.

The Hazard Memorial harbors most of these organizations. The building was erected in 1891 to the memory of Rowland Gibson Hazard. It contains a library that now holds about 7,000 volumes, a hall seating 600 people, several class rooms, a gymnasium, etc. The building, of stone and wood, is an important part of the village architecture, and cost, perhaps, $40,000 or $50,000.

1. The library is carried on in the interests of the whole town, and is managed by a board of directors that represent the different villages. It is used principally by Peacedale and Wakefield, and in the summer is drawn upon by Narragansett Pier and other near-by summer resorts. It is entirely free. It has not only the library proper,

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but a reading room which is open during the season until 8 o'clock every night. The library has funds that have been given to it from time to time, and is supported by them and contributions from various interested people. The town has within the past year for the first time made an appropriation to buy books.

2. The Choral Society was organized some ten years ago, and has grown to be one of the leading features of Peacedale. A conductor comes down from Providence once a week during the season, and there is a chorus of 75 to 100 voices who make up the membership of the society. They give three concerts each year and have done some very good work. * * * This Choral Society has not only helped the village in itself, by giving concerts and affording the singers of the place an opportunity, but it has an indirect value in developing the local musical talent, as shown in an excellent church choir, and, especially, in another feature of Peacedale, which we call the "Sunday Musics." The Choral Society is formally organized, has a president, treasurer, board of directors, etc., and the members pay $3 each per annum. There is an admission fee to the concerts, but the whole sum realized from these sources is not sufficient to carry on the work and the deficiency is made up by the owners of the mill property.

3. A few years ago the Sunday Musics were begun by Miss Hazard and her sister, who simply went into the hall on a Sunday afternoon and played and sang for fifteen or twenty minutes, while a few people from the outside straggled in. From that it has grown to be an informal concert each Sunday afternoon for the season from November until Easter. The various Sundays during the time are allotted to musical people in the village and town, and each one gets up a programme that will take from half an hour to an hour. The music is not wholly sacred, but it is attractive to the people of the village and town, who come in large numbers, and the hall very frequently contains from two hundred and fifty to five or six hundred people on a pleasant Sunday afternoon. The musicians are almost entirely local, though once in a while we have some first-class performer from the outside. There is no organization, and no charge of any sort connected with this work.

4. The Sewing Society has two rooms upstairs in the building, and meets every Saturday afternoon during the fall, winter, and spring. This is also without formal organization, and is carried on by the wife of the president of the company and a number of other ladies in the village. The girls are divided into classes and taught the practical art of sewing. Twice a year they are given a little spread and a frolic. They number about 100 pupils.

5. The Boys' Room was started some five years ago, and is a very simple affair. The membership is confined to boys under 16, nominally, although there are a few over that age who came in several years ago, and have continued to come. The boys are the village boys, mostly the sons of mill operatives. They come at half past 7 o'clock Friday evenings and are kept until 9 o'clock. They are divided into two parts, and sent down, one part at a time, to the gymnasium, where they are instructed and led in gymnastics by some competent person. The other part are kept in the rooms above, where there are games and reading matter, and a few are drawn into classes, carried on in the same building, in arithmetic, sometimes in stenography, or in any study in which sufficient interest is shown to gather a class. The idea

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of the club, if club it may be called, is that the association of the boys with somewhat more refined and orderly methods will help them as time goes on. There are some 8 or 10 people who come regularly to help carry on the work. There is no charge of any sort in connection with this organization. At the end of the year the boys are treated to ice cream and cake and a general good time.

6. There are also in the building some special classes in manual training. The past year the work has been in carpentry, and has been exceedingly good. The class numbers from 8 to 10 boys, who are mostly sons of mill operatives. They are furnished with tools by the trustees of the hall, and charged 5 cents a lesson to cover the cost of material. The instructor is a village carpenter of unusual skill, who gives his time.

7. In the basement of the Memorial Hall there is a gymnasium, several bathrooms, and a smoking room. These are appropriated by the athletic association, which consists of some 30 to 40 young men who each pays $2.50 per annum for the privilege of using the apparatus, the bathrooms, etc. The work is under the care of the superintendent of the Memorial Building, who collects the dues and maintains order. The money is applied toward the expense of maintaining the gymnasium, and the deficiencies are made up by the trustees of the hall.

8. The village supports a Literary Society, which meets every two weeks during the season, extending from October to May. It is regularly organized, with a president, secretary, treasurer, etc. It was begun a good many years ago. The entertainments are not wholly of a literary character, but are largely contributed by local talent and consist of lectures, concerts, dramatic performances, etc. We frequently hire people from outside, and one concert of the Choral Society is included as a regular number in the Literary Society's course. One night a year is given up to the issuing of a number of the South County Magazine, which is a rather unique production of this society. Though called a magazine, it is in manuscript, and is simply read and illustrated by living pictures, drawings, etc. The membership consists of all those who buy season tickets, and the charges amount to about 10 cents per night.

9. In the Memorial Hall several local circles of the King's Daughters society, which are branches of the regular organization of that name, hold their regular meetings.

The hall in the Memorial Building is for the general use of the people of the village, but is not let to any traveling show or organization, and for no entertainments that are not considered by the trustees to be for the better interests of the village. The rental to such people as can hire it is nominal. It is used for fairs, concerts that are gotten up for special town purposes, etc.

There is also maintained in the village, in another building, a reading room which is regularly organized, and is patronized by the young men entirely. This club is called the Peacedale Reading Association, and has been in successful operation for a long period of years. It is supported by a yearly charge from the members, which goes toward buying newspapers and periodicals, which are placed upon the tables, and the deficit is made up by the president of the Peacedale Manufacturing Company. A room and lighting are furnished them free of charge, and they use this for meetings at all times, smoking, playing games, and such like harmless entertainment. The dues are about $2 a year.

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The only other general work in this line that the Peacedale Company undertakes is to cultivate a spirit of fairness and just dealing with its employees, and to make the tenements and the village generally as attractive, pleasant, and healthful as possible.

The owners of the property feel that the efforts which they have made, extending now over a long series of years, have aided in bringing about a cordial feeling among all parties who work for the company, and in raising the general morale of the village. Certainly Peacedale has a body of very efficient and steady help, and the changes among the employees are few. A number of families have been here for several generations, and the company has never experienced any serious labor difficulties.

THE SOLVAY PROCESS COMPANY, SYRACUSE, N. Y.

The treasurer of this company has furnished a statement of the work carried on by it during the past thirteen years in the way of improving the condition and efficiency of employees, from which the following account has been prepared.

The management, in considering various plans looking to the social and moral uplifting of its employees, as well as the increasing of their abilities as workmen, early came to the conclusion that the most effective way of reaching them and improving their condition would be not so much through efforts directed to the men themselves as through the work which could be done through their children; and the company's experience goes far to show that along this line of effort much may be accomplished.

In the autumn of 1886 a small sewing school was established in an unoccupied room in the office building. The attendance at first was small, consisting of not more than 25 or 30 girls, ranging in age from 10 to 14 years, almost entirely the children of workmen; though in this, as in all similar work carried on by the company, no strict line was drawn between the children of employees and those of others living in the vicinity. This class was carried on, with increasing numbers, soon outgrowing the capacity of its original quarters, and in 1890 the company built and furnished a commodious hall and dwelling house, arranged with special reference to the carrying on of the sewing school and other work of similar character. The class has been continued from year to year and now numbers about 250. The pupils are divided into classes, each under the care of a competent teacher. The course of sewing is graded, practically the same system being used which has been worked out by the Pratt Institute of Brooklyn. In connection with the sewing school there are also classes in household work and in cooking, the latter being attended by some of the older girls, who also have an embroidery class in which they meet once a week and give their time and labor in the preparation of fine

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work, which is afterwards sold at an annual bazaar, the money thus derived being used in helping to supply the necessary funds for carrying on all this work.

In 1890 a dancing class was organized among the boys and young men, which ever since has been carried forward by them. It has finally absorbed the gymnastic class, which had been previously organized, and has proved so attractive and been conducted so successfully as not only to support itself but also to furnish a considerable part of the revenue necessary for carrying on the sewing and other classes previously mentioned. These classes are all practically under the direction and control of the King's Daughters, which consists of ladies connected with the families of the principal employees and officers of the works. This association supplies voluntary teachers for the classes, and such funds as may be required for carrying on all the work.

Concerning the influence of these classes, the treasurer of the company says that their beneficial effect is very marked, and that in looking back at the early years and remembering the manners and customs of the children it is plainly to be seen that there has been a great improvement. Fifteen years ago it was a common and true saying that a dancing party in this vicinity always ended in a fight, while at the dancing classes of the present a perfectly well-behaved set of young people is found. The effect of these classes is also evident in the homes and surroundings of the workmen, and it is believed that more has been accomplished in this direction, through the efforts with the children, than could reasonably have been expected by any other method. At this time a large number of those who were pupils during the early years have families and homes of their own, in which they put into practice the lessons and training received in these classes, the work of which is still going forward with constantly increasing interest and numbers of attendants.

In addition to the foregoing features, connected directly with the establishment, the King's Daughters have for the past ten years interested themselves in securing the introduction of kindergarten and manual training classes in the public schools of Syracuse and Solvay, their efforts in this direction, which have been highly successful, being along the line which contemplates the reaching of workmen through their children.

The efforts of the company have not been confined exclusively to work among the children. They have adopted plans which have been directed toward the men themselves, which have been in the main successful, though one of their leading ones has not been found to work satisfactorily and has been abandoned. In 1892 a pension fund was established, the object of which was to provide a means of support for employees and their families when by reason of accident, sickness, or

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advanced age labor must cease. The plan contemplated the placing to the credit of each employee annually a sum of money equal to 10 per cent of his annual earnings after two full years' employment, the percentage increasing with the term of service until 25 per cent of the annual wages should represent the amount credited. Owing to the unfavorable attitude of some of the workmen the contributions of the company to this fund were suspended in 1895, at which time it amounted to nearly $200,000, in which about 1,500 employees were interested. This amount is being drawn upon from time to time in making payments to such as are entitled thereto, and when it is exhausted, which will be in the near future, it is probable that the plan will be abandoned.

In 1887 the directors of the company adopted a plan of participation in profits, to which the chief employees and general officers of the company were admitted. The theory of this plan was that each one of these men was in position to increase the prosperity of the company by special effort and care, and to encourage such effort, and in return therefor, the directors arranged a scale of participation, depending, first, on the amount of salary received by each member and, second, upon the rate of dividends declared to stockholders; thus, if dividends were high the participation was also high, and if the contrary, the participation was decreased, always maintaining a fixed relation to the rate of dividends. In 1890 a junior class of participation was established, to which was admitted the foremen and assistant foremen of the works, based on the same plan as the foregoing, but depending on dividends in a different and reduced proportion. The object of this plan was largely to so interest each one in the success of the works as to induce suggestions for improvement and little economies, and the careful consumption of supplies and materials. The plan is still in force, and has worked admirably in the desired direction.

In 1888 a mutual benefit society was organized among the employees for the purpose of rendering financial assistance in case of sickness, accident, or death of its members; and this society still continues in active and prosperous condition, with a large membership, and is supported by the regular payment of fees and dues by members, and by the contributions of the company to its treasury, which have amounted, since its organization, to more than the contributions of the men. The operations of the society have been carefully watched and systematically encouraged by the company, and have been productive of great good. As indicating their extent it may be stated that from its organization until June 16, 1899, the cash receipts amounted to nearly $150,000 and the disbursements to about $142,000.

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JOHN B. STETSON COMPANY, PHILADELPHIA, PA.

The following statement, relative to the improved industrial conditions prevailing in the above-named establishment, was furnished by the treasurer of the company under date of August 2, 1899:

The factory has been organized, and conducted for many years, on the broadest principles of humanity. In the effort to reach this we have approached each subject with a care that we can only describe as having been born of experience.

The apprentice system is in full force in this factory. Our apprentices are required to serve four years of actual service before becoming journeymen. During this time we feel that they are more or less under our control and supervision, and that we are in a large degree responsible for the habits they form while here. Every precaution is taken, therefore, from the time that an apprentice enters the factory to surround him with all possible chances of improvement, mentally and morally. In order that he may be brought into touch with the moral influences, a Sunday school room, fully fitted out with parlor organ, grand organ, and piano, is attached to the factory. Class rooms within this room make it possible to have here a Sunday school which frequently reaches as high as 1,400 members. The Christian Endeavor and Choral societies connected with the school are both flourishing organizations. The library in connection with this school is kept open during the week, so that it is possible for the employees at any time to obtain, if they desire, the best literature of the day. The books are furnished without charge, a librarian being in attendance whose business it is to keep the records.

It has been the custom of the managers, ever since the inauguration of the apprenticeship system, to give to each apprentice upon his graduation the amount of $1 per week during his entire stay as an apprentice in this establishment, in addition to his earnings. This sum of money is, however, in no way connected with his wages, but is a gift by the management to those who deserve it. The pay of the apprentices is by the piece, the amount of wages they receive being dependent entirely upon their application to their duties. A peculiar feature of this factory is that a Friday noonday meeting is held weekly, where the apprentices are assembled for a half hour, and the time is devoted to music, singing, and to such talks as are calculated to be beneficial to them, morally and spiritually.

One of the most important organizations connected with the place is the John B. Stetson Building Association, which is conducted entirely by the operatives, and which has been in operation for many years with uniform success. Many of the operatives, through the medium of this association, have become the owners of homes which are now entirely clear and paid for, solely by connection with this association.

In addition to this we have the Stetson Savings Fund, which is intended to gather in the smaller amounts that could not be conveniently handled by the building association. There is, however, a limitation on the deposits in the savings fund to such portions of the weekly earnings of each person as the management believe it is possible for the depositors to permit to remain for their future use. The company receives these deposits and allows interest upon them, at the present time, at the rate of 5 per cent per annum. In order to prevent the withdrawal of deposits without full and proper consideration, it has

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been deemed wise, in case of their desire to withdraw before the end of 6 months, that depositors may be permitted to do so by losing the accumulated interest thereon.

The beneficial fund is also an institution which deserves some notice, and is supported by a contribution from each worker of 25 cents per month, unless it be an apprentice under 18 years of age, in which case the amount is 15 cents per month. This secures a fund which is applicable to those who may be sick and not able to attend to business, at the rate of $5 per week for 5 weeks in each year to those over 18 years of age, or $3 per week if under 18 years of age; or, in case of death, $100 is allotted for funeral expenses to those over 18 years of age and $75 to those under 18 years of age. This fund has proved sufficient to meet all the purposes of the object for which it was created.

The company in the management of its business has endeavored to furnish as much light and air as it is possible to obtain for the operatives, and no little trouble and expense has been incurred by the effort to secure such surroundings. Cleanliness is one of the laws of the place. Every department throughout the factory, no matter what may be the work carried on therein, is required to be constantly clean and tidy.

During the last 2 years it has been found that an investment of 5 per cent additional on the workmen's wages, in various departments of the factory, has proved beneficial to the workmen and to the factory itself, and the possibilities are that this method of rewarding will further extend itself in the future. A system of rewards for merit is prevalent throughout the factory. Workmen in all classes are liable to be benefited at Christmas by being the recipients of rewards for extra duty performed, or for good work, or for good conduct, throughout the preceding year. These favors are largely paid in gold, several thousand dollars being distributed each Christmas upon this account, the prizes ranging from $100 downward, nothing less than $2.50 being given. Individual accounts are kept with every workman in the place, so that by actual comparison exact justice may be done to every individual. In making up the rewards of these accounts absolute justice, without partiality, is shown.

The Union Mission Hospital connected with the factory is fully equipped with all modern appliances for the most effective work. Many thousand cases have been treated therein during the past 10 years, its services being entirely under the control of the John B. Stetson Company.

For many years the gymnasium connected with the factory has been in constant use. It is fully equipped with everything necessary for the modern ideal athletic improvements.

The officials of the company assert most positively that their efforts as outlined in the foregoing statement have not only resulted in the moral, social, and physical upbuilding of the employees, but also in great improvement in the quality and quantity of their work, and in substantial increase in the company's business and profits.

STRAWBRIDGE & CLOTHIER, PHILADELPHIA, PA.

The proprietors of this large mercantile establishment, with more than 1,000 employees, having a full realization of the fact that their progress and the prosperity of their business depend largely on the

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good health, contentment, and interest taken in the firm's affairs by the employed, have adopted certain methods tending to accomplish the desired result. Among these may be mentioned the arrangements made for the comfort and welfare of female employees, for whose pleasure and convenience a commodious, well-lighted, and tastefully furnished dining room has been fitted up, in which they are furnished with coffee, tea, and milk at lunch hours free of charge. This room is supplied with cushions and easy-chairs and an extensive library, and women attendants are employed whose duty it is to minister to the comfort of the girls in every way possible. A complete stock of medicines is kept on hand for use in emergencies, and a lady physician is in attendance three days in a week. Another feature, which likewise is prevalent in many progressive business houses in various cities throughout the country, is the granting to all employees of an annual vacation, with full pay, of either one or two weeks, according to length of service. It is generally conceded that the renewed zest and energy with which employees resume their duties upon returning to work more than compensate for the amounts paid them during their absence.

There are two organizations among the employees, known as the Savings Fund and the Relief Association, the objects of which, as indicated by their names, are, respectively, to stimulate a desire to save money and to enable members to lay aside a small fixed sum each week, and the relief of any member who may be detained from business on account of sickness, disability, or accident, or the payment of a fixed sum to his family in case of his death. The affairs of both organizations are highly prosperous. The funds of the Savings Fund, which at the close of the last fiscal year amounted to more than $70,000, are cared for and invested by the firm and earn liberal interest. The Relief Association has upward of 1,000 members, and its income, derived from small assessments levied on the membership when demanded by the condition of its treasury, is supplemented by liberal donations of money by the firm. Since its organization, in 1880, the association has collected and disbursed about $69,000.

In this, as in all similarly conducted establishments, business has been improved and profits increased by just and liberal treatment of employees and constant care for their well-being.

CINCINNATI MILLING AND MACHINE COMPANY, CINCINNATI, OHIO.

The managers of this establishment are thoroughly imbued with the idea that it is necessary, in order to insure the lowest cost of production in manufacturing industries, to foster a kindly feeling on the part of the employed for the employer. A manufacturer may be ever so willing to install in his plant the latest improved machinery, as well as to adopt special fixtures and tools, but can not hope to gain the full

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measure of benefit to be derived therefrom unless these improved machines and devices are received in the proper spirit and worked to their best advantage by the workmen who must use them. If this proper spirit on the part of the workmen can be cultivated, so that each individual will utilize every moment and every machine or fixture to its best advantage, the cost of work will be reduced lower than by any other method and far less expense will be necessary in the way of superintendence and inspection.

In order to build up and foster a spirit of friendliness on the part of its employees and to cultivate a feeling of good-fellowship, the company for a number of years has given annual outings to all its employees and their families, in which expense has not been spared to render them occasions of thorough enjoyment, and on each Christmas every employee receives an appropriate present from the company. On May 1, 1899, a profit-sharing scheme was put into operation, by virtue of which the employees receive a quarterly dividend, based on the wages received by them and upon the increased output of the shops brought about through their efforts. The cost books of the concern show the gain in production per man, upon which the wage dividend is based.

The sum of $500 per year is set aside, $250 of which is paid each 6 months in the way of prizes for suggestions made by employees for improvements of any kind in the conduct of the shops or business of the company. The maker of any suggestion which is used, for which no prize is awarded, is paid for it such a price as it is deemed to be worth. At the time the foregoing information was furnished (during the summer of 1899) the company intended to shortly provide a dining room and kitchen for the use of employees, as well as club and bathrooms, and to encourage the formation of social and literary organizations among them.

The managers of the company say they know, by comparing the cost of work in their shops with that of other shops in similar lines of production, that they are being directly benefited by the good feeling on the part of their employees and the interest taken by them in all efforts looking to the improvement and increase of output and the lessening of the cost of production, brought about by liberal treatment and a recognition of the principle that money expended for the betterment of the lives of employees is money profitably invested.

PELZER MANUFACTURING COMPANY, PELZER, S. C.

This company, which operates the largest cotton-manufacturing plant in the South, employing 2,800 operatives, conducts its business and looks after the interests of its employees in such manner as to conserve the highest and best development of both. The town of Pelzer, in which the factories are located, has a population of about 6,000, all of whom are directly or indirectly dependent upon the mills. Every dwelling house and building, of which there are about 1,000, belongs

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to the company. The town is not incorporated, but is held as private property, and is governed entirely by the rules and regulations of the mill corporation.

The dwelling houses, which contain an average of 4 rooms each and which are rented to the mill hands at 50 cents per room per month, are tasteful and convenient in construction, and each one is provided with about 15,000 feet of ground which is utilized by the tenants for gardening purposes. The tenants are also supplied by the company with water and with meadow land for the pasturing of several hundred cows, free of charge. All sanitary and street work is carried on at the company's expense, and every effort is made to render the village pleasant and attractive.

There are several mercantile establishments in the town with which the company has no connection other than the ownership of the buildings occupied by them. The largest of these is a corporation with a paid-in capital of $25,000, the shares, of $25 each, being nearly all owned by the mill operatives, who conduct the business through a manager elected by themselves. This establishment is very popular with the employees and its affairs have been prosperous enough to enable the payment of substantial dividends to its shareholders.

In addition to 5 churches, the town has 2 well-equipped schools, which were attended by between seven and eight hundred children in 1899, maintained entirely by the company for 10 months in the year without any expense whatever to the residents of the place. As the public schools of South Carolina do not run over 4 months per year, the comparative educational advantages offered at Pelzer are very great.

The company also maintains a "Lyceum," a handsome building in which is housed a circulating library of over 4,000 volumes of approved standard literature, to which additions are constantly being made. The books of the library are kept in an apartment designated the "ladies' reading room," which is also provided with newspapers, scientific and textile periodicals, and all of the popular magazines and pictorial papers. Another room is fitted out with tables and facilities for carrying on social games, and a third room of the building is known as the "gentlemen's reading and smoking room." The Lyceum is kept open every evening from 6.30 to 10.30 and the use of it is absolutely free to the residents of the town.

A regular course of free lectures on history and travel, accompanied by stereopticon illustrations, is provided by the company, which also takes great interest in the amusements of the inhabitants of their village. They have uniformed and partly support several baseball clubs, maintain a race track for bicycle races, and on public holidays furnish amusement for the people, consisting of out-of-door sports, races of various kinds, etc. The employees have a regularly organized bicycle club, known as the Smyth Wheel Club, which gives frequent exhibitions of fancy and fast riding, at which the members contend for prizes

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offered by the company. There is also a military company, a part of the State militia, known as the Smyth Rifles, and a brass band fully equipped with fine instruments and numbering 36 members. These organizations are nurtured and helped in all necessary ways by the company.

The officers of the company conduct a savings bank, in which the employees are encouraged to deposit their savings, upon which they receive interest at the rate of 1 per cent per quarter. The deposits in this bank on July 1, 1899, amounted to nearly $90,000.

The officers of the company believe very strongly that the interest they take in the health and welfare of their employees, and in providing recreations and amusements, schools, and other facilities for them, pays as handsome a dividend on the money thus expended as any investment they could make. At the same time they feel that they are doing what lies in their power in fulfilling the duty incumbent upon them to benefit the condition of their employees and to add to their pleasure and happiness. One result, perhaps, of this is the fact that labor difficulties are unknown in this establishment, and that there has never been the slightest disagreement or unpleasantness between the company and its employees since its organization in 1881.

MISCELLANEOUS.

Many other examples could be given of manufacturing and mercantile establishments throughout the country in the management of which practical and successful application is made of the principle that employees render the best service, that labor difficulties are avoided, and that business can be most profitably conducted by recognition on the part of the employers of the fact that the employed are something more than mere machinery; that they are human beings, capable of suffering and enjoying; that they have social and intellectual ambitions and aspirations that should be encouraged and fostered, and that their efficiency is to be measured by the standard of their advancement along these lines, and their moral and physical conditions. It would be unjust, however, to assume that the efforts of the employers of labor in these directions are based wholly upon the desire for increased profits. Such desire is undoubtedly ever present, and its fulfillment invariably results; but coupled therewith is the knowledge and appreciation of the duty that is owing to those whose lives and destinies are bound up with and largely dependent upon the industrial establishment to which their labor is sold, and that their happiness as individuals and advancement as useful citizens are objects more worthy of accomplishment than any other.

To give further detailed accounts of such establishments, many of which have been visited in securing the information contained in this article, would consist merely in repetitions of what has already been

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set forth. Mention may, however, be made of a few prominent concerns which are carrying these ideas into operation, in order that such readers as desire to pursue this subject further may have at least a partial basis for their investigations.

The J. C. Ayer Company, of Lowell, Mass., assembles its employees at an annual banquet every winter and gives them an outing every summer; rewards them with prizes for valuable suggestions; aids them in the regular publication of a literary periodical; gives pensions to elderly employees, and provides the female help with free luncheons and with free conveyances to and from the factory in bad weather.

Fels & Co., of Philadelphia, Pa., assists its employees in the successful carrying on of beneficial insurance and savings associations; encourages their organization into social and educational clubs; provides them with comfortable lunch, lounging, and recreation rooms, and makes special efforts looking to the reduction of the hours of labor below and the increase of wages above those ordinarily prevailing.

The Niagara Development Company, of Niagara Falls, N. Y., has built for such of its employees as desire to avail themselves of its advantages a beautiful village, known as Echoto, in which the houses are of the most approved architectural patterns, and provided with electric lights and all modern conveniences. It has also erected a spacious assembly hall for the use of its employees in holding meetings and social gatherings.

The Sherwin Williams Company, of Cleveland, Ohio, aids its employees in the management of a successful beneficial insurance society; gives them an annual outing, an annual banquet, and appropriate presents on Thanksgiving day; gives special and substantial rewards for long and faithful service, and provides a free library, and also well-equipped dining rooms and bathrooms.

The Kilbourne & Jacobs Manufacturing Company, of Columbus, Ohio, makes a Thanksgiving distribution of gifts to employees annually, and gives them an outing each summer; renders them such financial aid as may be necessary in case of hardship or need, and gives to such employees as may be sick, during the continuance of their illness, half pay and free medical attendance.

The Pope Manufacturing Company, of Hartford, Conn., aids its employees in the management of a prosperous beneficial association; furnishes free medical attention to such as may need it; provides a free library and commodious rooms, fitted with tables and chairs, which the men use for such purposes as they desire; conducts a modern café in which the employees are provided with food nominally at, but really below, cost (the annual deficiency in conducting it amounting to about $1,500), and furnishes various other facilities and conveniences for their use and enjoyment.

Other well-known establishments in which the features herein described have been adopted to a greater or less extent are: S. E.

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Packard & Son, Campello, Mass.; Henry Disston & Son, Philadelphia, Pa.; Gorham Manufacturing Company, Providence, R. I.; Brown & Sharpe Manufacturing Company, Providence, R. I.; Elgin National Watch Company, Elgin, Ill.; The A. B. Chase Company, Norwalk, Ohio; The Ferris Brothers Company, Newark, N. J.; J. H. Williams & Co., Brooklyn, N. Y.; Syracuse Chilled Plow Company, Syracuse, N. Y.; The Warner Brothers Company, Bridgeport, Conn.; H. J. Heinz Company, Pittsburg, Pa.; The Jeffrey Manufacturing Company, Columbus, Ohio; R. Hoe & Co., New York; Schaum & Uhlinger, Philadelphia, Pa.; Yale & Towne Manufacturing Company, Stamford, Conn., and The Werner Company, Akron, Ohio. There are doubtless many other establishments besides the ones enumerated which have practically applied these principles and plans of proved economic and sociologic value. Certain it is that manufacturers in all sections of the country who have not yet tested their efficiency, but who are convinced of the benefits to be derived from them, are constantly inquiring as to their methods of application and operation, with a view of adopting such of them as may be deemed feasible.

This paper would be incomplete without reference to the club organization and life of railway employees which has been brought about through the cooperation of railway corporations, officials, and employees, and the Young Men's Christian Association. So much information has heretofore been given concerning this movement, in magazines and newspapers and in the regular publications of the Y. M. C. A., as to render only a brief account of it necessary at this time. These organizations, of which there were 127 in the United States and 10 in Canada in 1899, are scattered throughout the two countries, from Idaho to Nova Scotia and as far south as Mississippi. Their total membership in the year mentioned approximated 35,000, and their total ownership of real estate, used exclusively for association purposes, amounted to about a half million dollars, while the value of the buildings erected or set aside for this use by railroad corporations and officials amounted to over a half million. These figures give an idea of the magnitude of this movement, which is further exemplified by the following facts taken from the Association Year Book for 1899.

In 118 railroad branches of the association, over $313,000 was paid out for current expenses during the year; 120 branches reported a total average daily attendance of 15,202 members; 118 had reading rooms, provided with current periodical literature; 105 had bathrooms, in which 369,820 baths were taken; 97 reported 12,718 visits made to sick and injured members; 56 had rest rooms and sleeping accommodations, which were used 248,143 times; 22 had lunch rooms, used 745,727 times; 18 had temporary hospital facilities, which were used 820 times; 36 were provided with gymnasiums, and 43 had other means of physical training and recreation; 95 had libraries, containing

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a total of over 70,000 volumes; in 43, 119 educational classes were conducted with over 1,200 students; 16 reported the existence of literary societies among the membership, with a total average attendance at their meetings of 354. In addition to the foregoing, lecture courses were conducted by many of the clubs, and, in all, religious exercises were carried on to a greater or less extent.

The first of these organizations was effected in 1872, and its beneficial results were so apparent that the great railroad corporations of the country have since then encouraged their formation in the most substantial way, not only by gifts of real estate or of money for building purposes, but by regular annual contributions of such sums as have been necessary, in addition to dues collected from the members, for the payment of current expenses. About 60 per cent of the expenses at each point is borne by the railroad company or companies, all of whose employees are eligible to membership. These expenses aggregate about $150,000 annually. The remainder is paid by the railroad men. The financial aid thus given is generally regarded by railroad officials as a legitimate item of operating expenses, and directly in the line of economical administration.

A prominent railroad official, in recommending a second appropriation of several thousand dollars by the company for the purposes of this organization, said: "If you vote this money for this purpose it means more to the company than the same amount would if invested in steel rails." Another prominent railroad official has remarked: "I have been familiar with this department of association activity from its very beginning, and am more and more convinced that it is for the best interests of both owners and employees that the railroad corporations should encourage and contribute to this work." The report of the Interstate Commerce Commission for 1892 says: "Another agreeable showing is that of the Young Men's Christian Association in connection with the railway service, a work commending itself, even upon the most practical grounds of pecuniary self-interest."

The homes of these organizations, many of which are imposing and costly structures, fully equipped and furnished with all available means for promoting the comfort and the physical, moral, and intellectual well-being of their members, not only supply railway employees with opportunities for self-improvement and the cultivation of cordial, social relations, but also afford desirable and convenient places of meeting for railway officials and employees for the exchange of views in regard to matters of joint concern. Their establishment and maintenance have resulted in a better understanding between the employed and the employer, a clearer conception of the economic fact that the interests of both capital and labor are best promoted by hearty joint effort, and that cooperation is more profitable in every way than selfish antagonism.

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PRESENT STATUS OF EMPLOYERS' LIABILITY IN THE UNITED STATES.

BY STEPHEN D. FESSENDEN, A. B., LL. M.

The liability of employers for damages for injuries of their employees incurred while in the performance of duty is regulated in the United States (1) by the common law, as announced in the decisions of the Federal and State courts, and (2) by the statutes upon the subject passed by the different legislative bodies, and for the most part adding to and extending the rights of the employees as limited by the common law.

Upon most of the points bearing upon this subject there has been a substantial agreement in the decisions of the courts of the various States of the Union, and a careful examination of the reports seems to warrant the use of the following as a fairly correct summarization of the decisions of the courts upon the common law, and an accurate statement of the principles of the same.

COMMON LAW.

LIABILITY FOR INJURIES.

An employer is ordinarily liable in damages to his employee who may sustain an injury through the employer's negligence. Such negligence may consist in the doing of something by the employer, which, in the exercise of ordinary care and prudence, he ought not to have done, or in the omission of any duty or precaution which a prudent, careful man would or ought to have taken.

An employer is not liable to the employee of his contractor for the negligence of said contractor, when the employer himself has retained and exercised no control over the means or methods by which the work is to be accomplished.

DUTIES OF THE EMPLOYER.

An employer assumes the duty toward his employee of exercising reasonable care and diligence to provide the employee with a reasonably safe place at which to work; with reasonably safe machinery, tools, and implements to work with; with reasonably safe materials to work upon, and with suitable and competent fellow-servants to work with him; and, in case of a dangerous or complicated business, to make such reasonable rules for its conduct as may be proper to protect the servants employed therein. If he fails to use ordinary care in the discharge of these duties, his ignorance of the dangerous nature of the

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working place, of defects in the tools or appliances furnished, or of the incompetency of the fellow-servants, will not excuse him from liability for an injury caused thereby.

Although the employer's duty of seeing that competent and fit persons are in charge of any particular work is as positive as are the other duties owed by an employer to his employees, yet it is fully discharged when reasonable precautions have been taken to fulfill said duty. No one of the employer's duties carries with it an absolute guaranty. Each is satisfied with reasonable effort and precaution.

ASSUMPTION OF RISK BY THE EMPLOYEE.

When the employer has properly discharged these duties then the employee assumes all the risks and hazards incident to or attendant upon the exercise of the particular employment or the performance of the particular work. Where an employment is accompanied with risks of which those who enter it have, or are presumed to have, notice, they can not, if they are injured by exposure to such risks, recover compensation for the injuries from their employer.

By contracting to perform hazardous duties the employee assumes such risks as are incident to their discharge, and he assumes not only the risks existing at the beginning of his employment but also such as arise during its course, if he had or was bound to have knowledge thereof. He does not, however, assume the risks of dangers arising from unsafe or defective methods, machinery, or other instrumentalities unless he has, or may be presumed to have, knowledge or notice thereof; and the burden of proving that an injured employee had such knowledge or notice of the defect or obstruction causing the injury is upon the employer.

The employee assumes all risks of latent defects in appliances or machinery, unless the employer was negligent in not discovering the same; but the experience or lack of experience of the employee is to be considered in determining whether or not he is chargeable with knowledge of such defects as are not obvious, and of the danger arising therefrom.

Another risk assumed by employees is that of the employer's method of conducting his business. If the employee enters upon the service with knowledge of the risk attending the method, he can not hold the employer responsible for injuries arising from the use of such method, though a safer one might have been adopted; but in order to relieve the employer from liability the method must amount to a custom or mode of carrying on the business, and not consist merely of an instance or any number of instances of culpable negligence on the part of the employer. All risks and hazards resulting from the possible negligence or carelessness of fellow-servants or coemployees are also assumed by the employee.

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VICE PRINCIPALS.

Whenever the employer delegates to any officer, servant, agent, or employee, high or low, the performance of any of the positive duties devolving upon him, then such officer, servant, agent, or employee stands in the place of the employer, and becomes a substitute for the employer, a vice principal, and the employer is liable for his acts and his negligence to the same extent as though the employer himself had performed the acts or was guilty of the negligence.

But, where the employer himself has performed his duty, he is not liable to any one of his employees for the acts or negligence of any mere fellow-servant or coemployee of such employee, who does not sustain this representative relation to the employer.

FELLOW-SERVANTS.

The great disagreement in the decisions of the State courts has been on the test as to who are and who are not fellow-servants. Some of them, the supreme court of the State of Ohio being the leading one, have held that where the injured employee is subordinate to the employee whose negligence caused the injury, and under his control or direction in the performance of the work, they are not fellow-servants and the one having control and direction is a vice principal for whose negligence their common employer is liable.

The courts of the majority of the States hold, however, that the mere difference in grade of employment, or in authority, with respect to each other, does not remove them from the class of fellow-servants as regards the liability of the employer for injuries to the one caused by the negligence of the other.

It is also held by the courts of some of the States that, as industrial enterprises have grown, and, because of the division of labor and the magnitude of operations, have been divided into separate and distinct departments, a laborer in one department is not a fellow-servant with a laborer in another and separate department of the same establishment.

"In the absence of State legislation," this question, as to who are and who are not fellow-servants, "is not a question of local law upon which the Federal courts are bound to follow the decisions of the State courts, but is one of general law, upon which the Federal courts may exercise their independent judgment uncontrolled by local decisions." Under the above-quoted principle, as announced by the United States Supreme Court, the decisions of that court have practically settled this point for the whole country. It has repeatedly decided that while the heads of separate and distinct departments of a diversified business may, under certain circumstances, be considered, with respect to employees under them, vice principals or representatives of the employer, yet each separate piece of work is not to be considered a

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separate department nor, necessarily, the one having control of it a vice principal. That the rightful test to determine whether the negligent act complained of was that of a vice principal or of a fellow-servant, turns rather on the character of the act than on the relation of the employees to each other; that if the act is one done in the discharge of some positive duty of the employer, then the negligence in the act is the negligence of the employer for which he is responsible, but if it be not one in the discharge of such positive duty, then it is not the negligence of a vice principal for which the employer is responsible, but that of a coemployee or fellow-servant.

CONTRIBUTORY NEGLIGENCE OF THE EMPLOYEE.

It is a general rule that when an employee suffers an injury through the negligence of his employer, he is not entitled to recover damages for such injury if his own negligence contributed thereto. But his right to recover damages for an injury is not affected by his having contributed thereto unless he was at fault in so contributing, and he may recover, notwithstanding his contributory negligence, if the employer, after becoming aware of the danger, failed to exercise ordinary care or willfully inflicted the damage.

CONTRACTS RELIEVING THE EMPLOYER OF LIABILITY.

Under the common law an employer can not relieve himself from responsibility to an employee for an injury resulting from his (the employer's) negligence by any contract entered into for that purpose before the happening of the injury.

STATUTE LAW.

In addition to the preceding, which is but a brief summarization of the chief principles of the common law bearing upon this subject as they have been laid down in the decisions of the courts, many of the States have legislated upon the subject, the statutes passed varying from a mere statement or definition of the common law to a radical change of the same.

ENACTMENT OF COMMON LAW IN FORM OF STATUTE.

In the first place we will consider such legislation as merely enacts the common law principles in the form of a statute, or which at the most can be construed as going but slightly beyond them. There are many laws upon the statute books of the States which were passed for the purpose of protecting the life and health of employees, and which, in the furtherance of such purpose, impose certain duties upon the employers. Of this nature are the laws regulating the conduct of the business of mining, providing for the prevention of accidents in the mines, ventilation of the same, etc.; the factory laws, providing for

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guards on machinery, fire escapes on the mills, fixed hours of labor, sanitary appliances, etc., and the laws requiring the use of safety apparatus on railroad tracks, engines, and cars, and making it the duty of the person, company, or corporation owning or operating such mine, factory, or railroad to see that such provisions are carried out.

NEGLIGENCE OF THE EMPLOYER.

It is a well-settled principle of the common law that, where such duties are imposed by legislative enactment or municipal ordinance, it is negligence on the part of the employer to fail to comply with the requirements of the laws imposing such duties, and the employer is liable to his employees for all injuries arising from such negligence unless it can be clearly shown that they assumed the risk. Much of the legislation passed has been in line with this principle, some, perhaps, slightly exceeding the common law in imputing negligence to the employer. The States of Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, Washington, Wisconsin, and Wyoming, the District of Columbia, the Territory of New Mexico, and the United States all have laws in line with the above. That of Arkansas, now forming a section of the Digest of 1894, the original act having been approved April 4, 1893, is as follows:

SECTION 5058. For any injury to persons or property occasioned by willful violation of this act [regulating coal mines], or willful failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby.

The law of California appears in section 8 of an act approved March 27, 1874, and section 3 of an act approved March 13, 1872, now to be found on page 633 of Vol. IV of the Codes and Statutes of 1885, and in section 3 of chapter 74 of the acts of 1893, approved March 8, 1893. These sections follow in order as mentioned above.

SECTION 8. For any injury to person or property occasioned by any violation of this act [regulating coal mines], or any willful failure to comply with its provisions, a right of action shall accrue to the party injured for any direct damages he or she may have sustained thereby, before any court of competent jurisdiction.

SECTION 3. When any corporation, association, owner, or owners of any quartz mine in this State shall fail to provide for the proper egress as herein contemplated, and where any accident shall occur, or any miner working therein shall be hurt or injured, and from such injury might have escaped if the second mode of egress had existed, such corporation, association, owner, or owners of the mine where the injuries shall have occurred shall be liable to the person injured in all damages that may accrue by reason thereof; and an action at law in a court of competent jurisdiction may be maintained against the owner or owners of such mine, which owners shall be jointly or severally liable for such

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damages. And where death shall ensue from injuries received from any negligence on the part of the owners thereof, by reason of their failure to comply with any of the provisions of this act, the heirs or relatives surviving the deceased may commence an action for the recovery of such damages.

SECTION 3. Any person or company failing to carry out any of the provisions of this act [providing that mine operators, etc., shall make certain specified rules as to signals] shall be responsible for all damages arising to or incurred by any person working in said mine during the time of such failure.

The State of Colorado has her law in this connection in section 3192 of the Annotated Statutes of 1891, originally part of an act approved February 24, 1883, and in section 2 of chapter 69, of the acts of 1897, approved April 1, 1897. These statutes read as follows:

SECTION 3192. For any injury to person or property occasioned by any violation of this act [regulating coal mines], or any willful failure to comply with its provisions by any owner or lessee or operator of any coal mine or opening, a right of action against the party at fault shall accrue to the party injured for the direct damages sustained thereby, and in any case of loss of life by reason of such violation or failure, a right of action against the owners and operators of such coal mine or colliery shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of damages for the injury they shall have sustained.

SECTION 2. In all trials in all courts in this State, to recover for personal injury, and in all cases of personal injury to employees, or other persons, occasioned by, or in any manner directly or indirectly resulting from being caught between any of the aforesaid rails, testimony relative to compliance with the requirements of this act [providing for the blocking of frogs, and switch, split, and guard rails on railroad tracks] shall be admitted. And where a failure is shown on the part of any such corporation, company or person to have safely and securely blocked such rails in accordance with the provisions of this act, such failure to have complied with any of the provisions of this act shall be prima facie evidence of the negligence of any such corporation, company or other person so failing to comply with any of the provisions of this act where any such employee, or other person, may be caught between such rails not blocked in accordance with the provisions of this act.

In chapter 45 of the acts of 1886–87, approved January 26, 1887, Congress passed the following law for the District of Columbia:

SECTION 3 (as amended by chapter 178, acts of 1894–95). *Provided also*, That the lessee, owner or trustee, as the case may be, of any such building [factory or mill], who shall fail to erect fire escapes as in said act provided, shall be liable to an action for damages in case of death or personal injury resulting from fire in buildings not provided with fire escapes as required by said act, and that such action may be maintained by any person or persons now authorized by law to sue, as in other cases of injury or death by wrongful act: *Provided further*, That as to any building which the Commissioners shall determine to be fireproof, they may in their discretion require the erection of fire escapes.

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Illinois has embodied its law in sections 14, 24, and 32 of chapter 93 of the Annotated Statutes of 1896, said sections being originally parts of acts approved May 28, 1879, June 19, 1891, and June 21, 1895, respectively. They read as follows:

SECTION 14. For any injury to person or property occasioned by any willful violations of this act [regulating coal mines] or willful failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby; and in case of loss of life by reason of such willful violation or willful failure, as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs or adopted children, or to any other person or persons, who were before such loss of life dependent for support on the person or persons so killed, for a like recovery of damages for the injuries sustained by reason of such loss of life or lives; not to exceed the sum of five thousand dollars.

SEC. 24. After January 1, 1892, no owner, operator or agent of any mine to which this act [providing for State examination, etc., of mine managers] applies shall employ any mine manager who does not hold either the certificate of competency or service herein provided for, and if any accident shall occur in any mine in which a mine manager shall be employed who has no certificate of competency or service as required by this act, by which any miner shall be killed or injured, he or his heirs shall have right of action against such operator, owner or agent, and shall recover the full value of the damages sustained: * * *

SEC. 32. After July 1, 1896, no owner, operator or agent of any coal mine in this State where hoisting engineers are required to hoist coal or men out of the mine, or where fire or explosive gas generates, where the employment of a fire boss is necessary to examine the mine as to whether or not it is safe for men to enter and pursue their calling without danger from explosive gas, shall not employ any person whatever as hoisting engineer or fire boss unless they have a certificate of competency or service herein provided for. And if any accident shall occur at or in any mine where a hoisting engineer or fire boss is employed who has no certificate of competency or service as required by this act [providing for State examination of fire bosses and hoisting engineers], by which any person shall be killed or injured, he, or his heirs, shall have right of action against such operator, owner or agent, and shall recover the full value of damages sustained.

In a case, decided in 1893, in which a coal company was sued for damages for injuries of an employee resulting, as alleged, from the inexperience and incompetency of an engineer and also from the failure of the company to provide "safe means" and "machinery" for the hoisting of employees from the mine, the appellate court of Illinois for the third district commented upon section 14 above, as shown by the following taken from the syllabus of the case:

Section 14 of this chapter declares the liability for injuries when the mine owner and operator "willfully" fails to comply with the provisions of the chapter. A willful violation of the statute is a violation of the statute knowingly and willfully. To constitute willful negli-

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gence the act done or omitted must have been intended. When recovery is sought for injuries resulting from mere inadvertence or negligence, pure and simple, the defendant may often defeat liability upon the ground that the plaintiff knew of the dangers to which he might be exposed, and voluntarily chose to take the chances of encountering them; or upon the other ground that he was injured by the negligence of a fellow-servant; but neither of these defenses is available when the injury is the result of the willful act, or the willful failure of the defendant to act. If the master in employing an engineer, had knowledge at the time of his employment, or at any time before an injury occurs that he was incompetent or inexperienced, and has willfully kept him in his employment after obtaining such knowledge, he will be liable.

In another case, decided in 1888, the supreme court of the State decided that under this section (14, above) a coal-mining company is liable for a personal injury to a person in its employ, while descending into the mine, resulting from the employment of an incompetent engineer to take charge of the engine used in lowering persons into and hoisting them out of the mine.

In the Annotated Statutes of Indiana of 1894 the law of that State is to be found. The original act was approved June 3, 1891, and it is in the following language:

Section 7473. For any injury to person or persons or property occasioned by any violation of this act [regulating coal mines], or any willful failure to comply with any of its provisions, a right of action against the owner, operator, agent or lessee shall accrue to the party injured for the direct injury sustained thereby, and in case of loss of life by reason of such violation, a right of action shall accrue to widow, children, or adopted children, or to the parents or parent, or to any other person or persons who were before such loss of life dependent for support on the person or persons so killed, for like recovery for damages for the injury sustained by reason of such loss of life or lives.

In an action brought under the above section the appellate court of Indiana held that the doctrine of the assumption of risk does not apply to a breach of a statutory duty imposed on the master, and the continuing of a servant in the employ of a master with knowledge of such a breach of such duty will not prevent recovery for an injury suffered by reason of such breach.

The law of Iowa is contained in section 2083 of the Code of 1897, originally part of an act approved April 5, 1890. It reads, in part, as follows:

Section 2083. * * * Any railway employee who may be injured by the running of such engine, train or car contrary to the provisions of said sections [providing for the placing of safety couplers and power brakes on engines and cars] shall not be considered as waiving his right to recover damage by continuing in the employ of the corporation, company or person operating such engine, train or cars.

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The Kansas statute was approved February 28, 1883, and is now contained in the following paragraph of the General Statutes of 1889:

PARAGRAPH 3856. For any injury to person or property occasioned by any violation of this act [regulating coal mines], or any willful failure to comply with its provisions by any owner, lessee or operator of any coal mine or opening, a right of action against the party at fault shall accrue to the party injured for the direct damage sustained thereby; and in any case of loss of life by reason of such violation or willful failure, a right of action against the party at fault shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of damages for the injury they shall have sustained.

Section 7 of chapter 362 of the acts of 1895, approved May 9, 1895, has the only Massachusetts statute which is properly shown here. It appears below:

SECTION 7. Any employee of such corporation who may be injured by any locomotive, car or train in use contrary to the provision of this act [providing for the placing of safety couplers and power brakes on engines and cars] shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such corporation after the unlawful use of such locomotive, car or train has been brought to his knowledge.

All the legislation of Michigan which comes under this head appears in the following section of the Compiled Laws of 1897. The original act containing this legislation was approved June 22, 1887:

SECTION 5495. If any man or men are allowed to continue work in any place condemned by the mine inspector, except to do the work required to be done to insure safety before said place has received the necessary changes to secure the safety (ordinary risks of mining excepted) of the laborers engaged therein, the person, persons or corporation operating said mine shall be liable for all accidents causing injuries or death to employees working in or about such place until the order referred to in the preceding section shall have been complied with or revoked.

Minnesota has laid down the common-law principle in sections 2242 and 2243 of the General Statutes of 1894, the original act having been approved March 7, 1885, and in section 2683 thereof, approved March 7, 1887. Said sections read as follows:

SECTION 2242. On all lines of railroad operated in this State the time of labor of the locomotive engineers and firemen employed in running or operating the locomotive engines on or over such roads shall not at any time exceed eighteen hours during one day: *Provided, however*, That nothing in this section shall be construed as allowing any locomotive engineer or fireman to desert his locomotive in case of accident or other unavoidable delay.

SEC. 2243. Any officer, director, superintendent, master mechanic, foreman, agent, or employee who compels any locomotive engineer or fireman to labor, in running or operating any locomotive engine on or over such roads for more than eighteen hours during one day, except

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as provided in section one [2242] of this act, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five or more than one hundred dollars: *And provided, further*, That all railroad corporations operating lines of road in this State, shall be liable for all injuries to its engineers or firemen resulting from their being obliged to labor for a longer period in any one day than that specified in section one [2242] of this act, and that nothing in this section shall be construed as allowing any locomotive engineer or fireman to desert his locomotive in case of accident or unwarrantable delay.

SEC. 2683. All railroad companies owning or operating railroads, or portions of railroads, in this State, shall, in addition to the penalties prescribed in this act [providing for the blocking of frogs, switches, and guard rails on railroad tracks], be liable for any damage resulting from the failure to comply with the provisions thereof, such damage to be recovered by the persons injured, or his or her legal representatives.

In the following section of the Revised Statutes of 1889 the law of the State of Missouri is to be found. The law contained in this section was approved March 30, 1887, and reads as follows:

SECTION 7074 (as amended by act approved April 23, 1891, page 182, acts of 1891). For any injury to persons or property occasioned by any violation of this article [providing regulations for coal mines] or failure to comply with any of its provisions, a right of action shall accrue to the party injured for any direct damages sustained thereby; and in case of loss of life by reason of such violation or failure as aforesaid, a right of action shall accrue to the widow of the person so killed, his lineal heirs or adopted children, or to any person or persons who were, before such loss of life, dependent for support on the person or persons so killed, for a like recovery of damages sustained by reason of such loss of life or lives: *Provided*, That all suits brought under this article shall be commenced within one year after any cause of action shall have accrued under this article and not afterward; *And, provided further*, That any person entitled to sue under this section for loss of life or lives may recover any sum not exceeding ten thousand dollars.

In regard to this section the supreme court of the State has held that mere knowledge by the plaintiff of the failure of the defendant to have the mine provided with the protections required by the law will not defeat an action for the recovery of damages occasioned by such failure.

The law of Nebraska, approved April 9, 1891, and now to be found in a section of the Compiled Statutes of 1895, is in the following language:

SECTION 1799. * * * And any railroad employee who may be injured by the engine or train or cars contrary to the provisions of this law [providing for the placing of safety couplers and power brakes on engines and cars] shall not be considered as waiving his rights to recover damages by continuing in the employ of such corporation, company or person running such engine, or train of cars contrary to this law.

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New Jersey has the following law, approved March 22, 1888, and now contained in section 78, page 1491 of the General Statutes of 1895:

SECTION 78. * * * and any person or corporation failing to comply with the provisions of this act [providing for the placing of fire escapes on factories, etc.] shall be liable in an action for damages in case of death or personal injuries sustained because of the absence or disrepair of such fire escape, or in case of fire breaking out in any building upon which there shall be no such efficient fire escape; and such action may be maintained by any person now authorized by law to sue, as in other cases of similar injuries.

In an act approved March 1, 1882, New Mexico passed a law of this nature. It is now contained in a section of the Compiled Laws of 1897 and reads as follows:

SECTION 2346. For every injury to person or property occasioned by any violation of this act [regulating mines], or any willful failure to comply with its provisions, a right of action shall accrue to the party injured for any direct damages he or she may have sustained thereby before any court of competent jurisdiction.

A law of this character is contained in section 6 of chapter 251 of the acts of North Carolina of 1897, approved March 9, 1897. It reads as follows:

SECTION 6. * * * For any injury to person or property, occasioned by any willful or intentional violation of this act [regulating coal mines], or any willful failure to comply with its provisions by any owner, agent or manager of the mine, a right of action shall accrue to the party injured for any direct damage he may have sustained thereby; and, in any case of loss of life by reason of such willful neglect or failure aforesaid, a right of action shall accrue to the personal representative of the deceased, as in other actions for wrongful death for like recovery of damages for the injury sustained.

Section 301 of the Revised Statutes of Ohio, seventh edition, contains legislation of this class, passed April 11, 1888, and reading as follows:

SECTION 301. * * * For any injury to persons or property, occasioned by any violation of this act [regulating coal mines], or any willful failure to comply with its provisions by any owner, agent or manager of any mine, a right of action shall accrue to the party injured, for any direct damage he may have sustained thereby; and, in any case of loss of life, by reason of such willful neglect or failure, aforesaid, a right of action shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of damages for the injury they shall have sustained.

The supreme court of Ohio, in 1895, held that one can not maintain an action against his employer for an injury following a violation of the act regulating coal mines, unless at the time he was injured he was in the exercise of due care; that one who voluntarily assumes a risk thereby waives the provisions of a statute made for his protection, and

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that where a statute does not otherwise provide, the rule requiring the plaintiff in an action for negligence to be free from fault contributing to his injury is the same, whether the action is brought under a statute or at common law.

Section 2 of an act passed April 2, 1890, to be found on page 149, acts of Ohio of 1890, contains further legislation of this character. It reads as follows:

SECTION 2. It shall be unlawful for any such corporation to knowingly or negligently use or operate any car or locomotive that is defective, or any car or locomotive upon which the machinery or attachments thereto belonging are in any manner defective. If the employee of any such corporation shall receive any injury by reason of any defect in any car or locomotive, or the machinery or attachments thereto belonging, owned and operated, or being run and operated by such corporation, such corporation shall be deemed to have had knowledge of such defect before and at the time such injury is so sustained, and when the fact of such defect shall be made to appear in the trial of any action in the courts of this State, brought by such employee, or his legal representatives, against any railroad corporation for damages, on account of such injuries so received, the same shall be prima facie evidence of negligence on the part of such corporation.

In regard to this section the supreme court of Ohio has held that in the trial of a personal injury case against a railroad company for injuries caused by defects in its cars, locomotives, and machinery, or their attachments, the defects so causing injury are prima facie evidence of negligence on the part of such corporation; and by force of this section the burden is thrown upon the company to show, by proof, that it has used due diligence, and is not guilty of negligence; also the court held that this section applies to all railroad companies any part of whose line of railway extends into the State of Ohio, whether the injury complained of was received within or without the State.

In the Digest of Pennsylvania of 1895 sections 216, on page 1359, and 385, on page 1377, belong to this class of laws. These sections were originally part of an act approved April 18, 1877, and read as follows:

SECTION 216. For any injury to person or property occasioned by any violation of this act [regulating anthracite coal mines], or any failure to comply with its provisions by any owner, operator, superintendent, mine foreman or fire boss of any coal mine or colliery, a right of action shall accrue to the party injured against said owner or operator for any direct damages he may have sustained thereby; and in case of loss of life by reason of such neglect or failure aforesaid, a right of action shall accrue to the widow and lineal heirs of the person whose life shall be lost, for like recovery of the damages for the injury they shall have sustained.

SEC. 385. For any injury to person or property occasioned by any violation of this act [regulating bituminous coal mines], or any failure

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

In regard to section 216 above, the supreme court of Pennsylvania has declared that so much of the same as imposes liability on the mine owner for the failure of the foreman to comply with the requirements of those sections of the act which compels his employment and defines his duties is unconstitutional and void.

The law of the State of Rhode Island, belonging to this classification, was approved March 28, 1890, and is now to be found in the following section of chapter 108 of the General Laws of 1896:

SECTION 8. In all cases in which any person shall suffer injury or in which the death of any person shall ensue in consequence of the failure of the owner or owners of any building to provide the same with fire escapes or stairs and stairways, as required by the provisions of this chapter, or in consequence of the failure of said owner or owners to comply with the written notice and requirement of any inspector of buildings, when made in conformity to the provisions of this chapter, such owner or owners shall be jointly and severally liable, to any person so injured, in an action of trespass on the case for damages for such injury; and in case of death such owner or owners shall be jointly and severally liable in damages for the injury caused by the death of such person, to be recovered by action of trespass on the case, in the same manner and for the benefit of the same persons as is provided in sections fourteen and fifteen of chapter two hundred thirty-three; which action, when the owners are nonresidents, may be commenced by attachment. It shall be no defense to said action that the person injured, or whose death ensued as aforesaid, had knowledge that any such building was not provided with fire escapes or stairs and stairways as required by the provisions of this chapter, or that such person continued to work in or to occupy said building with said knowledge.

The State of Washington enacted a law of this character in an act approved February 28, 1890. The following section of Vol. I (General Statutes) of the Annotated Statutes and Codes of 1891 contains the same:

SECTION 141. Whenever the mining bureau or the State geologist shall receive a formal complaint in writing, signed by five or more persons, employees in a mine, setting forth that the mine in which they are employed is dangerous in any respect, the State geologist shall visit and examine such mine, and if, from such personal examination, he shall ascertain that the facilities for egress are insufficient, or that from want of timbering, scaling, or slacking of the ground in such mine so visited, or from other causes, or that the timber, ladders or ladderways, pentices, or plats, in any such mine are in a dangerous condition, it shall become his duty to notify the owners, lessor, or lessee thereof;

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such notice to be in writing, and to be served by copy on any person or persons in the same manner as provided by law for the service of legal notices or process; said notice shall state in what particulars timbers, ladders, ladderways, pentices, or plats are dangerous, and shall require the necessary changes to be made without delay; and in case of any criminal or civil procedure at law against the party or parties so notified, on account of loss of life or bodily injuries sustained by any employee subsequent to such notice and in consequence of neglect to obey the State geologist's requirements, a certified copy of the notice served by the State geologist shall be *prima facie* evidence of the culpable negligence of the party or parties complained of.

Section 3 of chapter 22 of the acts of 1895, approved March 1, 1895, contains another law of Washington of the same character. It reads as follows:

SECTION 3. In all actions against any person or persons or corporation engaged in operating any shingle mill or shingle mills in the State of Washington, for injuries received from any knot saw used in such shingle mill or shingle mills, it shall be *prima facie* evidence of negligence on the part of the defendant to show that such knot saw causing the injury was not at the time of receiving the injury complained of properly protected by a metallic saw guard: *Provided*, That if any knot sawyer shall remove any such guard after the same has been placed in position, and while the same is removed receive injury, he shall not be entitled to receive damages for any such injuries.

Wisconsin's law, approved March 21, 1889, and being now a section of the Annotated Statutes of 1889 is in the following language:

SECTION 1809a. 1. Every railroad corporation operating any railroad, shall erect and maintain sufficient guards or blocks at the front and rear of every frog in every railroad track of any such corporation used and operated in this State.

2. If any railroad corporation, its officers, agents or servants, shall violate or fail to comply with any of the provisions of this act, or shall fail to sufficiently guard such frogs, such corporation for each and every such violation or failure shall forfeit not less than fifty nor more than five hundred dollars, one-half to the person prosecuting, and shall in addition be liable to the person injured for all damages sustained thereby, whether the person so injured shall be a servant or agent of such corporation or not, and notwithstanding that such violation or failure shall arise or occur through the negligence of any other agent or servant thereof.

It has been decided by the supreme court of Wisconsin that this statute does not take away the defense of contributory negligence.

Wyoming's enactments of common law are to be found in sections 2 and 4 of article 9 of its constitution, which went into effect July 10, 1890, and in section 15 of chapter 80 of the acts of 1890–91, approved January 10, 1891. They appear below:

SECTION 2. The legislature shall provide by law for the proper development, ventilation, drainage and operation of all mines in the State.

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SEC. 4. For any injury to person or property caused by willful failure to comply with the provisions of this article, or laws passed in pursuance hereof, a right of action shall accrue to the party injured, for the damage sustained thereby, and in all cases in this State, whenever the death of a person shall be caused by wrongful act, neglect or default, such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, the person who, or the corporation which would have been liable, if death had not ensued, shall be liable to an action for damages notwithstanding the death of the person injured, and the legislature shall provide by law at its first session for the manner in which the right of action in respect thereto shall be enforced.

SECTION 15. * * * No person shall act as fire boss unless granted a certificate of competency by the State inspector of coal mines. No owner, operator, contractor, lessee or agent shall employ any mining boss or fire boss who does not have the certificate of competency required. Said certificate shall be posted up in the office of the mine, and if any accident shall occur in any mine in which a mining boss or fire boss shall be employed who has no certificate of competency, as required by this chapter, by which any miner shall be killed or injured, he or his estate shall have a right of action against such operator, owner, lessee or agent, and shall recover the full damages sustained; in case of death, such action to be brought by the administrator of his estate, within three years from the date of accident, the proceeds recovered to be divided among the heirs of the deceased, according to law.

The Congress of the United States passed a law of this nature in section 8 of chapter 196 of the acts of 1892-93, approved March 2, 1893. It is as follows:

SECTION 8. Any employee of any such common carrier [railroad companies engaged in interstate commerce] who may be injured by any locomotive, car, or train in use contrary to the provision of this act [providing for the placing of safety couplers and power brakes on engines and cars] shall not be deemed thereby to have assumed the risk thereby occasioned, although continuing in the employment of such carrier after the unlawful use of such locomotive, car, or train had been brought to his knowledge.

No case, either in a Federal or State court, has been found which directly construes the above section, but in two cases arising under the act of which said section is a part, the supreme court of North Carolina has held that the failure of a railroad company to apply safety couplers to its cars as required by the act is negligence *per se*, and that in such a case there can be no contributory negligence on the part of an injured employee which will discharge the liability of his employer.

As will be seen a majority of these acts, beginning with those passed by the legislature of California in 1872 and 1874 and ending with one passed in North Carolina in 1897, give a right of action to the person injured, as against the employer whose failure to comply with the law caused the injury, for all direct damages suffered by him, a few of

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them declaring in terms that such employer "shall be liable." This goes no further than the common law would have gone under the principle that the failure to perform the duties enjoined by law is negligence. But at common law no action can be maintained for a personal injury resulting in death, whether the death is caused by the negligence of an employer or anyone else, and on this point some of these statutes go beyond the common law, as they provide for maintaining an action for the death of the injured party—for example, those of Colorado, Illinois, Indiana, etc.

Other facts in regard to the above statutes may be noted, as follows: Colorado makes the fact that the law providing for frogs, etc., on the railroad track was not complied with prima facie evidence of negligence on the part of the corporation, company, or person responsible for such violation of the law, and Washington has the same provision in regard to the failure of operators of shingle mills to protect knot saws by metallic saw guards. Minnesota holds the employer liable in damages for failure to block the frogs, etc., on the railroad track; Wisconsin does the same, even though the negligence to which such failure was due was that of an agent or servant of the employer. Iowa, Massachusetts, Nebraska, and the United States decree that where the employer has failed to conform to the provisions of the law as to placing safety couplers and power brakes upon engines, cars, etc., the employee who was injured shall not be considered as having assumed the risk and waived his right to damages by continuing in the service of the employer after he had so failed to comply with the law. The District of Columbia and New Jersey give a right of action for the injury or death of an employee resulting from the failure of the employer to place fire escapes on factories, etc., in accordance with the provisions of the law, and Minnesota makes the employer liable for damages for injuries caused to engineers or firemen on railroads resulting from making them work longer than 18 hours in any one day.

DUTIES OF THE EMPLOYER.

Five States have enacted laws which state the common law upon the subject of the duties the employer owes his employees. They are California (sections 1969 to 1971, inclusive, of the civil code, Codes and Statutes of 1885), Minnesota (chapter 173, acts of 1895), Montana (sections 2660 to 2662, inclusive, of the civil code, Codes and Statutes of 1895, Sanders's edition), North Dakota (sections 4095 to 4097, inclusive, of the civil code, Revised Codes of 1895), and South Dakota (sections 3752 to 3754, inclusive, of the civil code, Compiled Laws of 1887). The statutes of California, Montana, North Dakota, and South Dakota are practically identical, being based upon a similar provision contained in the general codes prepared by the late distinguished lawyer, David

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Dudley Field, of New York. That of California, originally enacted March 27, 1872, will serve as a representation of them all, and reads as follows:

SECTION 1969. An employer must indemnify his employee, except as prescribed in the next section, for all that he necessarily expends or loses in direct consequence of the discharge of his duties as such, or of his obedience to the directions of the employer, even though unlawful, unless the employee, at the time of obeying such directions, believed them to be unlawful.

SEC. 1970. An employer is not bound to indemnify his employee for losses suffered by the latter in consequence of the ordinary risks of the business in which he is employed, nor in consequence of the negligence of another person employed by the same employer in the same general business, unless he has neglected to use ordinary care in the selection of the culpable employee.

SEC. 1971. An employer must in all cases indemnify his employee for losses caused by the former's want of ordinary care.

The remaining State, Minnesota, covers much the same ground in its statute approved April 23, 1895. Such statute is, however, couched in different language and goes somewhat further than the others, in that it defines the term "vice principal." It is as follows:

SECTION 1. Every master or employer in this State shall use reasonable care to provide the person or persons in his employ with reasonably safe, suitable and sufficient tools, implements and instrumentalities with which to do the master's work, and also use reasonable care to provide a reasonably safe and suitable place for his servants to perform the duties assigned to them by the master.

It shall also be the master's duty to use reasonable care to establish safe and suitable rules and regulations or methods for the performance of the work required of his servants, and to direct and supervise the performance of the work in a reasonably safe and prudent manner.

SEC. 2. Whenever a master or employer delegates to any one the performance of his duties which he, as master or employer owes to his servants, or any part or portion of such duties the person so delegated, while so acting for his master or employer shall be considered the vice principle [principal] and representative of the master.

The supreme court of California has said of section 1970, above, that the law of the State respecting the negligence of a fellow-servant, where there is no want of ordinary care upon the part of the employer, as set forth in said section, recognizes no distinction growing out of the grades of employment of the respective employees, nor does it give effect to the circumstance that the fellow-servant through whose negligence the injury was received was the superior of the injured employee in the general service in which they both were employed.

The supreme court of Minnesota has held that both under the common law and under the above act it is the duty of a master to use reasonable care to provide for the employee a safe place to work in and safe machinery and proper appliances for doing the work, and

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that this duty is an absolute one, which can not be delegated so as to relieve the employer from liability; and that if the safe place or safe machinery, etc., which the master has furnished is made unsafe by the negligence of his servants, whom he has selected with due care, such negligence is that of a fellow-servant for which the employer is not liable.

The statute of Montana was enacted February 19, 1895, while those of North Dakota and South Dakota were originally a part of an act of the Territory of Dakota, from which Territory both States were formed, approved February 17, 1877. The supreme court of the Territory declared in 1882, in the case of Herbert *v.* Northern Pacific Railroad Company, that the above-mentioned statutes were but an enactment of the common law upon the subject of employer's liability and do not change the rule. Said decision is binding in the two States.

COEMPLOYEES OR FELLOW-SERVANTS.

In addition to the laws presented and discussed above, many statutes have been enacted by the legislatures of numerous States which change the common-law liability and relax the strictness of the common-law rule as to coemployees or fellow-servants.

AFFECTING RAILROADS ONLY.

Most of these laws, however, affect but one class of employees, those employed by railroad companies, and the first legislation in this country which changed the common-law rule, and which was also the first legislation of any kind upon the subject of this article, applied in the case of the employees of railroads only. This was a statute enacted by the State of Georgia in 1856, which is now to be found in the two following sections of the Code of Georgia of 1895:

SECTION 2297. Railroad companies are common carriers, and liable as such. As such companies necessarily have many employees who can not possibly control those who should exercise care and diligence in the running of trains, such companies shall be liable to such employees as to passengers for injuries arising from the want of such care and diligence.

SEC. 2323. If the person injured is himself an employee of the company, and the damage was caused by another employee, and without fault or negligence on the part of the person injured, his employment by the company shall be no bar to the recovery [of damages].

As was said, these sections change the common-law rule only as regards railroad employees, and the legislature of Georgia has gone no further than this since their enactment. The constitutionality of these sections has been affirmed by the supreme court of the State in numerous cases. Said court has also held that to recover damages under these sections the injured employee must himself have been free

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from fault; in other words, that he must not have been guilty of negligence contributing to his injury, even though in performing the negligent act he was acting under orders of a superior; that the application of these sections is not confined alone to cases where the injuries complained of were connected with the "running of trains," and that the effect of the sections is to put the employees of railroads upon exactly the same plane, in respect to their right to recover damages for injuries that a nonemployee would be on under the common law.

By decisions rendered in 1888 and 1895 the United States circuit court for the northern district of Georgia decided that sections 2297 and 2323 above did not apply in the case of an injury to an employee of a receiver operating a railroad under direction of a court of equity. The supreme court of the State had previously made the same decision. In order to extend the benefits of these sections to the employees of all railroads operating in the State, the legislature, by act approved December 16, 1895, provided that the liability of all receivers and like officers operating railroads should be the same as that of railroad companies as fixed in these sections. Said act, being No. 224 of the acts of 1895, reads as follows:

SECTION 1. The liability of receivers, trustees, assignees, and other like officers operating railroads in this State, or partially in this State, for injuries and damages to persons in their employ, caused by the negligence of coemployees, shall be the same as the liability now fixed by the law governing the operation of railroad corporations in this State for like injuries and damages, and a lien is hereby created on the gross income of any such railroad while in the hands of any such receiver, trustee, assignee, or other person, in favor of such injured employees, superior to all other liens against defendant under the laws of this State.

SEC. 2. Suits may be brought against either of such officers in the same county, and service may be perfected by serving them or their agents in the same manner as if the suit had been brought against the corporation whose property or franchise is being operated by them, and all such suits may be brought without first having obtained leave to sue from any court.

The next law of this nature to be passed was enacted by the legislature of the State of Iowa in 1862, and is now contained in section 2071 of the Code of Iowa of 1897, which reads as follows:

SECTION 2071. Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of agents, or by any mismanagement of the engineers or other employees of the corporation, and in consequence of the willful wrongs, whether of commission or omission of such agents, engineers, or other employees, when such wrongs are in any manner connected with the use and operation of any railway, on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding.

As will be seen, this law puts the employee of a railroad company

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upon the same level in regard to his right to recover damages for injuries as are all other persons not employees. The supreme court of Iowa has affirmed the constitutionality of this act and has decided that it applies only in case of injuries due to accidents growing out of the use and operation of railroads, and is not intended to embrace all classes of railroad employees, but only to apply to those engaged directly in the business of operating the railway. In this respect its scope seems to be more limited than that of the Georgia statute above. Upon the question as to who may be considered as engaged in the operation of a railroad, the court has drawn the line quite strictly to those engaged in the actual movement and operation of trains and such work as is necessary to provide for the same.

It has also been decided that a receiver who is operating a railroad under the appointment and direction of a court of equity is included in the term "persons owning or operating railways" within the contemplation of this section. A recent amendment to this section is referred to on page 1208, below.

In the order of time of adopting a law of this class the State of Montana stands next, and its law was originally passed by the legislature of the Territory of Montana in 1873, having been approved May 7, 1873. In 1895, after the admission of Montana as a State of the Union, the same law was included in an edition of the codes and statutes adopted by act of the legislature approved February 19, 1895, as the law of the State. It forms a section of the civil code, and is as follows:

Section 905. In every case the liability of a [railroad] corporation to a servant or employee acting under the orders of his superior, shall be the same in cases of injury sustained by default or wrongful act of his superior, or to an employee not appointed or controlled by him, as if such servant or employee were a passenger.

In a decision rendered by the supreme court in November, 1895, it declared that the above statute established the principle that there is a difference in the grade of the employees in a common employment, and that it gave a right of action to a servant, injured through the negligence of a superior employee, against a master, when such injured servant was without fault or negligence on his part. Subsequently a rehearing of this case was had, and as a result thereof the court decided that this Territorial statute had been annulled by the provisions of the State constitution, for the reasons that it applied to domestic corporations only; that, therefore, it placed a greater burden upon domestic corporations than upon foreign ones operating in the State, and that being so, was necessarily in conflict with section 11 of article 15 of the constitution of the State, which prohibited the giving to any foreign corporation, or the exercise by the same, of any greater rights or privileges than those possessed by domestic corporations. In the sense as used above, the words "domestic" and "foreign" apply, the one to

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corporations created by the State of Montana, the other to corporations created outside said State, whether within the limits of the United States or not. From the above it is clear that said section, while a law of the Territory of Montana, never really became a law of the State, and Montana is, in effect, at the present time, without legislation changing the common-law rule.

In this particular kind of legislation Kansas modifies the common law in paragraph 1251 of the General Statutes of 1889, the original act having been approved March 4, 1874. The paragraph is in the following language:

PARAGRAPH 1251. Every railroad company organized or doing business in this State shall be liable for all damages done to any employee of such company in consequence of any negligence of its agents, or by any mismanagement of its engineers or other employees to any person sustaining such damage.

The supreme court of Kansas has repeatedly held this act to be constitutional; it has decided that the statute affects only those persons engaged in the hazardous business of railroading; that it has changed the rule as to the employer's liability for the negligence of employees, and has made railroad companies liable to one employee for injuries caused by the negligence of a coemployee, but the act or conduct, knowledge or notice for which the company is responsible in any given case must be that of some employee having duty or authority in the premises; that the application of this statute is not limited to cases where the injuries were caused in the movement of trains, and that a receiver or other officer operating a railroad under authority of a court is liable to the same extent as are railroad companies under this law.

The court also held that contributory negligence of the injured employee will bar a recovery of damages under this statute as it does under the common law, and that the paragraph applies to every railroad organized in the State or doing business in the State, but that its provisions do not include firms, partnerships, or individuals having servants or employees engaged in work upon the road or trains of a railroad corporation.

Wisconsin next, by chapter 173, acts of 1875, enacted legislation of this class. The language of the act was as follows:

Every railroad corporation shall be liable for all damages sustained by any agent or servant thereof by reason of the negligence of any other agent or servant thereof, without contributory negligence on his part, when sustained within this State, or when such agent or servant is a resident of and his contract of employment was made in this State, and no contract, rule or regulation between any such corporation and any agent or servant shall impair or diminish such liability.

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This act was repealed by chapter 232, acts of 1880, and from that time until 1889 the courts of the State were governed by the common-law rule.

A new law on this subject was enacted in chapter 438, acts of 1889, which was rather more limited in its application than the former law, as it embraced only those cases where the injury complained of was caused by the negligence of any employee having charge or control of "any stationary signal, target point, block or switch."

This act was in turn repealed by chapter 220, acts of 1893, the present law of the State upon this subject. Said act was approved April 17, 1893, and is expressed in the following words:

Section 1. Every railroad or railway company operating any railroad or railway, the line of which shall be in whole or in part within this State, shall be liable for all damages sustained within this State by any employee of such company, without contributory negligence on his part; first, when such injury is caused by any defect in any locomotive, engine, car, rail, track, machinery or appliance required by said company to be used by its employees in and about the business of such employment, when such defect could have been discovered by such company by reasonable and proper care, tests or inspection, and proof of such defect shall be presumptive evidence of knowledge thereof on the part of such company; second, or while any such employee is so engaged in operating, running, riding upon or switching, passenger or freight or other trains, engines or cars, and while engaged in the performance of his duty as such employee, and which such injury shall have been caused by the carelessness or negligence of any other employee, officer or agent of such company in the discharge of, or for failure to discharge his duties as such.

Sec. 3. No action or cause of action now existing shall be affected by this act.

Sec. 4. No contract, receipt, rule or regulation between any employee and a railroad company, shall exempt such corporation from the full liability imposed by this act.

In interpreting this statute the supreme court of Wisconsin holds that it applies only in cases where the injured employee is one of that class engaged in operating moving trains, engines, and cars, and who was injured while actually so engaged. The court has also held that contributory negligence of the injured employee is a proper defense under this statute as it is at common law.

In this group of States which have passed special legislation affecting the liability of railroad companies, Massachusetts comes next, and in an amendment to section 212 of chapter 112 of the Public Statutes of 1882, the amending act being approved June 16, 1883, its legislature enacted the following:

And if an employee of such corporation [railroad] being in the exercise of due care is killed under such circumstances as would have entitled the deceased to maintain an action for damages against such corporation, if death had not resulted, the corporation shall be liable

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in the same manner and to the same extent as it would have been if the deceased had not been an employee.

It is clear that this law did not so change the rule of the common law as to make the railroad company liable for the death of an employee caused by the negligence of a fellow-servant, and, in fact, the supreme court of the State has expressly so decided. It does nothing more than to give the right to the heirs or legal representatives of a deceased employee to maintain an action for damages for his death, a right which did not exist at common law, in such cases as would have entitled him to have recovered damages for his injuries had he lived.

Minnesota was next in order to pass a law of this character in an act approved February 24, 1887, and now contained in section 2701 of the General Statutes of Minnesota of 1894. Said section is as follows:

SECTION 2701. Every railroad corporation owning or operating a railroad in this State shall be liable for all damages sustained by any agent or servant thereof by reason of the negligence of any other agent or servant thereof, without contributory negligence on his part, when sustained within this State, and no contract, rule, or regulation between such corporation and any agent or servant shall impair or diminish such liability: *Provided*, That nothing in this act shall be so construed as to render any railroad company liable for damages sustained by any employee, agent, or servant while engaged in the construction of a new road, or any part thereof, not open to public travel or use.

In language this somewhat resembles the Iowa law above, although not containing the Iowa provision limiting the application of the law to those cases where the injuries were "connected with the use and operation" of the road. The supreme court of the State has, however, decided that the application of the statute is so limited, and that unless the employee was engaged in the operation of the road when injured he can not recover damages under this section. It has also held distinctly and on numerous occasions that damages can be recovered under this section when the negligence, which was the proximate cause of the injury, was that of a fellow-servant. Two other points have been settled by the same court to the effect that the act does not apply to street railways, and that it does include within its provisions a receiver operating a railroad under the appointment and direction of a court of equity as well as "railroad corporations."

In this connection Minnesota has enacted a statute which stands by itself as the only law of its kind in this country. It is chapter 324, acts of 1895, was approved April 24, 1895, and reads as follows:

SECTION 1. In any action where a verdict is hereafter rendered awarding damages on account of the negligence of a coemployee or coemployees, fellow-servant or fellow-servants of the injured party, the court, upon request of either party, made before the case is submitted to the jury, shall direct the jury to name and it shall be their

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duty to name in their verdict such coemployee or coemployees, fellow-servant or fellow-servants, if the evidence shall disclose their name or names; and if the evidence does not disclose the name or names, then such coemployee or coemployees, fellow-servant or fellow-servants shall be designated by words of description, having reference to class of service, nature of employment or otherwise, so as to identify them as far as possible under the evidence.

Provided further, That this act shall not apply to cases where the name or description of such person or persons is not disclosed by the evidence.

This act can only apply in the case of suits against railroad companies, as only against such companies can verdicts be legally rendered which award damages on account of the negligence of fellow-servants. Its object appears to be to fix the responsibility for the negligence which caused the injury upon some particular employee or employees for the benefit of the railroad company.

Next to follow Minnesota in the order of legislating upon this subject was the State of Florida which, in an act approved June 7, 1887, provided that if an employee of a railroad company was injured without fault or negligence on his part, and the damage was caused by another employee, his employment by the railroad company should be no bar to his recovery of damages. By an amendment approved May 4, 1891, the wording of the act was changed so as to limit the injuries for which damages can be recovered in such cases to those caused "by the running of the locomotives, or cars, or other machinery" of the railroad company. The following, to be found on page 1008 of the Revised Statutes of 1892, is the law in its present form:

SECTION 3. If any person is injured by a railroad company by the running of the locomotives, or cars, or other machinery of such company, he being at the time of such injury an employee of the company, and the damage was caused by negligence of another employee, and without fault or negligence on the part of the person injured, his employment by the company shall be no bar to a recovery. No contract which restricts such liability shall be legal or binding.

The supreme court of Florida has decided that under the provisions of this statute an employee of a railroad company can not recover damages from such company for injuries sustained by him on account of the negligence of another employee, unless wholly without fault himself, even though in performing the act that resulted in the injury he was acting under the orders of a superior.

Ohio's law, the next in order of passage, is contained in section 3 of an act passed April 2, 1890, to be found on page 149, acts of Ohio of 1890. It is in language as follows:

SECTION 3. In all actions against the railroad company for personal injury to, or death resulting from personal injury, of any person, while in the employ of such company, arising from the negligence of such company or any of its officers or employees, it shall be held in addition

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to the liability now existing by law, that every person in the employ of such company, actually having power or authority to direct or control any other employee of such company, is not the fellow-servant, but superior of such other employee, also that every person in the employ of such company having charge or control of employees in any separate branch or department, shall be held to be the superior and not fellow-servant of employees in any other branch or department who have no power to direct or control in the branch or department in which they are employed.

The next State to pass a law of this character, affecting railroad companies only, was Mississippi, and in section 193 of its present constitution, adopted November 1, 1890, it greatly relaxed the severity of the common-law rule, and declared that the legislature might extend the benefits provided therein to any other class of employees. Said section is in the following language:

SECTION 193. Every employee of any railroad corporation shall have the same right and remedies for any injuries suffered by him from the act or omission of said corporation or its employees, as are allowed by law to other persons not employees, where the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of the party injured, and also when the injury results from the negligence of a fellow-servant engaged in another department of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured, of the defective or unsafe character or condition of any machinery, ways, or appliances, shall be no defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars, or engines voluntarily operated by them. Where death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, express or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation or his legal or personal representative, of any right or remedy that he now has by the law of the land. The legislature may extend the remedies herein provided for to any other class of employees.

The supreme court of Mississippi, in a case decided in 1892, held that this section abolished the defense of contributory negligence in actions against railroad companies by employees for damages for injuries, unless the negligence was willful or reckless. In a later case, decided in 1895, it held that the statute did not go so far as to abolish this defense, but merely abrogated the common-law rule to the effect that knowledge by the employee of the defective or unsafe character of the machinery or appliances should preclude his recovery of damages for an injury. It has also been decided by the court that an engineer or conductor of a train while engaged in the routine duties of operating the train can not be considered to be "the superior agent or officer"

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or "the person having the right to control or direct the services" within the meaning of the section.

In the Code of Mississippi, edition of 1892, which was adopted as official by the legislature of that year, first appears, in section 3559, what was practically a duplicate of section 193 of the constitution. By a subsequent amendment, passed by the legislature in 1896, the form of this section was changed, and it was made to apply against all classes of corporations, not being confined to railroads alone. This law will be discussed further along.

In this group of States Texas next appears, having passed an act, approved March 10, 1891, and amended in 1893, which defines the meaning of the terms "vice principal" and "fellow-servant" in the case of railroad companies, changing the common-law rule thereon. Said act is now contained in the following sections of the Revised Statutes of Texas of 1895:

SECTION 4560f. All persons engaged in the service of any railway corporation, foreign or domestic, doing business in this State, or in the service of a receiver, manager, or of any person controlling or operating such corporation, who are intrusted by such corporation, receiver, or person in control thereof, with the authority of superintendence, control, or command of other persons in the employment of such corporation, or receiver, manager, or person in control of such corporation, or with the authority to direct any other employee in the performance of the duty of such employee, are vice principals of such corporation, receiver, manager, or person controlling the same, and are not fellow-servants of such employee.

SEC. 4560g. All persons who are engaged in the common service of such railway corporation, receiver, manager, or person in control thereof, and who, while so employed, are in the same grade of employment and are working together at the same time and place, and to a common purpose, neither of such persons being intrusted by such corporation, receiver, manager, or person in control thereof, with any superintendence or control over their fellow-employees, or with the authority to direct any other employee in the performance of any duty of such employee, are fellow-servants with each other: *Provided*, That nothing herein contained shall be so construed as to make employees of such corporation, receiver, manager, or person in control thereof, fellow-servants with other employees engaged in any other department or service of such corporation, receiver, manager, or person in control thereof. Employees who do not come within the provisions of this section shall not be considered fellow-servants.

SEC. 4560h. No contract made between the employer and employee, based upon the contingency of death or injury of the employee, limiting the liability of the employer under this act, or fixing damages to be recovered, shall be valid and binding.

The supreme court of Texas has affirmed the constitutionality of this statute. It decided that the original act did not include the employees of a receiver of a railroad, but the amendment of 1893, approved May 4, 1893, provided that it should so apply. In decisions rendered in

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1895 and 1896 the court held that the act did not include street railways within its provisions, and in 1897, by an act approved June 18, of that year, the legislature enacted a law very similar to the above, but applying to street railways as well as to trunk lines. Said act, being chapter 6 of the acts of 1897, is as follows:

SECTION. 1. Every person, receiver, or corporation operating a railroad or street railway the line of which shall be situated in whole or in part in this State, shall be liable for all damages sustained by any servant or employee thereof while engaged in the work of operating the cars, locomotives, or trains of such person, receiver, or corporation, by reason of the negligence of any other servant or employee of such person, receiver, or corporation, and the fact that such servants or employees were fellow-servants with each other shall not impair or destroy such liability.

SEC. 2. All persons engaged in the service of any person, receiver, or corporation, controlling or operating a railroad or street railway the line of which shall be situated in whole or in part in this State, who are intrusted by such person, receiver, or corporation with the authority of superintendence, control, or command of other servants or employees of such person, receiver, or corporation, or with the authority to direct any other employee in the performance of any duty of such employee, are vice principals of such person, receiver, or corporation, and are not fellow-servants with their coemployees.

SEC. 3. All persons who are engaged in the common service of such person, receiver, or corporation, controlling or operating a railroad or street railway, and who while so employed are in the same grade of employment and are doing the same character of work or service and are working together at the same time and place and at the same piece of work and to a common purpose, are fellow-servants with each other. Employees who do not come within the provisions of this section shall not be considered fellow-servants.

SEC. 4. No contract made between the employer and employee based upon the contingency of death or injury of the employee and limiting the liability of the employer under this act or fixing damages to be recovered shall be valid or binding.

SEC. 5. Nothing in this act shall be held to impair or diminish the defense of contributory negligence when the injury of the servant or employee is caused proximately by his own contributory negligence.

SEC. 6. The short duration of the special session of the legislature, and the fact that the existing fellow-servant law is inadequate to accomplish its purposes, and the fact that a large portion of our citizens have no adequate remedy for personal injuries sustained, create an emergency, and an imperative public necessity exists, that the constitutional rule requiring bills to be read on three several days be, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

This act would appear to practically supersede the older law, but as it contains no repealing clause, either general or special, the older law must be considered, in theory at least, still in force.

The next law of this character was passed by the Territory of New Mexico and was approved February 17, 1893. It is now contained in

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the three following sections of the Compiled Laws of New Mexico of 1897:

SECTION 3216. Every corporation operating a railway in this Territory shall be liable in a sum sufficient to compensate such employee for all damages sustained by any employee of such corporation, the person injured or damaged being without fault on his or her part, occurring or sustained in consequence of any mismanagement, carelessness, neglect, default or wrongful act of any agent or employee of such corporation, while in the exercise of their several duties, when such mismanagement, carelessness, neglect, default or wrongful act of such employee or agent could have been avoided by such corporation through the exercise of reasonable care or diligence in the selection of competent employees, or agents, or by not overworking said employees or requiring or allowing them to work an unusual or unreasonable number of hours; and any contract restricting such liability shall be deemed to be contrary to the public policy of this Territory and therefore void.

SEC. 3217. It shall be unlawful for any such corporation knowingly and willfully to use or operate any car or locomotive that is defective, or any car or locomotive upon which the machinery or attachments thereto belonging are in any manner defective, or shops or machinery and attachments thereof which are in any manner defective, which defects might have been previously ascertained by ordinary care and diligence by said corporation.

If the employee of any such corporation shall receive any injury by reason of such defect in any car or locomotive or machinery or attachments thereto belonging, or shops or machinery and attachments thereof, owned and operated, or being run and operated by such corporation, through no fault of his own, such corporation shall be liable for such injury, and upon proof of the same in an action brought by such employee or his legal representatives, in any court of proper jurisdiction, against such railroad corporation for damages on account of such injury so received, shall be entitled to recover against such corporation any sum commensurate with the injuries sustained: *Provided*, That it shall be the duty of all the employees of railroad corporations to promptly report all defects coming to their knowledge in any such car or locomotive or shops or machinery and attachments thereof to the proper officer or agent of such corporation and after such report the doctrine of contributory negligence shall not apply to such employee.

SEC. 3218. Whenever the death of an employee shall be caused under circumstances from which a cause of action would have accrued under the provisions of the two preceding sections, if death had not ensued, an action therefor shall be brought in the manner provided by section 2310 of the Compiled Laws of New Mexico, as amended by chapter XLIX of the Session Laws of 1891 of New Mexico, and any sum recovered therein shall be subject to all of the provisions of said section 2310 as so amended.

This act differs in form from most of those preceding, and apparently does not wholly do away with the common law fellow-servant rule, but only holds the railroad corporation liable when the negligence of the employee on account of which the injury was incurred could have been avoided by the use of reasonable care and diligence by the corporation. It also makes it unlawful for the corporation to use defective

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cars or locomotives, defective machinery and attachments thereto, and to operate defective shops or machinery and attachments thereof, and makes the corporation liable for injuries incurred by employees which were due to such use and operation, providing the defects might have been ascertained by the corporation by the use of ordinary care and diligence. No decisions of the supreme court of the Territory bearing upon this statute can be found.

By act approved February 28, 1893, the State of Arkansas next fell in line and removed railroad employees from the operation of the fellow-servant rule of the common law. This statute was practically a copy of the original Texas statute of 1891, above referred to, and is now to be found in the three following sections of the Digest of Arkansas of 1894:

SECTION 6248. All persons engaged in the service of any railway corporations, foreign or domestic, doing business in this State, who are intrusted by such corporation with the authority of superintendence, control or command of other persons in the employ or service of such corporation, or with the authority to direct any other employee, in the performance of any duty of such employee, are vice principals of such corporation, and are not fellow-servants with such employee.

SEC. 6249. All persons who are engaged in the common service of such railway corporations, and who, while so engaged, are working together to a common purpose, of same grade, neither of such persons being intrusted by such corporations with any superintendence or control over their fellow-employees, are fellow-servants with each other; *Provided*, Nothing herein contained shall be so construed as to make employees of such corporation in the service of such corporation fellow-servants with other employees of such corporation engaged in any other department or service of such corporation. Employees who do not come within the provisions of this section shall not be considered fellow-servants.

SEC. 6250. No contract made between the employer and employee based upon the contingency of the injury or death of the employee limiting the liability of the employer under this act, or fixing damages to be recovered, shall be valid and binding.

In three recent cases the supreme court of the State has held that under this statute if neither of two employees of a railroad company has superintendence over the other they are fellow-servants, and the corporation is not liable for an injury to one caused by the negligence of the other, but if one of them did exercise such superintendence or control then he is a vice principal, for whose negligence the corporation is liable. Under this interpretation an engineer was held to be a vice principal as to his fireman and the foreman of a section gang a vice principal as to the members of the gang.

By section 15 of article 9 of its present constitution, ratified December 4, 1895, South Carolina seems to have made her first departure from the common-law rule, and provided that railroad companies

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should be liable for the injuries of their employees when, in any particular case, the injury resulted from the negligence of (1) a superior agent or officer, (2) a person having the right to control or direct the services of the injured party, or (3) a fellow-servant engaged in another department of labor from that of the party injured, or engaged on another train of cars or about another piece of work.

This statute appears in full below:

SECTION 15. Every employee of any railroad corporation shall have the same rights and remedies for any injury suffered by him from the acts or omissions of said corporation or its employees as are allowed by law to other persons not employees, when the injury results from the negligence of a superior agent or officer, or of a person having a right to control or direct the services of a party injured, and also when the injury results from the negligence of a fellow-servant engaged in another department of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work. Knowledge by any employee injured of the defective or unsafe character or condition of any machinery, ways or appliances shall be no defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from any injury to employees, the legal or personal representatives of the person injured shall have the same right and remedies as are allowed by law to such representatives of other persons. Any contract or agreement, expressed or implied, made by any employee to waive the benefit of this section shall be null and void; and this section shall not be construed to deprive any employee of a corporation, or his legal or personal representative, of any remedy or right that he now has by the law of the land. The general assembly may extend the remedies herein provided for to any other class of employees.

Next in order of passage in this class of laws is the statute of Missouri, to be found on page 96 of the acts of 1897, and approved February 9, 1897. The last three sections of this act are quite similar to the acts, previously discussed, of Texas and Arkansas defining vice principals and fellow-servants, and the first section resembles the laws of Iowa and Minnesota already referred to. Said act reads as follows:

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

SEC. 2. All persons engaged in the service of any such railroad corporation doing business in this State, who are intrusted by such corporation with the authority of superintendence, control or command of other persons in the employ or service of such corporation, or with the authority to direct any other servant in the performance of any duty of such servant, or with the duty of inspection or other duty

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owing by the master to the servant, are vice principals of such corporation, and are not fellow-servants with such employees.

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

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

The reporters as yet contain no decisions of the supreme court of Missouri which interpret or construe this statute.

In the order of time of enacting legislation of this character North Carolina comes next, and its statute, being chapter 56 of Vol. II, acts of North Carolina of 1897 (Private Laws) was ratified February 23, 1897. This act permits an employee of any railroad company who has been injured, owing to the negligence of a fellow-servant, or, in case of his death from such injuries, his personal representative, to maintain an action against the company. Its wording is as follows:

SECTION 1. Any servant or employee of any railroad company operating in this State, who shall suffer injury to his person, or the personal representative of any such servant, or employee who shall have suffered death, in the course of his services or employment with said company by the negligence, carelessness or incompetency of any other servant, employee or agent of the company, or by any defect in the machinery, ways or appliances of the company shall be entitled to maintain an action against such company.

SEC. 2. Any contract or agreement expressed or implied, made by any employee of said company to waive the benefit of the aforesaid section, shall be null and void.

The supreme court of North Carolina has sustained the constitutionality of this act, and has decided that it is a public act in spite of the fact that it was published by the State among the private acts of the year 1897.

The last of the States, up to this time, to pass a law of this nature, confined in its application to railroads, is North Dakota. Its statute, chapter 129 of the acts of 1899, was approved March 6, 1899, and is in the following language:

SECTION 1. Every railroad corporation owning or operating a railroad in this State shall be liable for all damages sustained by any

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agent or servant thereof while engaged in switching or in the operation of trains by reason of the negligence of any other agent or servant thereof, without contributory negligence on his part when sustained within this State, and no contract, rule or regulation between such corporation and any agent or servant shall impair or diminish such liability. In actions brought under the provisions of this act, if the jury find for the plaintiff they shall specify in their verdict the name or names of the employee or employees guilty of the negligent act complained of.

The common-law rule is relaxed by this statute only when the injury complained of was incurred "in switching or in the operation of trains" and the last provision of the act to the effect that the jury must name the coemployee or coemployees to whose negligence the injury was due, is contained in the law of but one other State, Minnesota, as shown on page 1179, above.

GENERAL IN APPLICATION.

As will have been noted, the laws which have been quoted and discussed above modify the common-law rule as to the employers' liability for injuries caused by the negligence of a coemployee or fellow-servant only in those cases where the servants injured are in the employ of railroad companies and corporations. A number of the States have passed laws of this nature which go much further, and apply not only in the case of railroad employees but to many or all classes of employees. Of these Alabama, in an act approved February 12, 1885, was the first to make so radical a departure from the common law. Said statute, being originally act No. 51 of the acts of 1884-85, and having been later rewritten and its wording changed by the compilers of the Code of Alabama of 1886, is now contained in three sections of the State code of 1897, which read as follows:

SECTION 1749. When a personal injury is received by a servant or employee in the service or business of the master or employer, the master or employer is liable to answer in damages to such servant or employee, as if he were a stranger, and not engaged in such service or employment, in the cases following:

1. When the injury is caused by reason of any defect in the condition of the ways, works, machinery, or plant connected with, or used in the business of the master or employer.

2. When the injury is caused by reason of the negligence of any person in the service or employment of the master or employer, who has any superintendence intrusted to him, whilst in the exercise of such superintendence.

3. When such injury is caused by reason of the negligence of any person in the service or employment of the master or employer, to whose orders or directions the servant or employee, at the time of the injury, was bound to conform, and did conform, if such injuries resulted from his having so conformed.

4. When such injury is caused by reason of the act or omission of any person in the service or employment of the master or employer,

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done or made in obedience to the rules and regulations or by-laws of the master or employer, or in obedience to particular instructions given by any person delegated with the authority of the master or employer in that behalf.

5. When such injury is caused by reason of the negligence of any person in the service or employment of the master or employer, who has the charge or control of any signal, points, locomotive, engine, switch, car, or train upon a railway, or of any part of the track of a railway.

But the master or employer is not liable under this section, if the servant or employee knew of the defect or negligence causing the injury, and failed in a reasonable time to give information thereof to the master or employer, or to some person superior to himself engaged in the service or employment of the master or employer, unless he was aware that the master or employer, or such superior already knew of such defect or negligence; nor is the master or employer liable under subdivision one, unless the defect therein mentioned arose from, or had not been discovered or remedied owing to the negligence of the master or employer, or of some person in the service of the master or employer, and intrusted by him with the duty of seeing that the ways, works, machinery, or plant, were in proper condition.

SEC. 1750. Damages recovered by the servant or employee, of and from the master or employer, are not subject to the payment of debts, or any legal liabilities incurred by him.

SEC. 1751. If such injury results in the death of the servant or employee, his personal representative is entitled to maintain an action therefor, and the damages recovered are not subject to the payment of debts or liabilities, but shall be distributed according to the statute of distributions.

This act, as far as it goes, is a substantial copy of the well-known English act of 1880. It applies to all classes of employees with no exceptions. While the first clause of section 1749 goes but a little further than the common law, which imposed a positive duty upon the employer of providing a safe place in which to work, safe tools, appliances, etc., and rendered him liable for negligence in this respect, either his own or that of anyone to whom he had intrusted the performance of any of his positive duties, the four remaining clauses go far beyond the rule of the common law. This act makes the employer liable for the negligence of the following classes of servants:

1. Persons intrusted by the employer with the duty of seeing that the ways, works, machinery, or plant are in proper order.

2. Persons who have any superintendence intrusted to them by their employer.

3. Persons authorized to give the order or direction which occasioned the injury.

4. Persons acting in obedience to rules, regulations, or by-laws, obedience to which caused the accident.

5. Persons obeying particular instructions given by any persons duly authorized in that behalf by the employer.

6. Persons in charge of any signal, points, locomotives, engines,

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switches, cars, or trains upon a railway or upon any part of a track of a railway.

Said act also provides that damages recovered by the servant or employee from his employer are not subject to the payment of his debts or legal liabilities, and that if the injuries result in the death of the employee an action may be maintained by his personal representatives.

In cases arising under this statute the supreme court of Alabama has decided that contributory negligence of the injured employee is as good a defense under the statute as it was at common law; that the common-law doctrine of *volenti non fit injuria* is not changed by the provisions of this law, and that an employee, with knowledge of a defect in the "ways, works, machinery, or plant," who continues in the service of the employer after the lapse of a reasonable time for its remedy, assumes the risk incident to such defect and can not recover for injuries which he receives in consequence thereof; that if the defect which was the cause of the injury was a hidden or latent one which could not have been discovered or remedied with reasonable care and inspection the employer is not liable, and that the common-law rule to the effect that it is a sufficient fulfillment of the employer's duty to adopt such machinery or appliances as are in ordinary use by prudently conducted concerns engaged in like business and surrounded by like circumstances applies also in cases arising under this act.

The court has also held that a servant injured in another State by the negligence of a fellow-servant, under such circumstances as would create no right of action against the employer under the law of said State, can not recover against said employer in Alabama, although the contract of employment was entered into and the services partly performed in Alabama.

The act declares that the employer is liable to the employee "as if he was a stranger, and not engaged in such service or employment."

In construing this clause the supreme court has said that "the purpose of the statute is to protect the employee against the special defenses growing out of and incidental to the relation of employer and employee, and the result is to take from the employer such special defenses, but to leave him all the defenses which he has by the common law against one of the public, not a trespasser nor a bare licensee."

The State of Massachusetts next, in chapter 270, acts of 1887, enacted by its legislature a statute of this character, and very similar to the Alabama statute, although differing in details. This law was approved May 14, 1887, and, as amended to date, it reads as follows:

SECTION 1 (as amended by chapter 260, acts of 1892, and by chapter 359, acts of 1893, and by chapter 499, acts of 1894). Where, after the passage of this act, personal injury is caused to an employee, who is himself in the exercise of due care and diligence at the time:—(1) By

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reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer or of any person in the service of the employer and intrusted by him with the duty of seeing that the ways, works or machinery were in proper condition; or (2) by reason of the negligence of any person in the service of the employer, intrusted with and exercising superintendence, whose sole or principal duty is that of superintendence, or, in the absence of such superintendent, of any person acting as superintendent with the authority or consent of such employer; or (3) by reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad, the employee, or in case the injury results in death the legal representatives of such employee, shall have the same right of compensation and remedies against the employer as if the employee had not been an employee of nor in the service of the employer, nor engaged in its work. And in case such death is not instantaneous, or is preceded by conscious suffering, said legal representatives may in the action brought under this section, except as hereinafter provided, also recover damages for such death. The total damages awarded hereunder, both for said death and said injury, shall not exceed five thousand dollars, and shall be apportioned by the jury between the legal representatives and the persons, if any, entitled under the succeeding section of this act, to bring an action for instantaneous death. If there are no such persons then no damages for such death shall be recovered, and the damages, so far as the same are awarded for said death, shall be assessed with reference to the degree of culpability of the employer herein, or the person for whose negligence he is made liable. A car in use by or in the possession of a railroad company shall be considered a part of the ways, works or machinery of the company using or having the same in possession, within the meaning of this act, whether such car is owned by it or by some other company or person.

Sec. 2. Where an employee is instantly killed or dies without conscious suffering, as the result of the negligence of an employer, or of the negligence of any person for whose negligence the employer is liable under the provisions of this act, the widow of the deceased, or in case there is no widow, the next of kin, provided that such next of kin were at the time of the death of such employee dependent upon the wages of such employee for support, may maintain an action for damages therefor and may recover in the same manner, to the same extent, as if the death of the deceased had not been instantaneous, or as if the deceased had consciously suffered.

Sec. 3 (as amended by chapter 155, acts of 1888, and by chapter 260, acts of 1892). Except in actions brought by the personal representatives under section one of this act to recover damages for both the injury and death of an employee, the amount of compensation receivable under this act in cases of personal injury shall not exceed the sum of four thousand dollars. In case of death which follows instantaneously or without conscious suffering, compensation in lieu thereof may be recovered in not less than five hundred and not more than five thousand dollars, to be assessed with reference to the degree of culpability of the employer herein, or the person for whose negligence he is made liable; and no action for the recovery of compensation for

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injury or death under this act shall be maintained, unless notice of the time, place and cause of the injury is given to the employer within sixty days, and the action is commenced within one year, from the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing, signed by the person injured or by some one in his behalf; but if from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in said section, he may give the same within ten days after such incapacity is removed, and in case of his death without having given the notice and without having been for ten days at any time after his injury of sufficient capacity to give the notice, his executor or administrator may give such notice within sixty days after his appointment. But no notice given under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of the injury: *Provided*, It is shown that there was no intention to mislead, and that the party entitled to notice was not in fact misled thereby.

SEC. 4. Whenever an employer enters into a contract, either written or verbal, with an independent contractor to do part of such employer's work, or whenever such contractor enters into a contract with a subcontractor to do all or any part of the work comprised in such contractor's contract with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor, by reason of any defect in the condition of the ways, works, machinery or plant, if they are the property of the employer, or furnished by him, and if such defect arose or had not been discovered or remedied, through the negligence of the employer or of some person intrusted by him with the duty of seeing that they were in proper condition.

SEC. 5. An employee or his legal representatives shall not be entitled under this act to any right of compensation or remedy against his employer in any case where such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer, who had intrusted to him some general superintendence.

SEC. 6. Any employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employee for personal injuries for which compensation may be recovered under this act, or to any relief society formed under chapter two hundred and forty-four of the acts of the year eighteen hundred and eighty-two, as authorized by chapter one hundred and twenty-five of the acts of the year eighteen hundred and eighty-six, may prove, in mitigation of the damages recoverable by an employee under this act, such proportion of the pecuniary benefit which has been received by such employee from any such fund or society on account of such contribution of said employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto.

SEC. 7. This act shall not apply to injuries caused to domestic servants, or farm laborers, by other fellow-employees, * * *.

This does not apply, as did the Alabama statute, to all classes of employees, but excepts from its operation, by its own terms, domestic servants and farm laborers. It makes the employers liable for the negligence of the following classes of servants only:

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1. Persons intrusted by the employer with the duty of seeing that the ways, works, or machinery were in proper condition.

2. Persons intrusted with and exercising superintendence whose sole and principal duty is that of superintendence.

3. Persons acting as superintendent with the authority and consent of the employer.

4. Persons in charge of any signal, switch, locomotive engine, or train upon a railroad.

In this respect, also, the act is narrower than the Alabama act, as it does not make the employer liable for the negligence of as many classes of employees.

In its provisions allowing damages for the death of the injured employee, and allowing damages for the injuries to be collected by the legal representatives of the employee in case of his death, this statute is more liberal than any other passed by other States. And no other State except Colorado, as will be seen later on, has a similar provision to that contained in section 4 of this act, which makes the employer liable in damages for the injuries of an employee of his contractor or subcontractor.

The supreme court of Massachusetts has held that clause 1 of section 1 of the employers' liability act, above, does not give a right of action against an employer for injuries sustained by an employee through the negligence of a fellow-servant in handling or using a machine, tool, or appliance which is in itself in proper condition; that it is not necessary, in order to render an employer liable for an injury occurring to an employee through a defect in the ways, works, or machinery, that said ways, etc., should belong to him, if it at least appear that he has control of them, and that they are used in his business, by his authority, express or implied; that loaded freight cars received by a railroad company from and belonging to other roads, to be hauled by such company over part of its road in due course of business, are a part of the works and machinery of such company within the meaning of said clause; that a track in the yard of a third party, owned, maintained, and repaired by him, and used by a railroad under contract with him for the delivery of freight in the yard is no part of the railroad's "ways" under this clause; that an unsuitableness of ways, works, or machinery for the work intended to be done, and actually done, by means of them, is a defect within the meaning of this clause, although the ways, etc., are perfect of their kind, in good repair, and suitable for some other work done in the employer's business; that even if there was a defect in the ways, etc., yet an employee can not recover, under this clause, unless his injury was caused by the defect; that under this clause the employer is not required to furnish the safest or best known machinery in use, or that with the latest improvements as to safety appliances, but he performs his full duty

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when he furnishes machinery which is reasonably safe, and adapted to the purpose for which it is used; that the words "ways" and "works" in this clause apply only to ways and works of a permanent or quasi-permanent character. It has also decided in regard to clause 2 of section 1 that the negligence for which this clause makes the employer liable is that of a person not only intrusted with but exercising superintendence, and that the employer is not answerable for the negligence of a superintendent, who, at the time of, and in doing the act complained of, is not exercising superintendence, but is engaged in mere manual labor, or the duties of a common workman; that evidence that an employee exercised some acts of superintendence within a narrow scope of employment will not warrant a finding that his "sole or principal" duty was that of superintendence; that the fact that the negligent employee has the charge or control of the ways, works, or machinery does not make him a superintendent within this clause; that the failure of a superintendent to take proper precautions to protect employees who are engaged in the process of constructing the defendant's ways, works, or machinery is negligence under this clause; that where the injury was caused by the negligence of a superintendent the employer can not escape liability by showing that his own act contributed to the injury; that the temporary absence of the superintendent from his post of duty may be negligence under this clause in spite of the rule that the negligence must occur during the exercise of superintendence; that under this clause it is no defense to show that the superintendent was a careful workman or that the employer had exercised due care in selecting him, and that the fact that the injured employee is not subject to the orders or under the superintendence of the superintendent whose negligence caused the injury will not prevent a recovery of damages under this clause. Again, as to clause 3 of section 1, the court has decided that a locomotive and one or more cars, connected together and run upon a railroad constitute a "train" within the meaning of this clause, as is also a number of cars coupled together and moving from one point to another from an impetus imparted by a locomotive which has been detached; that a street railway car, operated by electricity upon a street railway track is not a locomotive engine or train upon a railroad within the meaning of this clause; that a locomotive engine at rest upon the rails of a railroad roundhouse, where it had been left for temporary repairs, is not "upon a railroad" within this clause; that to constitute a person one in "charge or control" of a train, etc., within this clause it is not necessary that he should have the general or usual charge or control of any signal, etc., but it is sufficient if he have charge or control for a temporary purpose, or for the time being; that by the words "any person * * * who has charge or control" is meant a person who, for the time being at least, has immediate authority to direct the

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movements and management of the train as a whole, and of the men engaged upon it; that it is not necessary that the person in charge or control should have any particular office.

Under the provisions in the last part of the first section of this act the legal representatives of a deceased employee are empowered to sue for and recover damages for the conscious suffering of the deceased from the time of his injury to his death, and also, if he left a widow, or dependent next of kin, to recover damages for such death as a substantive cause of action. The damages recovered for the conscious suffering of the deceased have been held to constitute assets of his estate, and are therefore subject to the claims of his creditors and to the operation of his will, while the damages recovered for the death itself belong to the widow or next of kin. Section 2 of the act provides for the recovery of damages for the death of an employee who is instantly killed or dies without conscious suffering, and the supreme court has decided that "the effect of such provisions as to the distribution of the damages is to say that they shall not be assets for the payment of debts, and shall not pass by the will of the deceased, but shall be applied to the compensation of the persons who are presumed to have suffered the most by the death of the person injured; that if no widow or dependent next of kin are in existence upon the death of the employee instantly or without conscious suffering, no action for such death can be maintained under this section." In regard to the third section the court has held that the "next of kin dependent upon the wages of such employee for support" need not come within the class of persons whom the deceased, if able, was legally bound to support, but the fact of dependence is sufficient. As to the fourth section its meaning has been declared by the supreme court to be that the employer shall be liable when a contractor does part of his work and an employee of the contractor is injured by reason of a defect in the condition of the ways, etc., furnished by the employer to the contractor which has not been discovered or remedied through the negligence of the employer, or of some person intrusted by him with the duty of seeing that they were in proper condition, and that section 5 does not require an employee to prove his ignorance of danger, or the fact that he gave information concerning the same, before he can recover, but puts the burden of the proof to the contrary upon the defendant.

In connection with this act and as interpreting the meaning of the word "train" and the phrase "person in charge or control," etc., contained in clause 3 of section 1 of this act, the legislature enacted chapter 491 of the acts of 1897, which was approved June 10, 1897, and is expressed in the following words:

SECTION 1. One or more cars in motion, whether attached to an engine or not, shall constitute a train within the meaning of clause

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three of section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven [the employers' liability act] and acts in addition thereto or in amendment thereof.

SEC. 2. Any person who, as a part of his duty for the time being, physically controls or directs the movements of a signal, switch or train shall be deemed to be a person in charge or control of a signal, switch or train within the meaning of clause three of section one of chapter two hundred and seventy of the acts of the year eighteen hundred and eighty-seven and acts in addition thereto or in amendment thereof.

In 1893, two States, Indiana and Colorado, by acts approved March 4, and April 8, respectively, enacted similar law to that contained in the statutes of Alabama and Massachusetts above. The Indiana statute in its present form, as it is to be found in the Annotated Statutes of Indiana of 1894, is as follows:

SECTION 7083. Every railroad or other corporation, except municipal, operating in this State, shall be liable for damages for personal injury suffered by any employee while in its service, the employee so injured being in the exercise of due care and diligence, in the following cases:

First. When such injury is suffered by reason of any defect in the condition of ways, works, plant, tools and machinery connected with or in use in the business of such corporation, when such defect was the result of negligence on the part of the corporation, or some person intrusted by it with the duty of keeping such way, works, plant, tools or machinery in proper condition.

Second. Where such injury resulted from the negligence of any person in the service of such corporation, to whose order or direction the injured employee at the time of the injury was bound to conform, and did conform.

Third. Where such injury resulted from the act or omission of any person done or made in obedience to any rule, regulation or by-law of such corporation, or in obedience to the particular instructions given by any person delegated with the authority of the corporation in that behalf.

Fourth. Where such injury was caused by the negligence of any person in the service of such corporation who has charge of any signal, telegraph office, switch yard, shop, roundhouse, locomotive engine or train upon a railway, or where such injury was caused by the negligence of any person, coemployee or fellow-servant engaged in the same common service in any of the several departments of the service of any such corporation, the said person, coemployee or fellow-servant, at the time acting in the place, and performing the duty of the corporation in that behalf, and the person so injured, obeying or conforming to the order of some superior at the time of such injury, having authority to direct; but nothing herein shall be construed to abridge the liability of the corporation under existing laws.

SEC. 7085. The damages recoverable under this act, shall be commensurate with the injury sustained unless death results from such injury, when, in such case, the action shall survive and be governed in all respects by the law now in force as to such actions: *Provided*, That where any such person recovers a judgment against a railroad or other corporation, and such corporation takes an appeal, and, pending such

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appeal, the injured person dies, and the judgment rendered in the court below be thereafter reversed, the right of action of such person shall survive to his legal representatives.

SEC. 7086. In case any railroad corporation which owns or operates a line extending into or through the State of Indiana and into or through another or other States, and a person in the employ of such corporation, a citizen of this State, shall be injured as provided in this act, in any other State where such railroad is owned or operated, and a suit for such injury shall be brought in any of the courts of this State, it shall not be competent for such corporation to plead or prove the decisions or statutes of the State where such person shall have been injured as a defense to the action brought in this State.

SEC. 7087. All contracts made by railroads or other corporations with their employees, or rules or regulations adopted by any corporation releasing or relieving it from liability to any employee having a right of action under the provisions of this act are hereby declared null and void. The provisions of this act however shall not apply to any injuries sustained before it takes effect, nor shall it affect in any manner any suit or legal proceedings pending at the time it takes effect.

This law applies only to corporations, excepting municipal, and not in those cases where the employer is an individual or an unincorporated company. Within the sphere of its operation it renders all employers liable for the negligence of the same classes of employees as does the Alabama statute, and it does not limit the amount of damages to be recovered as does the Massachusetts act. It also provides that where death ensues from the injury the action shall survive.

The supreme court of Indiana has decided the above statute to be constitutional and valid; that it does not impose liability upon the employer for injuries resulting from the act or omission of the party injured, but that such party must be free from fault, and that a failure of the employee to show such freedom from fault would result in defeating an action under the act. It will be noted that the fourth clause of the first section makes an employer liable for the "negligence of any person * * * who has charge of any * * * switch yard," etc., while the acts of Alabama and Massachusetts, above, and of Colorado, soon to be discussed, use the term "switch." It was urged upon the supreme court that it was intended by the legislature that a comma should have been placed between the words "switch" and "yard," that making the sense and meaning of the clause to be that the employer should be held liable for the negligence of a person in charge of a switch or of a yard; but the court held that the words meant the same as "railroad yard," and that the employer could not be held liable under this act for the negligence of a person in charge of a switch.

The Colorado act, forming chapter 77 of the acts of 1893, is as follows:

SECTION 1. Where, after the passage of this act, personal injury is caused to an employee, who is himself in the exercise of due care and

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diligence at the time: (1) By reason of any defect in the condition of the ways, works or machinery connected with or used in the business of the employer, which arose from or had not been discovered or remedied owing to the negligence of the employer, or of any person in the service of the employer, and intrusted by him by with the duty of seeing that the ways, works and machinery were in proper condition; or (2) By reason of the negligence of any person in the service of the employer, intrusted with or exercising superintendence whose sole or principal duty is that of superintendence. (3) By reason of the negligence of any person in the service of the employer who has the charge or control of any switch, signal, locomotive engine or train upon a railroad, the employee, or in case the injury results in death the parties entitled by law to sue and recover for such damages shall have the same right of compensation and remedy against the employer, as if the employee had not been an employee of or in the service of the employer or engaged in his or its works.

Sec. 2. The amount of compensation recoverable under this act, in case of a personal injury resulting solely from the negligence of a coemployee, shall not exceed the sum of five thousand dollars. No action for the recovery of compensation for injury or death under this act shall be maintained unless written notice of the time, place and cause of the injury is given to the employer within sixty days, and the action is commenced within two years from the occurrence of the accident causing the injury or death. But no notice given under the provisions of this section shall be deemed invalid or insufficient solely by reason of any inaccuracy in stating the time, place or cause of injury: *Provided*, It is shown that there was no intention to mislead, and that the party entitled to notice was not in fact misled thereby.

Sec. 3. Whenever an employee enters into a contract, either written or verbal, with an independent contractor to do part of such employer's work, or whenever such contractor enters into a contract with a subcontractor to do all or a part of the work comprised in such contract or contracts with the employer, such contract or subcontract shall not bar the liability of the employer for injuries to the employees of such contractor or subcontractor, by reason of any defect in the condition of the ways, works, machinery or plant, if they are the property of the employer or furnished by him, and if such defect arose or had not been discovered or remedied through the negligence of the employer or of some person intrusted by him with the duty of seeing that they were in proper condition.

Sec. 4. An employee or those entitled by law to sue and recover, under the provisions of this act, shall not be entitled under this act to any right of compensation or remedy against his employer in any case where such employee knew of the defect or negligence which caused the injury, and failed within a reasonable time to give or cause to be given information thereof to the employer or to some person superior to himself in the service of his employer, who had intrusted to him some general superintendence.

Sec. 5. If the injury sustained by the employee is clearly the result of the negligence, carelessness or misconduct of a coemployee the coemployee shall be equally liable under the provisions of this act, with the employer, and may be made a party defendant in all actions brought to recover damages for such injury. Upon the trial of such action, the court may submit to and require the jury to find a special

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verdict upon the question as to w[h]ether the employer or his vice principal was or was not guilty of negligence proximately causing the injury complained of; or w[h]ether such injury resulted solely from the negligence of the coemployee, and in case the jury by their special verdict find that the injury was solely the result of the negligence of the employer or vice principal, then and in that case the jury shall assess the full amount of plaintiff's damages against the employer, and the suit shall be dismissed as against the employee; but in case the jury by their special verdict find that the injury resulted solely from the negligence of the coemployee, the jury may assess damages both against the employer and employee.

Like the Alabama act this statute applies to employees of all classes of employers, whether individuals, companies, or corporations. It renders the employer liable for the negligence of only four classes of employees, the same as enumerated in discussing the Massachusetts statute above, and it further resembles the statute of Massachusetts in that it limits the amount of damages to be recovered and declares the employer liable to the employees of a contractor or subcontractor. It contains one provision unlike any in the statutes of the States previously mentioned to the effect that the coemployee through whose negligence the injury was caused shall be equally liable with the employer, and may be made a party defendant in all actions, and that damages may be assessed against the employer alone, or against both the employer and employee. In the recent case of Mitchell *v.* Colorado Milling and Elevator Company it was sought by a mother to recover damages for the death of her son, an employee of the company, under the provisions of section 2 of this act, and the court of appeals of Colorado in its decision held that no part of the act applied to or in any manner affected the right to recover or the recovery of damages sustained by any person other than an agent, servant, or employee of the party against whom a recovery is sought. In the course of its decision it used the following language:

The title of the * * * act is decisive of this case. It is "An act concerning damages sustained by agents, servants, and employees." This action is not founded upon any damages sustained by either an agent, servant, or employee, nor does it seek to recover any such. The damages sought to be recovered were those solely sustained and suffered by the plaintiff, who was neither an agent, servant, or employee of the defendant. It is true that the damages accrued to her by reason of the death of an employee, but they did not accrue to the employee, nor were they sustained or suffered by him. Again, and as conclusive of this case, * * * section 21 of article 5 of the constitution of the State provides that "No bill except general appropriation bills shall be passed containing more than one subject, which shall be clearly expressed in its title; but if any subject shall be embraced in any act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed." It is clearly manifest, therefore, that this act of 1893 is obnoxious to this provision of the constitution in so far as it attempts to regulate,

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restrict, or in any manner affect actions like those at bar, to recover damages by one who was in no capacity in the employ of the defendant.

Upon appeal of this case to the supreme court of the State this view of the statute was overruled, and the court said:

If, in the title to the act, * * * the word "damages" is used in its technical sense to express simply compensation for injuries received, or the amount which the injured party is entitled to recover, the construction given to the title by the court of appeals is manifestly correct. If, on the other hand, we give to it the meaning with which it is frequently used, and of which it is also susceptible as a law term, as expressing "the injury for which compensation is sought;" in other words, as synonymous with "injuries," the title sufficiently expresses the subject treated in the body of the act. We are inclined to accept the latter view, and for the purpose of this review assume the act to be constitutional.

The succeeding State to legislate in this line was Utah, which included its law in chapter 24 of the acts of 1896, approved February 21, 1896. This act is patterned upon the model of the Texas "fellow-servant act" above, but it is not confined, as is that act, to railroad employees, but applies in the case of employees of "any person, firm, or corporation." It defines vice principals and fellow-servants, including within the former title many who, under the common law, would have been classed with the latter, making the fact of control over or power to command the employee the test. Its language is as follows:

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

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

Section 3559 of the annotated Code of Mississippi of 1892 was practically identical with section 193 of the constitution of Mississippi, previously noted, and confined the departure from the common-law rule to the case of railroad employees. By an amendment made in an

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act approved March 11, 1896, the reading of said section was so changed as to make it apply in the case of the employees of all corporations. In its present form, as again amended by chapter 66, acts of 1898, approved January 31, 1898, it is given below:

SECTION 3559 (as amended by chapter 87, acts of 1896, and chapter 66, acts of 1898). Every employee of any corporation shall have the same rights and remedies for an injury suffered by him from the act or omission of the corporation or its employees, as are allowed by other persons not employees where the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of the party injured; and also when the injury results from the negligence of a fellow-servant engaged in another department of labor from that of the party injured, or of a fellow-servant on another train of cars, or one engaged about a different piece of work. Knowledge by an employee injured of the defective or unsafe character or condition of any machinery, ways or appliances, or of the improper loading of cars, shall not be defense to an action for injury caused thereby, except as to conductors or engineers in charge of dangerous or unsafe cars or engines voluntarily operated by them. When death ensues from an injury to an employee an action may be brought in the name of the widow of such employee for the death of the husband, or by the husband for the death of his wife, or by the parent for the death of a child, or in the name of the child for the death of an only parent, for such damages as may be suffered by them respectively by reason of such death, the damages to be for the use of such widow, husband or child, except that in case the widow should have children the damages shall be distributed as personal property of the husband. The legal or personal representative of the person injured shall have the same rights and remedies as are allowed by law to such representatives of other persons. In every such action the jury may give such damages as shall be fair and just with reference to the injury resulting from such death to the persons suing. Any contract or agreement, expressed or implied, made by an employee to waive the benefit of this section shall be null and void; and this section shall not deprive an employee of a corporation or his legal personal representative of any right or remedy that he now has by law.

It appears that this act recognizes and lays down the principle of different departments of labor in the same business and that an employee does not assume the risk of the negligence of a coemployee engaged in a different department of labor from himself. This principle, as has already been mentioned, was engrafted into the common law by the courts of several of the States, notably Ohio and Kentucky, but has been repudiated as a common-law principle by the Supreme Court of the United States. This statute also provides that the knowledge by the employee of the unsafe condition of machinery, etc., shall be no defense, excepting in certain specifically enumerated cases, and that in case of the death of the employee the widow, husband, next of kin, and legal representatives, as the case may require, may recover damages. This subject of the bringing of suits to recover damages for the

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death of an employee is treated more fully in an act first passed in 1880 and forming section 663 of the Annotated Code of Mississippi of 1892. This law as amended by acts approved March 23, 1896, and January 27, 1898, is in form as follows:

SECTION 1. Whenever the death of any person shall be caused by any real, wrongful or negligent act, or omission, or by such unsafe machinery, way or appliances, as would, if death had not ensued, have entitled the party injured or damaged thereby to maintain an action and recover damages in respect thereof, and such deceased person shall have left a widow or children, or both, or husband, or father, or mother or sister, or brother, the person or corporation, or both, that would have been liable if death had not ensued, and the representative of such person shall be liable for damages, notwithstanding the death, and the fact that death is instantaneous, shall, in no case, affect the right of recovery. The action for such damages may be brought in the name of the widow for the death of the husband, or by the husband for the death of the wife, or by a parent for the death of a child, or in the name of a child for the death of a parent, or by a brother for the death of a sister, or by a sister for the death of a brother, or by a sister for the death of a sister, or a brother for the death of a brother, or all parties interested may join in the suit, and there shall be but one suit for the same death, which suit shall inure for the benefit of all parties concerned, but the determination of such suit shall not bar another action unless it be decided on its merits. In such action the party or parties suing shall recover such damages as the jury may, taking into consideration all damages of every kind to the decedent and all damages of every kind to any and all parties interested in the suit. Executors or administrators shall not sue for damages for injury causing death except as below provided; but every such action shall be commenced within one year after the death of such deceased person.

SEC. 2. This act shall apply to all personal injuries of servants or employees received in the service or business of the master or employer, where such injuries result in death.

SEC. 3. Damages recovered under the provisions of this act shall not be subject to the payment of the debts or liabilities of the deceased, and such damages shall be distributed as follows: Damages for the injury and death of a married man shall be equally distributed to his wife and children, and if he has no children all shall go to his wife; damages for the injury and death of a married woman shall be equally distributed to the husband and children, and if she has no children all shall go to the husband; if the deceased has no husband nor wife, the damages shall be distributed equally to the children; if the deceased has no husband, nor wife, nor children, the damages shall be distributed equally to the father, mother, brothers and sisters, or to such of them as the deceased may have living at his or her death. If the deceased have neither husband, or wife, or children, or father, or mother, or sister, or brother, then the damages shall go to the legal representatives, subject to debts and general distribution, and the executor may sue for and recover such damages on the same terms as are prescribed for recovery by the next of kin in section 1, of this act, and the fact that deceased was instantly killed shall not affect the right of the legal representative to recover.

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SEC. 4. All suits pending in any court at the time of the approval of this act and which were also pending at the time said chapter went into effect, shall not be affected by any of its provisions; but all such suits shall be conducted and concluded under the laws in force prior to the time of the approval of said act, on March 23, 1896.

No other States have passed laws similar to those just discussed above.

CONTRACTS RELIEVING THE EMPLOYER FROM LIABILITY.

In order to avoid the effect of the law of employers' liability both common and statute, it has become more or less the custom among employers to require of an employee as a condition of employment the making of a contract relieving the employer from the liability imposed by the law. In England it has been held that it is not contrary to the policy of the employers' liability act to waive the benefit of the same by contract, and that such contract is binding not only upon the employee himself but also upon his representatives in case of his death.

The supreme court of the State of Alabama, whose statute is, as has been noted, much the same as the English statute, holds a contrary view, and in a case heard in 1890 it decided that a stipulation in a contract of employment to the effect that the compensation paid "shall cover all risks incurred and liability to accident from any cause whatever, and if an employee is disabled by accident or other cause, the right to claim compensation for injuries will not be recognized," was in contravention to the provisions of the statute, opposed to public policy, and did not secure to the railroad company, in whose interest the stipulation in the contract had been made, exemption from statutory liability. A similar decision was rendered by the supreme court of the State of Kansas in 1883 when it held that a railroad company can not contract in advance with its employees for the waiver and release of the statutory liability imposed by its liability act upon every railroad company organized or doing business in the State, and a contract in contravention of the act is void and no defense to an action brought by an employee of a railroad company for damages done to him in consequence of the negligence or mismanagement of a coemployee.

Irrespective of statute, it has generally been held by the courts of the United States that a contract made in advance, whereby an employee agrees to release and discharge his employer from liability for any injury he may receive by reason of the negligence of his employer, or of his servants, is contrary to public policy, and void. This principle has been announced by a Federal court in the following well-chosen language: "As a general proposition, it is unquestionably true that an employer can not relieve itself from responsibility to an employee for an injury resulting from his own negligence by any contract entered into for that purpose before the happening of the injury."

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A contrary rule to the above prevailed in the State of Georgia. In a decision rendered by the supreme court of that State in 1873 it was held that where an employee of a railroad company, by special written contract, made at the time he was employed, and in consideration of said employment, agreed "to take upon himself all risks connected with or incident to his position on the road, and that he would in no case hold the company liable for any damage he might sustain by accidents or collisions on the trains or road, or which may result from the negligence, or carelessness, or misconduct of himself or other employee or person connected with such road, or in the service of the company," such a contract, so far as it did not waive any criminal neglect of the company or its principal officers, was a legal contract and binding upon the employee, and in effect waived all his rights under the law. In other words, the court held that it was legal for an employee to contract with his employer, before the happening of an injury caused by the negligence of the employer, to relieve such employer of all liability in damages for said injury.

STATUTES FORBIDDING SUCH CONTRACTS GENERALLY.

If the above ruling of the Georgia court is a correct interpretation of the law, a little thought will make it clear that an employer of labor might refuse employment to a would-be employee unless he would sign a contract of this nature; and, either for this or some other reason, the legislature of the State, by act approved December 16, 1895, declared such contracts to be null and void. The act, No. 184 of the acts of Georgia of 1895, is in the following language:

SECTION 1. * * * All contracts between master and servant, made in consideration of employment, whereby the master is exempted from liability to the servant arising from the negligence of the master or his servants, as such liability is now fixed by law, shall be null and void as against public policy.

It will be seen that this law is general in its terms, and declares contracts to be null and void which exempt the employer from the liability as "now fixed by law," not confining the prohibition to the contracts exempting an employer from the liability as defined by any particular statute.

Another act as general in its application as that of Georgia, above, is a statute of the State of Massachusetts, which, prior to the passage of its employers' liability act, by section 3 of chapter 101, acts of 1877, enacted a law providing that no employer should by special contract with persons in his employ exempt himself from liability for injuries of such persons which resulted from his negligence, etc. Said statute has continued to be the law of the State, and is to be found at the present time in section 6 of chapter 508 of the acts of 1894, approved June 22, 1894. Its language is as follows.

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SECTION 6. No person or corporation shall, by a special contract with persons in his or its employ, exempt himself or itself from any liability which he or it might be under to such persons for injuries suffered by them in their employment and which result from the employer's own negligence or from the negligence of other persons in his or its employ.

But one other State, Ohio, has a statute of this nature, and that, while general in the sense that it declares void an agreement to waive the right to damages for injuries which arise under either statute or common law, is still restricted in its application to contracts made by railroad employees. This statute is contained in section 1 of an act passed April 2, 1890, to be found on page 149 of the acts of Ohio of 1890. It reads as follows:

SECTION 1. It shall be unlawful for any railroad or railway corporation or company owning and operating, or operating * * * a railroad in whole or in part in this State, to adopt or promulgate any rule or regulation for the government of its servants or employees, or make or enter into any contract or agreement with any person engaged in or about to engage in its service, in which, or by the terms of which, such employee in any manner, directly or indirectly, promises or agrees to hold such corporation or company harmless, on account of any injury he may receive by reason of any accident to, breakage, defect or insufficiency in the cars or machinery and attachments thereto belonging, upon any cars so owned and operated, or being run and operated by such corporation, or company being defective, and any such rule, regulation, contract or agreement shall be of no effect. * * * And no railroad company, insurance society or association, or other person shall demand, accept, require, or enter into any contract, agreement, stipulation with any person about to enter, or in the employ of any railroad company whereby such person stipulates or agrees to surrender or waive any right to damages against any railroad company, thereafter arising for personal injury or death, or whereby he agrees to surrender or waive in case he asserts the same, any other right whatsoever, and all such stipulations and agreements shall be void, and every corporation, association or person violating or aiding or abetting in the violation of this section shall for each offense forfeit and pay to the person wronged or deprived of his rights hereunder the sum not less than fifty dollars ($50) nor more than five hundred dollars ($500) to be recovered in a civil action.

This act has been declared unconstitutional by the court of common pleas of Warren County, Ohio, on the ground that it violated section 1 of article 1 of the constitution of the State, as interfering with the right of private contract, and in a case decided in 1896 by the United States circuit court for the northern district of Ohio, the same decision was made, and the court held that this statute, in denying to the employees of a railroad corporation the right to make their own contracts concerning their own labor, is depriving them of "liberty," and of the right to exercise the privileges of manhood, "without due process of law;" that, being directed solely to employees of railroads, it is

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class legislation of the most vicious character, and that for the above reasons the statute is unconstitutional. This decision does not seem to accord with the common-law principle, above referred to, to the effect that a contract made in advance, whereby an employee agrees to release and discharge his employer from liability for any injury he may receive, due to said employer's negligence or that of his servants, is null and void.

STATUTES FORBIDDING SUCH CONTRACTS WHERE THE LIABILITY IS IMPOSED BY STATUTE.

Many of the States have included in their statutes regulating the liability of the employer a provision to the effect that no contract restricting the liability imposed by the statute, or waiving the benefit of the same, shall be legal or binding. They are Arkansas, Florida, Indiana, Iowa, Minnesota, Mississippi, Missouri, New Mexico, North Carolina, North Dakota, South Carolina, Texas, and Wisconsin, to be found on pages 1185, 1180, 1197, 1175, 1179, 1181, 1201, 1187, 1184, 1187, 1188, 1186, 1182, 1183, 1177, and 1178, above, respectively.

An examination of these laws will reveal the fact that, in addition to declaring the illegality of a contract of this nature, the laws of Indiana, Minnesota, North Dakota, and Wisconsin include under the same ban any "rule or regulation" exempting the employer from full liability under the act.

RELIEF ASSOCIATIONS.

It will be seen by a reference to section 1 of the act of Ohio passed April 2, 1890, on page 1205, above, that the last paragraph of the same provides that "no railroad company, insurance society or association, * * * shall demand, accept, require, or enter into any contract * * * with any person about to enter, or in the employ of any railroad company whereby such person stipulates or agrees to surrender or waive any right to damages * * * thereafter arising for personal injury or death," etc. This paragraph appears to be aimed at a practice which has grown up in recent years, and which is now quite common, among railroad companies at least. It may be described briefly as follows: A relief association is organized by a railroad corporation, designed to furnish money benefits and often free hospital treatment to employees of such corporation when disabled by accident or sickness and to provide a certain sum of money for their families upon their death. Its affairs are exclusively under the management of the corporation which contributes to its funds. A certain proportion of the wages of each employee who is a member of such association is retained by the company and turned over to the benefit fund of the association. It has become the custom to include in the application for membership in such association the following or a sim-

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ilar agreement on the part of the employee: "The said applicant agrees that, in consideration of the contributions of the said company to the relief and hospital department, and of the guaranty by it of the payment of the benefits aforesaid, the acceptance of the benefits from the said relief and hospital department for injury or death shall operate as a release of all claims against said company for damages by reason of such injury or death." Many of these applications, in addition to the above agreement, contain the following: "And I, or my legal representatives, will execute such further instrument as may be necessary formally to evidence such acquittance." This sort of an agreement, contained as it usually is in the printed application for membership which must be signed by each employee who desires to join such association, is evidently designed to relieve the railroad corporation of its legal liability for damages for injuries, and at first thought seems plainly antagonistic to the principles of the common law and the provisions of the various statutes which prohibit contracts, etc., waiving the employer's liability.

Such agreements, coupled with the fact of the actual acceptance of aid from the benefit fund after receipt of injury, have frequently been set up as matter of defense in suits brought against railroad companies for damages for injuries. The result of the decisions of the courts of different States seems to be to hold such contracts valid. It has been generally held that while a contract by which an employer attempts to relieve himself from a future liability for injuries or death of an employee would be void as against public policy and frequently as being in violation of statute, yet the agreements or contracts now being considered are not of that class, but are only contracts for a choice between sources of compensation for the injury, where but a single source of compensation existed prior to the making of such a contract; that such an agreement recognizes that enforceable liability may arise, and only stipulates that, if the employee shall prosecute a suit to final judgment against the company, he shall thereby forfeit his right to the relief fund, and, if he accepts compensation from the relief fund, he shall thereby forfeit his right of action against the company, and that it is the final choice, the acceptance of one against the other, that gives validity to the transaction.

In the case previously referred to, in which the Ohio statute forbidding the making of a contract by an employee with a railroad company, in which he waives any future right to damages which might arise, was declared unconstitutional by the United States circuit court (see page 1205, above), the court in its decision used the following language:

It will be observed that it is the acceptance of benefits from this relief fund which, by the agreement, releases the railroad company from a claim for damages. If the employee injured does not accept

such benefits, but chooses to sue for damages, his right of action is unimpaired and in no respect waived. This is the case as presented by the pleadings and admitted facts. It is not a question of whether a railroad company, by contract with its employees, can exempt itself from suits for personal injuries caused by its negligence. That, as a general rule, can not be done.

In a similar case involving a contract of this kind and its legality, when tested by the provisions of section 7087 of the Annotated Statutes of 1894 (see page 1197, above), the supreme court of Indiana held that "the contract forbidden by the statute is one relieving the company from liability for the future negligence of itself and employees. The contract pleaded does not provide that the company shall be relieved from liability. It shows that if disabled * * * by the fault of the corporation, he (the injured employee) may, after injury, elect whether he will accept the benefits from the fund or pursue his remedy at law against the company, and that when he signs the contract the only obligation assumed is that, if injured by the fault of the corporation, he will not seek double compensation by pursuing both the relief fund and the company."

In deciding upon the validity of a contract or agreement of this nature the supreme court of Iowa has held that it was a legal and binding contract, not void as being against public policy, and not invalid under the concluding clause of section 2071 of the Code of 1897 (see page 1175, above). Subsequent to the rendering of this decision, and apparently for the purpose of preventing the making of such agreements, chapter 49 of the acts of 1898, amending section 2071, above referred to, was passed by the State legislature and was approved March 8, 1898. It reads as follows:

SECTION 1. Section number two thousand and seventy-one of the code [shall] be amended by adding at the end thereof the following: 'Nor shall any contract of insurance, relief, benefit, or indemnity in case of injury or death, entered into prior to the injury, between the person so injured and such corporation, or any other person or association acting for such corporation, nor shall the acceptance of any such insurance, relief, benefit, or indemnity by the person injured, his widow, heirs, or legal representatives after the injury, from such corporation, person, or association, constitute any bar or defense to any cause of action brought under the provisions of this section, but nothing contained herein shall be construed to prevent or invalidate any settlement for damages between the parties subsequent to injuries received.'

This legislation stands by itself, as no other State has so far attempted by statute to declare, as does this amendment, that such an agreement and the acceptance of benefits from a relief fund shall constitute no bar to any cause of action, etc. Whether such a provision can stand the test of constitutionality may well be doubted, and it will be interesting to observe whether, should the question come up in the courts, it

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will not be held to deny to the employees affected thereby the right to make contracts, and consequently to deprive them of liberty, etc., without due process of law. In the sixth section of the employers' liability act (chapter 270, acts of 1887—see page 1192, above), the State of Massachusetts attacks the subject of how far the acceptance of benefits by an employee from a fund to which his employer has contributed should relieve such employer from liability for injury of said employee, and provides that such employer may prove in mitigation of the damages recoverable by an employee "such proportion of the pecuniary benefit which has been received by such employee from any such fund or society on account of such contribution of said employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto." No case appears to have been decided in the courts of Massachusetts in which the validity of such an agreement as that now being considered was called in question, and it can not therefore be stated with certainty whether the above provision of section 6 would preclude the employer from escaping all liability in case an employee had agreed to elect between the benefit fund of a relief association or a suit for damages against the employer.

The supreme court of Nebraska has decided that such a contract of an employee did not lack consideration; that the promise made by the employee to the relief department for the benefit of the railroad company was available to the latter as a cause of action or defense; that such contract was not contrary to public policy; that the effect of such contract was not to enable the railroad company to exonerate itself by contract from liability for the negligence of itself or servants; that the employee did not waive his right of action against the railroad company, in case he should be injured by its negligence, by the execution of the contract; and that it is not the execution of the contract that estops the injured employee, but his acceptance of moneys from the relief department on account of his injury after his cause of action against the railroad on account thereof arises.

The supreme courts of the States of Illinois, New Jersey, and South Carolina have also rendered decisions upholding the legality of such agreements or contracts as those we have been considering, and no decision of the highest court of any State can be found which holds to a contrary view.

CONCLUSION.

The above is believed to be a fairly clear and comprehensive statement of the present state of the law of employers' liability in the United States. Owing to the multiplicity of the statutes passed by the legislatures of the different States, together with the fact that they are all applied and interpreted by courts composed of many different individuals whose intellectual faculties do not all work in the same groove,

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and whose judgments, therefore, do not always coincide, and also to the further fact that in no two cases are the facts precisely the same, there is always an uncertainty as to the outcome in each particular action brought for the recovery of damages for injuries.

For the above reason it is no doubt true that many cases are compromised or are dropped altogether by employees rather than to incur the expense of a suit at law and to risk the uncertain outcome thereof; and on the other hand many employers are put to much trouble and expense in defending suits which never should have been brought, the employees having, as the results demonstrated, no legal case.

That this condition of affairs—this uncertainty as to whether the law affords a remedy—can ever be improved while the human intellect continues to be fallible and the present line of legislation continues to be followed is greatly to be doubted, and it is this fault of the law in its application which led to the radical changes in the plan of legislation which have been made by Great Britain in her recent workman's compensation act and by Germany in her law of compulsory insurance against accidents.

Whether legislation upon these lines, viz, the making the employer responsible for all injuries of his employees, regardless of the question of the employer's negligence, as has been done in England and other countries, and the system of compulsory insurance of the employees against accidents, as adopted in Germany, will ever be adopted in this country or not, or whether some other and at present unknown remedy for the faults of the present system will be discovered and formulated in legislation is a question which the future only can determine. No special agitation toward this end has been made in any State of the Union, nor has any such legislation yet been enacted. If any radical changes in the plan of legislation upon this subject are made it seems most probable that they will come about through action of the State legislatures and not of the Federal Congress.

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CONDITION OF RAILWAY LABOR IN ITALY.

BY DR. LUIGI EINAUDI.

The present article treats of the condition of railway labor in Italy. The reader will notice quite a difference between this article and the one relating to the condition of railway labor in other countries of Europe (Bulletin No. 20). The most important reason for this difference must be found in the railway legislation enacted in Italy in the year 1884.

The railways in Italy were originally in the hands of private companies. The Government gradually acquired them all, some on one ground, some on another, and administered them directly. The system of governmental administration of the railways, however, does not appear to have been satisfactory, and for this reason the so-called "conventions" or contracts were made in 1884. By the terms of these contracts the railways remained the property of the State, and were divided into three great systems: The Mediterranean system, which includes the railways running toward the Tyrrhenian Sea and the Mediterranean Sea or the western part of the peninsula; the Adriatic system, which includes the railways running toward the Adriatic Sea or the eastern part of the peninsula, and the Sicilian system, which comprises all the railways of Sicily.

These three systems were turned over to the management of three companies, which were called the Mediterranean, Adriatic, and Sicilian companies, respectively. The lease of these governmental railways to the companies was for a term of sixty years, beginning with July 1, 1885. However, at the end of each period of twenty years the State as well as the companies can abrogate the contract, and in that case the railways will revert to the State. The State as proprietor owns the lines, the stations, and the rolling stock, and provides for the extension of the system, the maintenance of that now existing, the purchasing of new rolling stock, etc. The companies must provide for the current expenses of operating the roads. Of the gross income 32½ per cent goes to the State and 67½ per cent to the operating companies.

As can be seen from this short review of the railway contracts now in force in Italy, the existing relations between the State, the companies, and the railway employees are necessarily very complicated.

1. It will be observed that the principal result of this arrangement is that the State, not operating the railways directly, finds it to its advantage not to renew the rolling stock which it must pay for, and, on the other hand, the companies find it to their interest to reduce the

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operating expenses as much as possible without regard to the condition of the railways at the expiration of the contract. The companies, therefore, find it to their advantage to reduce the number of employees and to depart from the fixed wage lists which were established before 1885, and which according to the terms of the contract were to remain intact. Great difficulty, therefore, is met with in trying to obtain data relating to wages, and such information as has been obtained is imperfect and incomplete. This difficulty exists notwithstanding the fact that during the year 1899 the commission of inquiry on the relations between the railway employees and the companies presented its report in four large volumes, from which have been taken most of the facts used in the present article. The companies publish only such documents as can not injure them, and those documents throw very little light on the condition of the Italian railway employees.

2. The tendency of the companies to economize on the railway personnel has led to the adoption of systems of remuneration which help to increase the amount of labor performed by the individual employee and to diminish the cost of that labor. Of these systems some, like the supplementary wage system and the task system, are still used by nearly all other European railways, but there is one system which outside of Italy seems to have been adopted only, and that to a slight extent, by the Austrian Southern Railway (Südbahn), but which in Italy has acquired the greatest importance, viz, the system of gain-sharing in the stations. This system presents some new characteristics, and as this is a highly interesting form of remuneration of labor, it has been thought worth while to devote considerable space to its discussion. It is believed that it may prove of value to those who occupy themselves with the problems of labor and the methods of dividing the total products of industry between labor and capital.

3. The tendency of the companies to introduce economies in all branches of the railway service has led to a discontent which pervades all the railway employees. Although it is a fact that railway employees are better paid than other Italian workingmen, they still contend that they are being robbed by the companies who have obtained the railway concessions. The most important external manifestations of discontent are shown by the organization of railway labor and by strikes. To these two points have been assigned two special subdivisions. For the present it may be simply mentioned that Italian railway employees are placed in a peculiar position both as to organization of labor and as to strikes. In theory Italian workingmen are permitted to organize and to strike, and this might also be conceded to railway employees in the service of private companies. But employees in the service of a railway system which is owned by the State may be regarded as being attached to a public service of the State which for the time has been delegated to a private company. Acting upon this principle the Government of Italy, which has always

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denied the right of its employees to organize or strike, has intervened by dissolving railway labor organizations and by repressing any attempt at railway strikes. It succeeded in this by introducing a system of militarism among the railway employees and by declaring strikes to be criminal offenses.

4. The complicated relations existing between the State and these companies, and the lack of clearness in some points of the contracts of concession, are the causes which render it impracticable for the time being to consider the pension fund for railway employees. It is true that there are some funds in existence out of which pensions should be paid to superannuated and disabled railway employees, but as no attention has ever been given to these funds either by the companies or by the State they are meeting with tremendous deficits and it is not known how this evil can be remedied. It is hardly proper to speak of these pension funds, at least until they are reorganized and present some guarantee of stability and good management. A bill for the reorganization of the pension funds is now being discussed by Parliament.

NUMBER OF EMPLOYEES.

As to the number of persons employed in the Adriatic, the Mediterranean, and the Sicilian systems, the tables following give an idea sufficiently exact.

The initial personnel of the Mediterranean and the Adriatic systems was that which in 1885 belonged to the various railway administrations in the State and amounted to 72,961 persons, of which 41,098 belonged to the upper Italian railways, 12,616 to the Roman railways, 17,692 to the southern and Calabrese railways, and 1,555 to the establishments of Pietrarsa and of the Granili. Of these 72,961 persons, 39,724 were assigned to the Mediterranean system and 33,237 to the Adriatic system.

The division of the employees among the three great systems, from 1885 to 1897, follows in detail:

TOTAL EMPLOYEES, AND EMPLOYEES PER MILE IN OPERATION, ON MEDITERRANEAN SYSTEM JULY 1, 1885, TO JULY 1, 1897.

Year.	Miles in operation.	Permanent employees.		Temporary employees.		Total employees.		Physicians not included in total.	Females included in total.
		In service.	Per mile in operation.	In service.	Per mile in operation.	In service.	Per mile in operation.		
1885	2,615.97	39,629	15.15	3,173	1.21	42,802	16.36	96	1,482
1886	2,709.17	39,754	14.67	5,665	2.09	45,419	16.76	528	1,564
1887	2,827.23	39,849	14.09	6,583	2.33	46,432	16.42	559	1,584
1888	2,854.57	41,248	14.45	6,741	2.36	47,989	16.81	619	1,496
1889	2,949.02	43,339	14.70	5,639	1.91	48,978	16.61	695	1,966
1890	3,006.19	43,731	14.55	4,390	1.46	48,121	16.01	739	2,236
1891	3,044.71	43,652	14.34	3,010	.99	46,662	15.33	747	2,442
1892	3,232.99	42,876	13.26	2,853	.88	45,729	14.14	780	2,497
1893	3,277.11	43,432	13.25	2,965	.91	46,397	14.16	806	2,941
1894	3,415.67	43,165	12.64	2,836	.83	46,001	13.47	840	2,921
1895	3,547.40	44,247	12.47	4,390	1.24	48,637	13.71	861	3,148
1896	3,685.35	44,622	12.11	4,407	1.19	49,029	13.30	889	3,154
1897	3,692.18	45,222	12.25	4,359	1.18	49,581	13.43	898	3,082

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TOTAL EMPLOYEES, AND EMPLOYEES PER MILE IN OPERATION, ON ADRIATIC SYSTEM JANUARY 1, 1885, TO JANUARY 1, 1897.

Year.	Miles in operation.	Permanent employees.		Temporary employees.		Total employees.		Nonsalaried physicians not included in total.	Females included in total.
		In service.	Per mile in operation.	In service.	Per mile in operation.	In service.	Per mile in operation.		
1885 (*a*)	2,642.85	28,077	10.62	4,960	1.88	33,037	12.50	173	2,324
1886	2,699.30	31,625	11.71	2,695	1.00	34,320	12.71	564	2,885
1887	2,862.40	32,184	11.24	3,075	1.08	35,259	12.32	598	3,001
1888	2,937.58	33,064	11.25	3,224	1.10	36,288	12.35	597	3,110
1889	3,095.27	34,583	11.18	3,692	1.19	38,275	12.37	582	3,241
1890	3,174.65	35,465	11.17	3,752	1.18	39,217	12.35	588	3,351
1891	3,196.16	36,923	11.55	3,362	1.05	40,285	12.60	591	3,339
1892	3,214.49	36,574	11.38	3,434	1.07	40,008	12.45	614	3,470
1893	3,334.55	34,826	10.45	3,947	1.18	38,773	11.63	626	3,590
1894	3,403.95	33,706	9.90	4,172	1.23	37,878	11.13	639	3,735
1895	3,382.39	32,572	9.63	4,543	1.34	37,115	10.97	640	3,724
1896	3,444.81	31,730	9.21	4,682	1.36	36,412	10.57	651	3,794
1897 (*a*)	3,444.81	32,207	9.35	3,589	1.04	35,796	10.39	654	3,880

a July 1.

TOTAL EMPLOYEES, AND EMPLOYEES PER MILE IN OPERATION, ON SICILIAN SYSTEM JULY 1, 1885, TO JULY 1, 1897.

Year.	Miles in operation.	Permanent employees.		Temporary employees.		Total employees.	
		In service.	Per mile in operation.	In service.	Per mile in operation.	In service.	Per mile in operation.
1885	372.20	3,917	10.52	175	0.47	4,092	10.99
1886	395.81	3,849	9.72	202	.51	4,051	10.23
1887	415.08	3,750	9.03	199	.48	3,949	9.51
1888	418.18	3,628	8.68	156	.37	3,784	9.05
1889	438.69	3,595	8.20	137	.31	3,732	8.51
1890	447.39	3,464	7.74	139	.31	3,603	8.05
1891	489.64	3,438	7.02	119	.24	3,557	7.26
1892	532.51	3,535	6.64	62	.11	3,597	6.75
1893	623.23	3,844	6.17	42	.07	3,886	6.24
1894	653.06	3,964	6.07	80	.12	4,044	6.19
1895	692.83	4,126	5.96	35	.05	4,161	6.01
1896	697.80	4,172	5.98	75	.11	4,247	6.09
1897	697.80	4,238	6.07	186	.27	4,424	6.34

It will be seen from the tables given that in the Adriatic system the figures representing the relation between the number of employees and the mileage in operation remained high and even increased during the period from 1885 to 1892, but in 1893 there was a marked decrease, and the downward tendency continued until 1897, when the lowest point was reached. A similar fluctuation occurred in the Mediterranean system. The figures remained high, some years increasing, until 1890, after which they decreased quite rapidly to reach finally in 1896 and 1897 the lowest points. This decreasing tendency, which for the companies of the mainland manifests itself only in a second period of operation, manifests itself immediately in the Sicilian system. It commenced with 1886 and continued until the last few years—infallible signs, without doubt, of the intention of this company from its beginning to gradually diminish the expenditures for employees.

It is thus shown that on July 1, 1897, the date on which are based all the calculations published by the commission of inquiry, the number of employees per mile operated by the three principal Italian sys-

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tems was 13.43 for the Mediterranean, 10.39 for the Adriatic, and 6.34 for the Sicilian system, or 11.46 for the three systems combined. It certainly can not be contended that the number of employees on Italian railways is excessive. The number of men employed per mile is inferior to that of many other European railways. This is due to the persevering efforts made by the various companies to reduce the number of their employees in order to obtain greater profits in the operation of the railways, the cost of which in Italy is very high. The fact remains that whether caused by the nature of the country traversed by the roads, by the numerous tunnels, or by the malaria existing in many regions traversed by the railways, the expenditures in payment of employees are greater than those of many other foreign railways, as can be seen from the following table:

PER CENT OF EXPENDITURES IN PAYMENT OF EMPLOYEES ON EUROPEAN RAILWAY SYSTEMS OF TOTAL RECEIPTS AND OF TOTAL OPERATING EXPENSES.

Railway systems.	Per cent of total receipts.	Per cent of total operating expenses.
Austrian State system (1891)	34.37	58.53
Belgian State system (1894)	31.59	55.84
Imperial system of Alsace-Lorraine (1894-95)	36.51	63.11
Italy:		
Mediterranean system (1893)	47.96	69.82
Adriatic system (1893)	44.93	68.48
Sicilian system (1893)	55.31	59.30
Prussian State system (1894-95)	36.22	65.35
Swiss system of the Gothard (1894)	23.10	48.55

The size of these expenditures explains the reason why the three companies have tried to diminish the number of their employees, either by adopting the system of gain-sharing in the stations or by having recourse to temporary employees at certain periods of the year when there is increased railway activity, as, for instance, during the time of transporting the grape crop in the months of September and October. The system of gain-sharing will be treated further on. So far as the temporary employees are concerned, they are engaged only from day to day when there is a necessity for their services, and only for the length of time that necessity exists. It will be seen that in the year 1897, in the Adriatic system, there were 32,207 persons more or less regularly employed, while there were 3,589 temporary employees; in the Mediterranean system the proportion was 45,222 regular to 4,359 temporary employees, and in the Sicilian system there were 4,238 regular and 186 temporary employees. It will be seen that about one-tenth of the employees are temporary, and it is among these workingmen, who have very little hope of retaining their positions, that the discontented are mostly found. On the other hand, the companies contend, and with reason, that they can not afford to employ regularly a large personnel when the increased number can be used only in certain extraordinary emergencies, as, for instance, the time of vintage, which lasts from 30 to 40 days in a whole year.

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HOURS OF LABOR.

The Italian law of March 20, 1865, regarding public works, while it treats specifically of the numerical sufficiency and the proficiency of the personnel, is silent so far as hours of labor are concerned. Article 10 simply provides that "the companies must fix a time schedule of service for the employees so as to allow them the necessary hours of continuous rest." This article is the only one now actually in force, and is so vague that it has no real bearing and importance.

As to the state of affairs actually existing, there is a marked difference between the statements of the companies and those of the railway employees. The three companies uniformly affirm that the time schedules are so arranged as to provide for the necessary rest. According to the statement of the Adriatic company, the hours of labor vary from 7 hours per day for the office employees to 10 or 12 hours for those at the stations and 10 for the employees in the workshops. In no case can the hours of labor exceed 14 per day. For the traveling employees, working periods are established with such hours of duty and of rest as are compatible with the exigencies of the service. In establishing these working periods a distinction is made between chief conductors (with a daily average of 8 hours and 21 minutes for the working days) and conductors (8 hours and 41 minutes), and between chief brakemen (8 hours and 24 minutes) and brakemen (8 hours and 38 minutes). The hours of service are not consecutive, and provision is made (1) to keep employees as short a time as possible away from their homes; (2) to secure to the train employees an interval of continuous rest of at least 7 hours in every 24, besides the necessary time for meals; (3) whenever the arrangement of the time-table of trains does not permit this interval of rest, to have the hours of excessive duty preceded and followed by long intervals of rest and of light service; (4) to insert between successive working periods days of complete rest and to have a number of employees in reserve at their homes who may be called upon when needed for extra duty or in cases of absence on account of sickness, furloughs, etc.

About the same rules obtain for the other two companies. The Mediterranean company contends that sufficient rest is allowed. According to the Sicilian company engineers and firemen have 2 days of rest after working periods of 7 to 10 days (broken, of course, by shorter rests for eating and sleeping), and the other traveling employees have for each working period 1 day of rest and sometimes 1 of reserve duty. In the workshops the hours of labor are 10 per day.

But the railroad employees strenuously contradict the truth of the statements of the companies. The engineers and firemen of the Adriatic system complain that they are obliged to work during 21 consecutive hours, and sometimes longer when there are delays in the trains, so

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that the necessary hours of rest between one turn and another are curtailed. The engineers and firemen of the Mediterranean system complain that they have to work even up to 36 hours continuously. The League of Italian Railway Employees in one of its memorials affirms that the companies, in order to diminish expenses, are continually looking out for reductions in the number of employees, particularly of the lower grades, who, in consequence, are burdened with much more labor. Speaking of the working days of some classes of employees, they claim that in several stations the reduction of the number of employees has increased the hours of labor considerably beyond the normal limit, not infrequently up to 16, 17, 18, and 19 hours per day. As regards the traveling employees, cases are cited of working periods in which the hours of continuous labor are excessive, as well on account of the way the periods are arranged as through accidental causes, such as delays, reserve service, etc., which frequently disturb the regularity of the service and thereby cause the intervals of rest to become insufficient or to be entirely eliminated.

The locomotive employees make similar complaints, particularly in view of the fatiguing service which they perform. Besides the delays which cause a diminution of the hours of rest, the league reports that the working periods of the locomotive employees are more exacting than they were in the past, particularly for the three following reasons: (1) The suppression on the part of the Adriatic company of the days of rest, and the existence on the part of the Mediterranean of many days called days of rest, which in reality are not such; (2) the uninterrupted service of the personnel from the first to the last day of the working period, including the hours of reserve duty between one train and another, during which the personnel is always liable to be called to work; (3) the withdrawal of many reserve locomotives. From several working periods reported, it was ascertained that on certain days the hours of labor amounted to 12, 14, 16, 18, and 20, including the accessory work which the employees must perform.

It is difficult to harmonize these contradictory statements of the companies and of the railway employees. The declarations of the Government inspectors ought to be impartial by virtue of their office. According to these inspectors the labor in general can not be called excessive, but they agree in the statement that, for various reasons, the service may become extremely arduous during times of delay on the railways, due to defects in the machinery, accidents, the vintage season, etc. According to the statements of these inspectors, the labor in the stations varies from a minimum of 10 hours to a maximum of 14 hours per day; but in special cases this time is increased, and in some stations, which are affected by the system of gain sharing, the time of rest is ordinarily reduced to less than 5 consecutive hours. In these cases the employees do not obtain sufficient rest, and they are

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therefore deprived of that clearness of mind and degree of vigor which is necessary for the security and regularity of the railway service. In some stations the labor is so hard that it would fatigue the most robust constitution.

As to the train crew, the inspectors acknowledge that the time schedules are arranged so as to leave the necessary hours of continuous rest, but in practice the time is extended until the hours of duty often become more or less excessive. This is due to time lost in preparatory work before the departure of the trains, and in the subsequent work after their arrival, such as turning over the rolling stock, etc.; the distance of the homes of employees from the stations, which is sometimes considerable, and the failure to provide a sufficient reserve force. Nearly all mention cases of time schedules of 14, 16, 17, 18, and 19 hours, although some of the inspectors consider them less of a hardship than appears at first sight, because they are a source of gain to the personnel. Certainly one can not but be unfavorably impressed when it is learned from one of the best inspectors that there are time schedules which allow conductors but 4 hours of rest. As to the locomotive employees, the average daily hours of labor vary, according to the inspectors, from 8 to 12 hours. So far as the higher limit is concerned, some inspectors have reported the hours to be from 15 to 20, while others report them at a lower figure. It is certain, however, that during periods of increased traffic, or when delays occur, there is not a sufficient continuous rest to permit the engineers and firemen to recuperate.

Reasoning from the results obtained by the investigation, which certainly have not thrown a very favorable light on the condition of the railway employees, the commission of inquiry, after having thoroughly examined the legislative enactments adopted in other countries, has presented to the Government the following suggestions relative to the hours of labor of railway employees: "The Government should modify article 10 of the regulations of railway labor (which has already been cited), establishing definitely the number of hours of continuous rest, which must not be less than 7, and making such provisions as may be necessary to prevent any evasions of the law whatever, for which purpose the laws and regulations of other States should be consulted and adopted." These provisions, which the commission wishes to see adopted in Italy, must regulate the distribution of labor so that it will not cause extreme fatigue by its excessive duration. The labor should, therefore, alternate from time to time so that the employees may be permitted to sufficiently recuperate. The proposed rules should be so framed that their application will preserve that flexibility which is necessary in the interest both of the personnel and of a well regulated service. Distinction must therefore be made between a continuous rest which can be had at home and a brief

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rest which can be enjoyed away from home. The latter can be limited to the time necessary to recuperate for the time being the strength of the employees, provided that later a better rest at home will be allowed. The commission recommends the special study and the imitation of the laws now in force in Germany, France, England, and Switzerland. (*a*)

WAGES.

Of all matters relating to the condition of the railway employees that of wages is the most obscure and complicated. This is due to the following circumstances: According to the terms of the contracts by which the operation of the roads was given over by the State to the companies, the latter agreed to formulate an organic roll in which all

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a Since the above was written the Government has embodied a new set of regulations in the decree of June 10, 1900, which is as follows:

Regulations to be observed by the railway companies in formulating the schedule of working turns, so as to insure the safe operation of the road.

I.—LOCOMOTIVE PERSONNEL.

ENGINEERS, FIREMEN.

ARTICLE 1. The hours of labor will be considered as:

(a) The time required for service on the train, computed from the moment when the employee is required to be present on duty, or at the station to take charge of the locomotive, until the time when he is permitted to leave, including rests of not more than one and one-half hours' duration;

(b) The time required to go on the train to a given locality to take service and to return;

(c) The time required for switching and making up the train;

(d) The fourth part of any time during which the personnel must remain on duty simply in reserve and during which they are not required to remain near the locotive; and also the time during which the personnel must remain on the spot subject to call, the interval, however, during which the personnel is required to be present on the locomotive and in readiness to start to the relief of any train will be counted as a full period of labor;

(e) Any time whatever that is required for work about the locomotive.

ART. 2. The average duration of daily labor, determined as above, inclusive of the reserve days and the rests, as in following articles, must not exceed 10 hours.

ART. 3. In any one period of 24 hours the duration of labor, calculated according to article 1, must not exceed 13 hours.

When, however, the duration of labor exceeds 12 hours the intervals of rest preceding and following the period of labor must be at least 10 hours.

ART. 4. The personnel must be allowed a continuous rest of 8 hours' duration between each turn when at home and of 7 hours when away from home, utilizing in the latter case, when occasion arises, the time when simply in reserve or subject to call, as specified in article 1, (d).

The continuous rests must be separated by intervals (actual labor, presence on duty, brief rest during working hours, etc.) of not more than 17 hours, and the number in each working turn must not be less than the number of days over which the turn extends.

When it is not possible to accord 8 hours of rest at home the difference must be compensated for by a longer period of rest either before or after the deviation from this rule, and also by a brief rest during working hours, but the repose must not be less than 7 hours.

ART. 5. Among the continuous rests at home prescribed by the preceding article there must be at least 12 per year of the duration of 24 hours each, without prejudice to the annual vacation prescribed by the regulations.

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the employees were to be classified, the roll showing their number and their respective remuneration. The companies have never complied with this obligation, because they wish to retain the liberty to augment or diminish the salaries and wages, anticipate or delay promotions, etc. The figures which are published in the transactions of the commission of inquiry are not sufficiently complete or satisfactory to give any exact idea of the mode in which railway employees are paid. Taking into consideration all the data in existence, the following points

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II.—Train Personnel.

CONDUCTORS, GUARDS, BRAKEMEN.

Art. 6. The hours of labor will be considered as:

(a) The time employed on the trip according to the train schedule;

(b) The time required for accessory occupations before the departure and after the arrival of the train, counting the whole interval between the arrival of a train and the departure on a subsequent train when this interval is not longer than one hour;

(c) One-fourth of the time during which the employee, while not en route, remains in reserve at the station subject to call when needed.

Art. 7. The average duration of daily labor as determined above must not exceed 11 hours per turn (including time in reserve and rest during working hours).

Art. 8. In any one period of 24 consecutive hours the duration of labor, computed as specified in article 6, must not exceed 15 hours.

When, however, the duration of labor exceeds 14 hours the intervals of rest between which the said period of labor is comprised must be at least 10 hours.

Art. 9. The personnel must be accorded a continuous rest of at least 8 hours' duration between each turn when at home, and of at least 7 hours when away from home.

The continuous rests must be separated by intervals (actual labor, presence on duty, rest during work, etc.) of not more than 17 hours, and the number in each working turn must not be less than the number of days over which the turn extends.

When, however, the time is interrupted by one or more periods of inaction of not less than 4 hours, the intervals between the periods of continuous rest may be prolonged, exceptionally, to 19 hours, in which case the rest following must be at least 10 hours long.

When it is not possible to accord the 8 hours' rest at home, the difference must be compensated for by a longer period of rest either before or after the deviation from this rule, and also by a brief rest during working hours. But the rest must be not less than 7 hours.

Art. 10. Among the continuous rests at home prescribed by the preceding article, there must be at least 12 per year of the duration of 24 hours each, without prejudice to the annual vacation prescribed by the regulations.

III.—Station Personnel.

CHIEF AND ASSISTANT STATION MASTERS, CLERKS AND ASSISTANTS, TELEGRAPHERS, YARD MASTERS, SWITCHMEN, BLOCK-SIGNAL MEN, FOREMEN OF LABORERS, GANG BOSSES, LABORERS.

Art. 11. For every period of 24 hours the duration of labor must be established according to the nature, intensity, and continuity of the normal labor of the personnel:

Up to 10 hours, in cases where the conditions of work are more severe or difficult.

Up to 14 hours, in cases of ordinary work, in which there must be included an intermission of 2 hours or 2 intermissions of 1 hour each.

In exceptional cases, up to 16 hours, in small stations, when there must be an intermission of 4 hours, either at one time or at smaller intervals of not less than 1 hour each.

To the provisions of this article will be added special regulations establishing the maximum time that the switchmen may be put to work in the signal cabins.

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will be discussed: (1) Salaries and wages in general; (2) supplementary wages; (3) task wages; and (4) the gain-sharing system in the stations.

So far as salaries and wages in general are concerned, the table following shows the annual salaries and wages paid in the Adriatic system at two periods, namely, in 1885 and in 1896. The figures are given according to the groups of railways formerly known as the Southern and Calabro-Sicilian, the Roman, and the Upper Italian, by the combination of which the Adriatic system was created.

ART. 12. Whenever the day and night turns of service alternate, the personnel may not be assigned to continuous night service for more than 7 consecutive nights. The change of turns is affected by prolonging the service of one day up to 16 hours, preceded or followed by a continuous rest of equal duration.

ART. 13. In every period of 24 hours there must be accorded the personnel a continuous rest of 7 or 8 hours, according as the homes of the personnel are in the vicinity of the station or not.

IV.—ROAD PERSONNEL.

GATE KEEPERS.

ART. 14. The regular hours of service are 14 in every 24.

ART. 15. The personnel must be accorded daily a continuous rest of a minimum duration of 7 hours, in addition to the time required for going to and from their homes.

ART. 16. In the case of track men, who also serve as gate keepers, the regular hours of service per day must not exceed 13 and the continuous rest must be not less than 8 hours, besides the time necessary to go to and from their homes.

FEMALE GATE KEEPERS.

ART. 17. The regular hours of service must not exceed 12 per day, with a continuous rest at night of not less than 9 hours, which time may be reduced to 8 hours during the summer season.

V.—GENERAL PROVISIONS.

ART. 18. The present regulations apply to the personnel expressly specified in the same, also when employed in other work not having a direct connection with the safety of the train service. They apply moreover to employees of other classes when assigned to the performance of the duties above specified.

ART. 19. In exceptional instances and when special circumstances require it in the case of the locomotive and train personnel when away from home and in the case of stations having but one administrative employee, a deviation from the minimum of 7 hours of continuous rest may be made, if the difference is compensated for by a longer rest either before or after the deviation from the rule, but it must not be below 6 hours.

In this case the working turns of the locomotive and train personnel and that of the stations to which this provision applies must be approved by the governmental inspector-general.

ART. 20, In case of inclement weather, accidents, delays, and other exceptional circumstances extraordinary services may be required of the personnel.

The personnel must not in any case quit the service on account of a prolongation of labor for such a cause.

ART. 21. The operating company must post a schedule and notice of the working turns in such a way that the personnel may take cognizance of it.

It must also transmit a copy of this schedule and notice to the district offices of the royal inspector-general of railways.

Rome, June 10, 1900.

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ANNUAL SALARIES AND WAGES OF EACH CLASS OF EMPLOYEES OF ADRIATIC SYSTEM, BY FORMER GROUPS OF RAILWAYS, FOR YEARS ENDING JUNE 30, 1885, AND JUNE 30, 1896.

Classes of employees June 30, 1896.	Number of employees.	Salaries and wages.				Average increase.
		Year ending June 30, 1885.		Year ending June 30, 1896.		
		Total.	Average.	Total.	Average.	
SOUTHERN AND CALABRO-SICILIAN LINES.						
Administrative	1,768	$599,772.40	$339.24	$926,118.99	$523.82	$184.58
Operating	1,493	264,982.05	177.48	365,044.45	244.50	67.02
Laboring	3,882	480,384.14	123.75	562,883.54	145.00	21.25
Females (*a*)	....	....	....	....	....	....
Total	7,143	1,345,138.59	188.32	1,854,046.98	259.56	71.24
ROMAN LINES.						
Administrative	937	308,737.08	329.50	457,896.36	488.68	159.18
Operating	630	118,510.11	188.11	158,077.04	250.92	62.81
Laboring	1,842	246,170.34	133.64	288,500.07	156.62	22.98
Females (*a*)	109	3,196.08	29.32	4,460.62	40.92	11.60
Total	3,518	676,613.61	192.33	908,934.09	258.37	66.04
UPPER ITALIAN LINES.						
Administrative	1,684	503,163.74	298.79	741,379.39	440.25	141.46
Operating	2,043	364,385.54	178.36	490,506.22	240.09	61.73
Laboring	5,468	749,297.80	137.03	860,012.83	157.28	20.25
Females (*a*)	330	10,091.97	30.58	12,771.58	38.70	8.12
Total	9,525	1,626,939.05	170.81	2,104,670.02	220.96	50.15
TOTAL.						
Administrative	4,389	1,411,673.22	321.64	2,125,394.74	484.25	162.61
Operating	4,166	747,877.70	179.52	1,013,627.71	243.31	63.79
Laboring	11,192	1,475,852.28	131.87	1,711,396.44	152.91	21.04
Females (*a*)	439	13,288.05	30.27	17,232.20	39.25	8.98
Total	20,186	3,648,691.25	180.75	4,867,651.09	241.14	60.39

a Track watchers and toilet-room keepers.

The table does not include all the employees of the Adriatic system, but only those who came from the companies mentioned. It shows, however, the average earnings of railway employees. Those employees who form a part of the management and administration, such as station masters, etc., receive an average yearly salary of $484.25; the clerical or operating force, including copyists, accountants, controllers, ticket distributers, telegraphers, etc., as well as conductors and locomotive engineers, receive an average of $243.31; employees belonging to the class of laborers such as porters, switchmen, brakemen, gate keepers, etc., receive an average of $152.91, and females receive an average compensation of $39.25 per year. It may be stated that the females are employed either in guarding the tracks along the line or in the toilet rooms. They are mostly married women whose husbands are employed as laborers on the railways, and they are granted, besides their wages, the use of a small house free of rent, with a small piece of land on which to grow vegetables.

It may be stated here that the difference in average wages paid to the employees of the several systems is not due to locality. The

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employees of the Italian railways are all paid in the same manner, no matter in what locality they belong. The difference is due to the fact that, in order to create the administrative personnel of the Adriatic system, nearly the whole administrative personnel of the Southern and Calabro-Sicilian, a part of the Roman, and a very few higher-grade employees of the Upper Italian roads have been taken.

With regard to the Sicilian system, the minimum salaries and wages paid to the principal classes of employees, according to the schedule existing at the time of the cession, June 30, 1885, and according to the graduated table afterwards reported by the company, March 18, 1887, are shown in the following table:

MINIMUM SALARIES AND WAGES PAID EMPLOYEES OF THE SICILIAN SYSTEM, JUNE 30, 1885, AND MARCH 18, 1887.

Occupation.	Minimum salaries and wages.	
	June 30, 1885.	Mar. 18, 1887.
Chief director	$32.81 per month.	$36.67 per month.
Technical director	27.99 " "	28.95 " "
Chief managers	27.02 " "	32.81 " "
Managers	19.30 " "	21.23 " "
Station masters	21.23 " "	23.16 " "
Clerical help	.39 per day	{14.48 " " .48 per day.
Station gate keepers	.39 " "	.43 " "
Yard masters	.58 " "	.68 " "
Yard men	.39 " "	.46 " "
Switchmen	.35 " "	.39 " "
Underservants (*a*)	.39 " "	.42 " "
Laborers	.31 " "	.35 " "

a The underservants (*inservienti*) attend gates and perform messenger and similar service for the administrative employees.

Following are given the exact amounts of wages annually paid to locomotive engineers and firemen, the two most important classes of employees in the railway personnel of the Mediterranean system, for the period 1886-87 to 1893-94:

AVERAGE ANNUAL WAGES PAID TO LOCOMOTIVE ENGINEERS BY THE MEDITERRANEAN SYSTEM, 1886-87 to 1893-94.

Year.	Fixed wages.	Premiums for— Economical use of material and time gained.	Premiums for— Distance run.	Premiums for— Good care of engine.	Premiums for— Work away from home.	Total wages and premiums.
1886-87	$326.17	$120.63	$52.11	$17.37	$99.40	$615.68
1887-88	321.35	128.35	52.11	21.23	94.57	617.61
1888-89	320.38	111.94	52.11	24.13	93.61	602.17
1889-90	318.45	110.01	51.15	24.13	88.78	592.52
1890-91	318.45	107.12	51.15	24.13	84.92	585.77
1891-92	315.56	109.05	51.15	24.13	82.03	581.92
1892-93	314.59	113.87	53.08	24.13	82.03	587.70
1893-94	312.66	112.91	52.11	24.13	81.06	582.87

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AVERAGE ANNUAL WAGES PAID TO FIREMEN BY THE MEDITERRANEAN SYSTEM, 1886-87 TO 1893-94.

Year.	Fixed wages.	Premiums (distance run and others.)	Total wages and premiums.
1886-87	$197.83	$166.95	$364.78
1887-88	200.72	151.51	352.23
1888-89	200.72	150.54	351.26
1889-90	201.69	143.79	345.48
1890-91	202.65	136.07	338.72
1891-92	199.76	136.07	335.83
1892-93	201.69	146.68	348.37
1893-94	200.72	141.86	342.58

As will be seen, there is in both classes a tendency toward a reduction of wages, due to the system of economy inaugurated by the company and also to the unprosperous condition of Italy, which forces many workingmen to be satisfied with much lower wages than they formerly received. But, taken all in all, it can not be said that the railway employees are poorly paid as compared with employees in other industries. To demonstrate this it will be sufficient to examine the following data showing the wages paid in 1897 in the principal groups of workers in Italy:

WAGES PAID IN CERTAIN LOCALITIES AND OCCUPATIONS IN 1897.

Locality.	Occupation.	Sex.	Daily wages.
Sardinia	Miners	Male	$0.52 to $0.78
Sardinia	Masons	Male	.59
Sardinia	Teamsters	Male	.41
Sicily	Miners in sulphur mines	Male	.48 to .68
Romagna	Miners in sulphur mines	Male	.41
Turin	Joiners	Male	.58
Turin	Horseshoers	Male	.62
Turin	Laborers	Male	.42
Genoa	Blacksmiths	Male	.77
Genoa	Boilermakers	Male	.87
Genoa	Casters or founders (*fonditori*)	Male	.97
Genoa	Common and ordinary laborers	Male	.58
Naples	Blacksmiths	Male	.94
Naples	Boilermakers	Male	.83
Naples	Casters or founders (*fonditori*)	Male	.91
Naples	Common or ordinary laborers	Male	.44
Biella	Dyers, wool	Male	.43
Biella	Carders, wool	Male	.58
Biella	Spinners, wool	Male	.77
Biella	Winders, wool	Female	.29
Biella	Weavers, wool	Female	.48
Biella	Burlers (*pinzatrici*)	Female	.29

The employees of railways, besides being better paid than workingmen in other industries, have also a more continuous and secure remuneration, since they are employed during the whole year, and in addition to their fixed wages have other allowances which contribute to augment their total earnings.

SUPPLEMENTARY WAGES.

There are many classes of supplementary wages. Following is the classification adopted by the Mediterranean system:

SUPPLEMENTARY WAGES WHICH ARE OPTIONAL IN CHARACTER.—Extra compensation paid to employees on the clerical force; premiums

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granted for meritorious service, for promptly turning in lost or forgotten objects, for acts tending to prevent accidents or delays in the running of trains, for discovering abuses in the use of freight cars, for proving violations of the railway regulations, for lubricating and repairing railway stock, for economy in the use of supplies in the stations, and to the warehouse employees for regularity in the distribution of fuel; gratuities for telegraphic service; compensation for extraordinary labor; warm drinks.

SUPPLEMENTARY WAGES PAID ON ACCOUNT OF PECULIAR CONDITIONS OF TIME AND LOCALITY.—Indemnity on account of malaria, compulsory sojourn away from home, isolation, wagon and horseback service, transfers, night service; increased pay on account of greater cost of necessaries of life, employment in thickly settled localities, confining service, for wood during the winter season.

SUPPLEMENTARY WAGES DEPENDING UPON SERVICES PERFORMED.—Indemnity corresponding to hours of labor, compensation for labor which prevents an uninterrupted rest of at least 6 hours, for lodgings, for distance run, for tunnel service, for services as substitutes, for labor of a character superior to that pertaining to the grade of the employee, for the services of some classes of employees such as storekeepers, gate keepers, and switchmen; premium for economy in the use of fuel and lubricating material, for time gained, for keeping locomotive in good condition, for careful use of materials, for careful handling of freight; compensation for helping at the turntables or side tracks, for care in the use and preservation of tools.

The Sicilian company allows its employees the following supplementary wages: Compensation for increased labor and rewards for zeal and diligence on the part of the employees in the fulfillment of their respective functions; gratuities for such acts on the part of the employees as may merit special mention whether performed directly or indirectly in the line of service.

The sums distributed on these grounds among the employees from July 1, 1885, to June 30, 1896, amounted to 351,253.36 lire ($67,791.90).

In the prepayment of wages to employees to meet unforeseen expenses, either of the family or individual, such as expenses of moving, sickness, taxes, etc., the company during the above-mentioned period has advanced wage payments amounting to 249,314.69 lire ($48,117.74).

The traveling employees are compensated for distance run and for nights necessarily spent away from their homes. For example, a conductor who has run 4,750 kilometers (2,951.51 miles)—an average which nearly all of them surpass—receives, outside of his regular monthly wages, a total indemnity for distance run amounting to 32.75 lire ($6.32).

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Premiums are given locomotive engineers and firemen for economy in the use of fuel and lubricating materials. In order to cover this allowance a monthly reward of 80 lire ($15.44) for locomotive engineers and 40 lire ($7.72) for firemen, which may not exceed 130 lire ($25.09) for the former and 65 lire ($12.55) for the latter, is given.

Premiums are also given to locomotive engineers and firemen who have been particularly attentive in keeping their locomotives in good condition during the year and who have never caused delays in the train schedules. For these a premium has been set aside amounting to 6,580 lire ($1,269.94), distributed as follows:

Locomotive engineers	4 premiums of	140 lire ($27.02)
Locomotive engineers	10 premiums of	120 lire ($23.16)
Locomotive engineers	20 premiums of	80 lire ($15.44)
Locomotive engineers	26 premiums of	50 lire ($ 9.65)
Firemen	28 premiums of	40 lire ($ 7.72)
Firemen	32 premiums of	25 lire ($4.82½)

Semiannual premiums are granted for meritorious services on the part of the station employees. Premiums are also given to the station employees for the careful use of the personal property in their care and for economy in the use of supplies.

As indemnity on account of malaria, the three classes of employees (administrative, operating, and laboring) who live in the more malarial zone receive an average annual extra compensation of 228 lire ($44); those residing in the less malarial zone receive 132 lire ($25.48). As to the traveling personnel, the daily extra compensation of controllers, locomotive engineers, chief conductors, and conductors during the summer months amounts to 0.45, 0.40, and 0.35 lira ($8\frac{7}{10}$, $7\frac{7}{10}$, and $6\frac{3}{4}$ cents), according to the location of their homes, and of brakemen and firemen to 0.35, 0.30, and 0.25 lira ($6\frac{3}{4}$, $5\frac{4}{5}$, and $4\frac{4}{5}$ cents). Besides this the company furnishes at an annual expense of 10,000 lire ($1,930), free of cost to all who apply, the fluid extract of lemon especially prepared for the company, this extract having been recognized as a superior remedy against malarial infection.

During the period from 1885 to 1896 there was distributed as assistance to the employees in cases of sickness 121,981.90 lire ($23,542.51).

As assistance given to families of deceased employees, there was expended during the above-mentioned period a total of 88,677.20 lire ($17,114.70), or an average of more than 500 lire ($96.50) per family for the employees in the administrative department, 300 lire ($57.90) per family for operating employees, and 200 lire ($38.60) per family for the laboring classes.

The company allows a final indemnity to employees when they leave the service, the total sum granted for such purposes up to the present amounting to 253,786.86 lire ($48,980.86). At an average, this represents an indemnity of 1,500 lire ($289.50) for each administrative

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employee, 830 lire ($160.19) for each operating employee, and about 600 lire ($115.80) for employees performing ordinary labor.

A premium is given for keeping the road in good condition. This is allowed to the employees detailed to look after the condition of the road and roadbed. By this means a double purpose is secured—that of increasing the pay of supervisors, gang bosses, and track walkers, and of securing increased activity on their part in looking after such minor work along the line as cleaning and clearing drains, removing weeds, piling stones, taking care of embankments, trimming hedges, etc. For such purposes the following scale of compensations was established: Six lire ($1.16) per month for supervisors, 3 lire ($0.58) for gang bosses, and 2 lire ($0.39) for track walkers. During the period from 1885 to 1896 the sum of 150,297.40 lire ($29,007.40) was expended for this purpose.

Premiums for lubricating and repairing cars are also granted. Through these premiums, for which 8,179 lire ($1,578.55) were distributed during the years 1894 and 1895, the purpose was accomplished of making the employees engaged in lubricating more economical in the use of the material. It also made them more careful in their work, and thus diminished the number of hot boxes.

Recently premiums were given for good service on the part of the lamplighters and laborers attached to the lighting department. This new reward secured to the employees premiums varying from 5 to 9 lire ($0.97 to $1.74) per month.

A residence indemnity is granted to the lower grade employees in the main stations of the system, and, in general, to those obliged to live in the great centers, where the cost of living is high.

So far as the Adriatic company is concerned it is not necessary to repeat the enumeration of the various supplementary wage items which it allows to its employees, especially as they are similar to those allowed by the other companies. Instead of this the importance of all these supplementary allowances, as a whole, as compared with the regular wages, will be considered. Thus it can be determined whether supplementary wages increase the earnings in a marked degree or not. The two tables following will show the amounts of supplementary wages during the two periods from 1878 to 1884, and from July 1, 1885, to June 30, 1896. During the first period the railways were operated partly by the State and partly by private companies; during the second period the railways were all operated by the Adriatic company. From these tables it will be seen whether the condition of railway employees has improved or otherwise during recent years. The two tables follow.

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TOTAL FIXED AND SUPPLEMENTARY EARNINGS OF EMPLOYEES OF THE ADRIATIC SYSTEM, COMPARED, 1878 TO 1884.

Year.	Salaries, wages, and fixed allowances.	Supplementary wages, indemnities, premiums, etc.	Per cent of supplementary wages, etc., of salaries, wages, and fixed allowances.
1878	$9,159,342.08	$1,548,106.27	16.90
1879	9,258,572.07	1,596,326.74	17.24
1880	9,908,587.38	1,782,876.68	17.99
1881	10,387,109.07	1,944,427.52	18.72
1882	11,034,259.88	2,087,424.31	18.92
1883	11,773,887.41	2,411,347.79	20.48
1884	12,444,852.88	2,566,448.19	20.62
Average	10,566,658.68	1,990,993.93	18.84

TOTAL FIXED AND SUPPLEMENTARY EARNINGS OF EMPLOYEES OF THE ADRIATIC SYSTEM, COMPARED, JULY 1, 1885, TO JUNE 30, 1896.

Year.	Salaries, wages, and fixed allowances.	Supplementary wages, indemnities, premiums, etc.	Per cent of supplementary wages, etc., of salaries, wages, and fixed allowances.
1885 (a)	$2,858,468.77	$607,424.65	21.25
1886	6,305,310.00	1,510,752.28	23.96
1887	6,549,455.00	1,746,650.00	26.67
1888	7,078,685.51	1,840,855.04	26.01
1889	7,535,129.74	1,878,799.22	24.93
1890	7,777,668.40	2,007,694.08	25.81
1891	7,842,287.31	2,020,787.01	25.77
1892	7,445,521.19	1,857,775.15	24.95
1893	7,464,925.22	1,778,300.84	23.82
1894	7,252,298.66	1,897,302.33	26.16
1895	7,200,246.75	1,909,256.94	26.52
1896 (b)	3,603,656.24	945,181.60	26.23
Average	7,173,968.44	1,818,252.65	25.35

a For the last 6 months. b For the first 6 months.

From these tables it will be seen that the percentage of supplementary wages of the fixed wages has increased so that while before 1885 the average percentage was 18.84, in the period from 1885 to 1896 the average had risen to 25.35 per cent.

It can not be contended that the increase of the supplementary wages is due to contemporaneous diminution of the fixed wages, because the average of the latter has increased from 929.26 lire ($179.35) to 1,015.73 lire ($196.04). This shows that the supplementary wages have increased absolutely as well as relatively.

Before closing this discussion it seems opportune to make a comparison between the various companies, so far as the supplementary wages are concerned. As it is impossible to consider all the different classes, only indemnities for malaria are shown. Unfortunately, the greater part of Italy is infected with malaria. All three companies have, therefore, fixed upon an indemnity to their employees whenever they are obliged to live in malarial regions.

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In the following table are indicated the annual indemnities paid to the various classes of the employees in the more malarial as well as in the less malarial zones:

ANNUAL ALLOWANCES FOR LIVING IN THE MORE AND LESS MALARIAL DISTRICTS.

Class of employees.	Adriatic system.		Mediterranean system.		Sicilian system.	
	More malarial.	Less malarial.	More malarial.	Less malarial.	More malarial.	Less malarial.
First	$44.58	$10.42	$33.97	$6.95	$43.43	$10.42
Second	29.53	6.95	23.16	4.63	27.21	6.95
Third	20.84	4.63	16.21	3.47	19.69	4.63
Fourth	13.90	3.47	9.26	2.32	13.90	3.47

THE TASK WAGE SYSTEM.

The task wage system has been extensively adopted by the three companies, but the Sicilian company does not apply it to the station service and uses it more rarely than the other two companies, particularly the Adriatic company, which, owing to its very active industrial traffic, has seen proper to give it a greater development, and has applied it to such branches of the service as the supervision and labor of road construction and maintenance, which the Mediterranean company after a trial has abandoned.

The task wage system is applied to the following branches of service:

Freight Handling on Slow Freight Trains.—The employees engaged in this class of labor are credited with a fixed amount for a certain unit of labor. At the end of the month the amounts so credited for labor performed are summed up; from this total are then deducted the amounts set down as the regular and supplementary wages of the permanent force (not including wages of temporary employees), the cost of the yard service, expenditures due to losses or damages, and finally a fixed amount for wear and repair of tools. If after the deduction of the amount of these items there remains a surplus, a portion of it, usually varying from 20 to 35 per cent, is distributed semiannually among the employees. The distribution of this part of the surplus is based upon the quantity and quality of the labor performed by each participant. This basis of distribution is not made known to the employees. They know the value of each unit and the number of units of labor performed, but are ignorant of the proportion of the surplus which each will receive, which amount should really be regarded as a gratuity rather than a participation in the profits.

Work of General Inspection of the Roadway.—The gain in this case is computed according to the days of labor saved as compared with the number considered necessary and just. The calculation is

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made on the basis that each employee must examine daily a certain length of track. An amount equal to a part of the value of the time thus saved is distributed among the employees.

LABOR IN THE WORKSHOPS.—The gain by the task wage system in this branch of work consists of the difference between the price of a piece of work as agreed upon between the company and the workingmen and the actual cost of the labor necessary to execute it. If this difference should be against the workingmen, which occurs only in exceptional cases, then the participants in the task must reimburse the company to that extent. This reimbursement may, however, be remitted if it can be shown that the deficit was due to lack of skill and not to negligence.

Besides this task wage depending upon the cost of a piece of work there is still another, called a premium, which depends upon the time required to perform the task. This premium increases the wages of each participant (by from one-tenth to one-fifth in the Adriatic system) if the work is completed before a stipulated time.

LABOR IN THE COAL DEPOTS.—Task wages were also introduced in the coal depots, the premium consisting of a uniform allowance for each ton handled above a fixed number of metric tons established as a normal day's work. The allowance of this premium is optional.

SUPERVISION AND LABOR OF ROAD CONSTRUCTION AND MAINTENANCE.—In the first division of the Mediterranean system the personnel formerly had a right to as many times 750 lire ($144.75) as there were less employees in each class than were established by the organic roll.

ECONOMY IN THE USE OF STATION AND OFFICE SUPPLIES.—To each office or station an annual allowance is made for certain objects of regular consumption and for stationery. The personnel is entitled to 50 per cent of the amount saved over and above this allowance.

OFFICE WORK.—In the auditing division of the Adriatic system the work is done outside the normal working hours and even at the homes of the employees. The compensation for this work is agreed upon from time to time between the division chief and the task worker and must not exceed a certain sum allowed semiannually for this purpose exclusive of the regular salary allowance from one semiannual period to another.

In the Mediterranean system this work is performed outside the regular hours and is paid for according to an established tariff of remuneration. The work is not obligatory.

The work of copying contracts and tariffs in the Mediterranean system is paid for according to a fixed scale and is optional.

In order to give a correct idea of the results of the task wage system, there is shown in the following table, for a series of years, the total task-system wages paid to office employees in 5 Italian cities.

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TOTAL TASK WAGES PAID TO RAILWAY OFFICE EMPLOYEES IN 5 ITALIAN CITIES, 1885 TO 1895.

Year.	Turin.	Naples.	Milan.	Siena.	Rivarolo.	Total.
1885	$55,402.10		$5,700.17			$61,102.27
1886	117,275.97		13,156.63	$4,587.25		135,019.85
1887	128,591.89	$42,625.24	14,798.28	11,109.88		197,125.29
1888	143,942.28	46,923.50	17,126.62	15,603.90		223,596.30
1889	153,221.18	49,638.25	17,456.78	17,166.72		237,482.93
1890	152,469.84	54,210.15	16,841.94	19,991.97		243,513.90
1891	147,718.55	55,890.37	16,550.14	21,890.04	$1,931.75	243,980.85
1892	150,730.81	60,410.19	17,321.72	22,584.27	14,841.93	265,888.92
1893	136,149.15	64,059.29	17,914.49	20,886.68	23,029.41	262,039.02
1894	140,011.96	68,042.15	19,365.19	27,711.98	24,354.68	279,485.96
1895	154,278.60	75,693.74	19,785.99	31,203.67	23,053.09	304,015.09
Total	1,479,792.33	517,492.88	176,017.95	192,736.36	87,210.86	2,453,250.38

It may be stated in this connection that the Mediterranean system has, through the adoption of the task wage system, effected a saving of 1,638,172 lire ($316,167.20) in yard service and ordinary labor in the stations alone. Of this sum 415,143 lire ($80,122.60) was distributed among the employees as their share.

Likewise, in consequence of the adoption of this task wage system by the Mediterranean company, the following premiums were paid during 3 fiscal years, 1893-94 to 1895-96, to the employees participating in the profits arising from the economic use of materials of consumption:

PREMIUMS PAID TO EMPLOYEES OF MEDITERRANEAN SYSTEM OUT OF SAVINGS FROM ECONOMIC USE OF MATERIALS, 1893-94 TO 1895-96.

Year.	Amount allotted.	Amount consumed.	Premium to personnel.
1893-94	$706,786.37	$669,011.74	$34,747.71
1894-95	612,031.77	552,361.98	29,898.09
1895-96	585,804.10	533,651.68	26,076.27
Total	1,904,622.24	1,755,025.40	90,722.07

The results of the task wage system seem, therefore, to be sufficiently satisfactory, as well for the company, which was enabled to save considerable amounts of money on the current expenses, as for the employees, who, through the generosity of the company, were enabled to participate in these savings. That the task wage system is approved by a great majority of the employees of the three great systems was evident to the commission of inquiry at Turin when it interrogated the employees, who presented themselves in great numbers. It seems that one of the employees began to make a speech, not against the abuses and effects of the task wage system, but against task labor itself as a means of earning wages. He was interrupted by such manifest signs of disapproval that he was obliged to admit that most of his companions did not share his hatred of the task wage system.

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THE SYSTEM OF GAIN SHARING IN THE STATIONS.

Closely related to the task wage system is that of gain sharing in the stations. This system was introduced in Italy in 1891 by the Adriatic company, which took as a model, with some modifications, the plan of the Austrian Südbahn. This system had been followed there for a long time. The example of the Adriatic company was followed by the Mediterranean and Sicilian companies. The latter, however, after having introduced it as an experiment in its stations at Catania and at Caltagirone, discarded it, for the reason, as it claimed, that the system did not yield good results. The Adriatic and Mediterranean companies, however, retained and greatly developed the system, especially the Adriatic company, so that on October 1, 1898, there were 461 stations operating under the gain-sharing system. Of this number 324 belonged to the Adriatic and 137 to the Mediterranean company.

The Adriatic, which was the first company to introduce this system, proposed to solve the following problem:

Leaving untouched the fixed and supplementary wages and excluding from the new arrangement the employees whose services consist of safeguarding the road—

1. How to reduce the station personnel in the administrative branches—that is, in the freight, baggage, ticket, and telegraph offices—as well as in the clerical and laboring force, (a) supplying the difference in the number of the first class by a less detailed and less specialized division of labor, and obtaining thereby a greater intensity of work; and (b) in the second class securing greater intensity of labor by a reduction in the force, and, whenever this force should not be sufficient to supply the needs of the station, authorizing the station master to employ temporary labor, from day to day, as may be necessary, this temporary help, according to the plans of the company, being intended to replace gradually the permanent laboring force, such as porters, laborers, etc.

2. How to compensate the two classes of employees by an equitable division of the savings realized through the increased intensity of labor caused by the new arrangement.

In what manner has the Adriatic company solved the first problem—that is, how could the number of station employees be reduced? Here is the method followed by the company, as stated by the latter:

The labor in the stations is well defined. First of all, it is necessary to closely distinguish, in the case of the station personnel, between hours of presence in service and hours of labor. In the small stations there is hardly any labor, and the service is mostly reduced to the necessity of being present at the time when trains pass; in many other stations the passenger and freight service would require less than one man's labor. In these cases the only criterion on which to base an estimate of the force necessary to perform the labor called for consists of seeing to it that the hours of uninterrupted rest established by the

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regulations are strictly observed; but in the stations which have certain fixed traffic the basis on which to establish the numerical laboring force is different. In each of these stations one can daily know the number and kind of tickets distributed; the number of pieces of baggage handled; the amount of freight sent off, received, or in transit; the number of trains made up, broken up, or in transit; the number of cars handled; the quantity of freight handled; the number of telegrams received and sent; the number of letters, accounts, and statistical documents emanating from the superior offices, etc. All these operations constitute the sum total of the labor performed at the stations.

On this information is determined what the numerical strength of the personnel at the stations should be—that is, a careful calculation of the number of operations effectively completed and of the time necessary to perform each of them serves as the basis of the computation. In this manner all grounds for the discussion regarding the numerical sufficiency of the station personnel are eliminated, particularly as the employees themselves must make out monthly statements of the labor actually performed in order to establish the proportionate share of the premiums to which each one is individually entitled. By this means it can be clearly decided whether or not the number of employees is adequate for the amount of labor to be performed.

The units of time necessary for each station operation were established in accordance with the following estimates:

Operation	Time
Issuing an ordinary ticket on which there is no special registration or price computation	1 minute
Issuing a ticket at reduced price, a tourist's ticket, etc	10 minutes
Weighing and checking and taxing a piece of baggage	3 minutes
One shipping of goods by fast freight	10 minutes
One shipping of goods by slow freight	15 minutes
Clerical work for a train in transit	10 minutes
Clerical work for a train made up or broken up	25 minutes
Clerical work for each car arriving or departing	6 minutes
Transmission or receipt of a telegram	6 minutes

For other clerical work, correspondence, etc., there is allowed for each station over and above the units indicated a certain length of time equal in value to 20 per cent of the total daily labor of the station. On account of this additional allowance it becomes necessary to engage a greater number of employees than would be strictly necessary for the exigencies of the service. At the same time it was decided that employees occupied in clerical work—issuing tickets, freight service, telegraph service, etc.—should be held to a maximum of 8 hours of daily labor, computed in the manner above indicated.

So far as the arrangement in the stations of the Mediterranean system is concerned it will be sufficient to mention the following only: To determine the number of persons necessary for clerical work, the handling of trains, and the telegraph service (employees, clerks, and assistants), the calculation is based upon the actual labor performed in each station, which, by means of statistical data already referred to, is perfectly well known. In the same manner as in the Adriatic company the units of time necessary for each of the above-mentioned operations were established, the time necessary for supplementary clerical work, etc., being included in the units. When this is done the regular

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number of employees is established, with the reservation that no matter what number of hours an employee is present in service he can not have more than 8 hours of actual labor per day. Provision is also made on special occasions for supplementary allowances of time. As regards the employees engaged in the supervision of the handling of merchandise—that is, assistants, depot keepers, etc.—it was impossible to find an absolute basis. The company was therefore forced to adapt itself to local conditions.

Having in this manner fixed upon the number of laborers and porters sufficient for the needs of the station in times of minimum labor, the station master is allowed to provide for increasing needs by engaging temporary or extra help, which, in case of the absence of regular employees or exceptionally increased labor, may also be used for clerical work, provided that they are not used in the handling of trains and in telegraph service, or intrusted with labor which implies the handling of money or which is such as to put them in direct contact with the public.

So far as the personnel employed in yard service is concerned, such as yard masters, couplers, switchmen, etc., the arrangement existing before the gain-sharing system was adopted has been retained.

Comparing the workings of the Mediterranean company with those of the Adriatic some little difference will be found, although not detailed above; for instance, while the first does not allow the employment of temporary help for clerical labor save in exceptional cases, the second allows the personnel to be increased by as many temporary helpers as may be desired as well for manual as for clerical work, but this is of very little importance.

The system requires, therefore, the establishing of a compensation of a uniform fixed allowance for each operation, on the basis of which there is prepared for the station a monthly balance sheet of the service on the gain-sharing system, and this determines the premiums due the employees participating.

The balance sheet is compiled as follows: The station places on its credit side the amount (as above calculated) for the operations of handling baggage and freight and for yard labor, and the fixed allowances made for policing the station, night watchmen, etc.

The debit side consists of the amount for yard labor performed either with a locomotive or otherwise, for the wages of the permanent laborers who are entitled to participate, for all temporary help employed during the month, and for the expenses of the repair of tools. The excess of credits over debits then represents the amount to be divided between the company and the permanent employees.

The following is the balance sheet of the station of Codogno, in the Adriatic system, for the month of November, 1895, and will serve as an example of the method of determining the amount to be distributed in premiums.

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STATION BALANCE SHEET FOR DETERMINING BASIS OF DISTRIBUTION OF PREMIUMS TO PERMANENT EMPLOYEES FOR CODOGNO, NOVEMBER, 1895.

Items.	Number of units.	Price per unit.	Amount.
TO THE CREDIT OF THE STATION.			
General freight service:			
Baggage sent out, received, or in transit	558 pieces	$0.019300	$10.77
Dogs	6 dogs	.019300	.12
Fast freight sent out, received, or in transit	843.811 tons	.087544	73.87
Slow freight sent out or received	1,351.861 tons	.087544	118.35
Transferring goods, general merchandise	3,117 cars	.009650	30.08
Transferring goods, carload lots	60 cars	.009650	.58
Shipping for railroad service sent out, received, or in transit.	30.313 tons	.052527	1.59
Loading and unloading long timber on coupled cars	1 car	.193000	.19
Loading and unloading road locomotives for army	55 locomotives.	.057900	3.18
Total			238.73
Yard service:			
Passenger and freight cars charged to station and freight cars in transit.	4,450 cars	.038600	171.77
Fixed allowances and sundry receipts:			
Policing of station			19.30
Service of night watch			11.58
Substitute labor on trains—(days' work)			4.03
Premium for regularity in yard service			7.95
Compensation for extra labor			3.01
Compensation for voluntary substitution			5.02
Total			50.89
Grand total			461.39
TO THE DEBIT OF THE STATION.			
Expenses:			
Yard labor with locomotives	199½ hours	.579000	115.51
Six participating employees, 155 days			60.16
Temporary labor	269 days	.289500	77.87
Total			253.54
Excess of credit over debit			207.85
Grand total			461.39

The premium which then falls to the share of the permanent employees is 60 per cent of the excess of the credits over the debits after deducting the premium for regularity of service and extra labor. A part of this gain, which varies from 80 to 90 per cent of the 60 per cent, is immediately divided among the participating employees; the remaining portion of the 60 per cent is deposited in the postal savings bank and constitutes a reserve fund with which to cover contingent expenses, as for thefts, goods damaged, etc. At the end of the year the amount of these savings left over, increased by part of the income derived from operations of loading and unloading which the stations undertake for private parties, is divided exclusively among the participating employees.

A committee of the employees of the station (including at least one of the laborers) is appointed, which manages the reserve fund.

The two brief statements which follow give, first, the distribution of the surplus among the employees, the company, and the reserve fund, and second, the movement of the reserve fund for the station of Codogno for November, 1895.

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DISTRIBUTION OF SURPLUS TO EMPLOYEES, COMPANY, AND RESERVE FUND FOR STATION OF CODOGNO, NOVEMBER, 1895.

Division of excess of credit over debit.	Amount.
Excess of credit over debit	$207.85
Deduct premium for regularity of service and extra labor	10.96
Remainder to be divided between employees and company	196.89
Part (40 per cent) refunded to company	78.76
Part (60 per cent) apportioned as employees' share	118.13
Part of employees' share (10 per cent) placed in reserve fund	11.81
Part of employees' share (90 per cent) paid immediately to employees	106.32

Following is a statement of the movement of the reserve fund of the station of Codogno for November, 1895:

Income from loading and unloading performed at the charge of patrons.

Balance from preceding month	$......
Received during month	......
Total	......
To be deducted, paid to employees transferred	......
Balance	......

Retained from the gains which were allotted to the employees who participated in the gain-sharing system.

Remainder from preceding month	$44.80
Retention of 10 per cent of gains of the month	11.81
Retained from employees on account of indebtedness to the railway company	......
Total	56.61
To be deducted:	
Share paid to employees transferred	......
Indemnities paid for transfer of employees	5.96
Rectification of error	......
Total	5.96
Remainder	50.65

The premium, which is determined monthly and which amounted, for instance, in the station of Codogno to 550.88 lire ($106.32) in November, 1895, must be divided among the individual employees who participate in the gain-sharing system.

This division could not be made in equal shares among the whole personnel without committing an injustice to the most capable and most active, neither could it be made in proportion to the regular pay of each individual, because the class of employees which has the smallest pay and which lends the most efficacious aid by its labor to accomplish the savings would suffer most.

The division, therefore, has been based on two criteria: One which keeps account of the capabilities of all of the employees and establishes various groups based on this record, different quotas being assigned to each of the various groups thus established; the other,

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which keeps account of the number of days at work. In this manner the yardmen and laborers may have in many cases quotas of premiums assigned to them which are equal to those of higher employees. The difference in premiums among the employees of the same class is always according to the number of days at work. The averages of monthly maximum premiums and of all premiums paid to certain classes of the employees at all stations of the Adriatic system from 1891 to 1895, inclusive, are as follows:

AVERAGE MONTHLY PREMIUMS PAID IN CERTAIN OCCUPATIONS IN THE ADRIATIC SYSTEM, 1891 TO 1895.

Occupations.	Average of maximum monthly premiums.	Average of all monthly premiums.
Station masters	$11.77	$7.91
Managers	7.72	5.02
Clerks	5.79	3.86
Gate keepers	3.28	2.12
Yardmen	4.05	2.70
Switchmen	4.05	2.70
Laborers	4.05	2.70

In order, however, to better explain the workings of the system the method by which the premium of 550.88 lire ($106.32) before mentioned was distributed to the employees of the station of Codogno is given as an example.

PREMIUMS PAID TO INDIVIDUAL EMPLOYEES AT THE STATION OF CODOGNO, NOVEMBER, 1895.

Employee number.	Occupation.	Days present.	Premium.			Premium for regularity in service.	Premium for extra labor.	Total.
			Number of shares.	Value of one share.	Total.			
1	Station master	31	2.50	$5.3654	$13.42			$13.42
2	Station master	31	1.50	5.3654	8.05		$0.89	8.94
3	Manager	31	1.50	5.3654	8.05			8.05
4	Clerk	27	1.25	5.3654	5.84			5.84
5	Clerk	29	(a)	5.3654	b 3.42			3.42
6	Clerk	31	(a)	5.3654	b 3.65			3.65
7	Clerk	31	(a)	5.3654	b 3.65		.78	4.43
8	Clerk	31	(a)	5.3654	b 3.65			3.65
9	Clerk	23	(a)	5.3654	b 2.71			2.71
10	Clerk	27	(a)	5.3654	b 3.18			3.18
11	Gate keeper	31	.75	5.3654	4.02			4.02
12	Gate keeper	31	.75	5.3654	4.02			4.02
13	Gate keeper	31	.75	5.3654	4.02			4.02
14	Yard master	31	.75	5.3654	4.02	$1.93		5.95
15	Yard man	31	.50	5.3654	2.69	1.54	.72	4.95
16	Yard man	28	.50	5.3654	2.42	1.39		3.81
17	Yard man	31	.50	5.3654	2.69	1.54		4.23
18	Yard man	31	.50	5.3654	2.69	1.54	.63	4.86
19	Lamp tender	31	.75	5.3654	4.02			4.02
20	Laborer	31	.75	5.3654	4.02			4.02
21	Laborer	31	.75	5.3654	4.02			4.02
22	Laborer	31	.75	5.3654	4.02			4.02
23	Laborer	28	.75	5.3654	3.64			3.64
24	Laborer	3	.75	5.3654	.39			.39
25	Laborer	31	.75	5.3654	4.02			4.02
	Total		21.00		106.32	7.94	3.02	117.28

a Four shares apportioned to clerks collectively.
b These figures vary somewhat from those calculated on the basis of the share value as given in the preceding column. They are the equivalents, however, of the original figures given in the Italian report, Atti della R. Commissione d' Inchiesta, Vol. IV, p. 268.

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From this it will be seen that the shares gained by the employees at this station varied from 2½ for station masters to one-half share for yard men; that is, from 69.52 lire ($13.42) for one station master to 20.85 lire ($4.02) paid to laborers and to 13.90 lire ($2.69) paid to yard men, taking into consideration the full month's work. The amount of premium within any class, it will be seen, is also proportionate to the number of days employed. In some stations the station master may be entitled to as many as 4 shares.

It will be seen that the number of parts or shares into which the total premium of 550.88 lire ($106.32) is divided is 21. The sum which each employee receives is more or less according to the number of shares with which he appears in this division, and the number of shares is in accordance with the importance of his functions.

This holds good for the Adriatic system.

In the Mediterranean company, under a similar system, a unit price for each operation is established upon which the allowances are based; all the operations performed, multiplied by the respective unit prices, together with the fixed allowances and sundry other items, constitute the credit side of the account. The debit, as in the Adriatic company, consists of: The total expenses actually incurred for yard service, the amount of the average monthly wages paid the permanent inferior class of employees, the expenses incurred for temporary help, and the expenses incurred for repair of railway tools and sundry other purposes.

The account, as in the Adriatic company, is settled monthly and the gains—that is to say, the excess of the credit over the debit—are divided in the following proportions: Fifty-four per cent is paid to the employees immediately, 40 per cent goes to the company, and 6 per cent goes to the reserve fund, which is managed very nearly in the same manner as that of the stations of the Adriatic company.

When it becomes necessary to divide the aggregated gains belonging to the employees as a whole among all those who as individuals form that personnel, the Mediterranean company divides it in the following proportions: Station master, 6 shares in some stations, in others 5 to 4½; assistant station master, 3 shares; managers, 3 shares; employees in train service, 2½ shares; higher employees and clerks, 2 shares; assistants, 1½ shares; yard masters, 2½ shares; yard men, 1½ shares; depot keepers, 1½ shares; laborers, 1 share.

But the entire personnel, even if not comprised in the above list, may participate in the gains, providing that it has also been employed in part on labors pertaining to the service which comes under the gain-sharing system. So, for example, in the stations in which the switchmen may, according to the station regulations, be used as laborers, the latter may participate in proportion to the labor performed, half a share being usually assigned to each.

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As an example of the practical application of the system of gain sharing in the Mediterranean company, the station of Asti, which was one of the first stations in which the experiment of labor on the gain-sharing system was introduced, may be taken. It must be borne in mind that with different figures, but on the same plan, the variations occur in the other stations.

SCHEDULE OF CREDITS USED IN DETERMINING BASIS OF DISTRIBUTION OF PREMIUMS TO EMPLOYEES OF STATION OF ASTI.

To the credit of the station.	Unit.	Amounts allowed per unit.			
		July to December, inclusive, 1893.	1894.	January, 1895, to January, 1896, inclusive.	Now in force.
Freight handled:					
Baggage sent out, received, or in transit.	Ton	$0.063032	$0.070035	$0.052527	$0.063032
Dogs	Dog	.019300	.019300	.019300	.019300
Fast freight sent out or received	Ton	.063032	.061281	.043772	.040270
Fast freight transferred in transit	Ton	.063032	.064783	.043772	.040270
Slow freight sent out or received	Ton	.049025	.050776	.031516	.035018
Slow freight transferred in transit, general merchandise or carload lots.	Ton	.052527	.056028	.043772	.040270
Shipping for railroad service—					
Fast freight sent out, received, or transferred in transit.	Ton	.052527	.070035	.035018	.035018
Slow freight sent out, received, or transferred in transit.	Ton	.052527	.070035	.035018	.035018
Disinfecting cars	Car	.069480	.069480	.077200	.096500
Yard service:					
Passenger cars charged to station or in transit.	Car	.038600	.067550	.067550	.048250
Freight cars charged to station or in transit.	Car	.057900	.077200	.067550	.048250
Freight cars freighted to workshops having special tracks.	Car		.096500		
Locomotives turned					
Fixed allowances for sundry services:					
Policing station	Month.	10.422000	12.738000	12.738000	32.231000
Watching of station	Month.	11.580000	172.349000	158.067000	138.767000
Lighting	Month.	3.860000	25.476000	25.476000	25.476000
Switching	Month.	21.230000	152.856000	178.332000	178.332000
General station expenses	Month.		21.230000	38.021000	58.479000
Substitute labor on trains (*a*)					
Absence of personnel (*a*)					
Services pertaining to management, supervision, and handling of freight.	Month.			135.872000	*b* 140.890000
Fixed allowance for substitute yard labor.	Month.		134.887700	173.700000	318.836000
Fixed allowance for receiving and consigning trains and for handling cars.	Month.				14.475000
Fixed allowance for copying bills of lading.	Month.				12.738000
Services of foot warmers	Month.		6.948000	8.974500	

a Occasional.

b In October, 1896, the amount was increased to $166.752.

In the station of Asti, during the month of October, 1895, the expenses incurred were greater than the credits allowed. The exact details of the settlement in the gain sharing of this station for the month of October, 1895, in which the account closed with a deficit of 415.61 lire ($80.21), were as follows:

TO THE CREDIT OF THE STATION.

8,749 cars handled (at 6.755 cents per car)	$590.99
Handling freight, baggage, disinfecting cars, etc	325.42
Policing station	12.74
Gate keeping	158.07

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Lighting	$25.48
Switching	178.33
General station expenses	38.02
Help of extra employees on trains Absence of personnel	63.37
Services pertaining to the handling, supervision, and manipulation of freight	135.87
Fixed allowance for yard service	173.70
Total credit	1,701.99

TO THE DEBIT OF THE STATION.

1,164¾ hours of yard service with locomotive (at 57.9 cents per hour)	$674.39
Regular inferior class of employees	825.46
Temporary labor (478¼ days)	167.34
Employees sent or transferred to Asti for extra service	96.75
Employees residing in Asti employed as substitutes to replace regular but absent employees	18.26
Total debit	1,782.20
Excess of debit over credit	80.21

During the month covered the average cost per car handled was 0.54 lira (10.422 cents), while the unit allowance per car handled, 0.35 lira (6.755 cents), plus the supplementary fixed allowance of 900 lire ($173.70) for yard service apportioned to the 8,749 cars actually handled, equal to 0.103 lira (1.9879 cents) per car, makes a total allowance per car of 0.453 lira (8.7429 cents), that is, an allowance of 0.087 lira (1.6791 cents), less than the actual cost.

A similar result is found in the month of October during the preceding year (1894), in which the account was as follows:

TO THE CREDIT OF THE STATION.

Cars handled on basis of unit of price	$540.56
Handling freight on the basis of unit of price	458.46
Various allowances (including fixed allowance for yard service)	585.14
Total credit	1,584.16

TO THE DEBIT OF THE STATION.

Hours of yard service with locomotive	$542.28
Regular inferior class of employees	822.28
Temporary labor	166.56
Employees sent from other stations and transferred to Asti for extra service	79.62
Repair of railroad tools	2.70
Corrections in the preceding account	2.12
Total debit	1,615.56
Excess of debit over credit	31.40

The average cost per car handled during the month covered by this account amounts to 0.55 lira (10.615 cents), while the unit allowance

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per car handled was 0.35, 0.40, or 0.50 lira (6.755, 7.72, or 9.65 cents) according as it included passenger cars, freight cars charged to the station, or cars belonging to private parties, an average of 0.383 lira (7.3919 cents) per car; or in detail 0.35 lira (6.755 cents) per car for 2,589 passenger cars, 0.40 lira (7.72 cents) per car for 4,628 freight cars charged to the station, and 0.50 lira (9.65 cents) per car for 87 cars belonging to private parties, the total number of cars being 7,304.

In addition to this there was the fixed allowance for yard service of 698.90 lire ($134.89) for handling cars, which, on the basis of 7,304 cars actually handled, was equal to a price per car of 0.096 lira (1.8528 cents), showing total allowance per car of 0.479 lira (9.2447 cents), or 0.071 lira (1.3703 cents) per car less than the actual cost of the labor.

In the month of October, 1896, however, the account closed in favor of the credit side, as will be seen from the following items:

TO THE CREDIT OF THE STATION.

Item	Amount
Cars handled on the basis of the unit price of 4.825 cents	$420.31
Handling freight on the basis of the unit price of 4.825 cents	255.64
Various allowances (including fixed allowance for yard service of $318.84)	974.27
Total credit	1,650.22

TO THE DEBIT OF THE STATION.

Item	Amount
Hours of yard service with locomotive	$476.90
Regular inferior class of employees	844.37
Temporary labor	184.82
Employees sent from other stations and transferred to Asti for extra service	86.05
Employees residing in Asti employed as substitutes for others	23.45
Total debit	1,615.59
Excess of credit over debit	34.63

During this month the average cost per car handled was 0.40 lira (7.72 cents), while the corresponding unit allowance per car handled was 0.25 lira (4.825 cents), besides the fixed allowance for yard service of 1,652 lire ($318.84), which, on the basis of 8,711 cars handled, equals a price per car of 0.19 lira (3.667 cents); that is to say, there was a total of 0.44 lira (8.492 cents), showing an earning of 0.04 lira (0.772 cent) per car.

The reason why a loss instead of a gain resulted in many cases from the adoption of the system is seen in the history of Asti. In the year 1894 the allowance for yard labor was only 698.90 lire ($134.89) and the loss was $31.40; in 1895 the allowance for yard labor was raised to 900 lire ($173.70) and the loss was $80.21; in 1896 the allowance for yard labor was again raised to 1,652 lire ($318.84) and the excess of credit over debit, or the gain, was $34.63.

The fault has been not in the gain-sharing system, but in the way it has been applied. The company established a basis of fixed allowances

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so low that the expenses incurred were greater than the allowances credited. To produce a gain instead of the loss the company increased, in 1896, the allowance to $318.84. In most stations the experience in the first years of the system has been the same. As the losses are not chargeable to any negligence on the part of the employees, but to defects in the working out of the system, the company has been obliged to remit the share of the losses chargeable to the employees. The per cent of the losses remitted of the premiums paid to employees is as follows in the Adriatic system: In the year 1892, 22.60 per cent; 12.96 per cent in 1893; 2.05 per cent in 1894; 0.93 per cent in 1895, and 2.22 per cent in 1896. From this it appears that while the losses remitted were high in proportion to the premiums paid in the first years of the working of the system, they are now but a mere trifle. The bases of the gain-sharing system have been in each station revised so as to substitute gains for losses.

It now becomes proper to judge the system of gain sharing in the stations, in order to see whether this system is of such a nature that it can be recommended for imitation to other countries as adequate to conciliate the interests of the laboring men and those of the companies operating the railways.

At first sight it would seem that a system which incites the laborer to greater exertion and to the utilization of all his time with the hope of a considerable participation in the savings in the operating expenses of the stations effected thereby should be recognized by all as a system able to accomplish the double purpose (1) of benefiting the employees by increasing their pay and (2) of reducing the cost of operation.

In reality, however, the complaints of the workingmen themselves, of the chambers of commerce, of the communes, of the public, and of the governmental inspectors against the system are great and numerous. It is necessary, however, to examine and judge the system, both in detail and as a whole and in regard to its effects, in order to discover the causes underlying the widely divergent views.

First of all, the preliminary question must be solved, whether the gain-sharing system is applicable to the station service and whether it is not incompatible with the benefits to which the public is entitled. In this connection it may be observed that the gain-sharing system is considered by many as not applicable to the station service, because such service is too complex, mixed, and variable, and too closely connected with the public safety.

Abuse of the task system, whether by not allowing a sufficient remuneration or by exacting too much labor to permit good work, can not occasion any damage, because the system is applied exclusively to functions of a special character (like the consumption of fuel, the performance of ordinary labor, etc.). But abuse of the gain-sharing system might compromise the regularity and safety of the service, because it is

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applied at the stations where the labor is composed of many variable and indeterminable functions, all of which affect the regularity and safety of the service. The gain-sharing system interposed between the employee and the service to be performed causes the employee to lose sight of the important and only end which he should ever look to and submit to, and that is the regularity and the safety of the service.

The operating companies establish the basis of the gain-sharing system in such a manner as to reduce the number of regular employees as much as possible. The station masters, who direct the management of the gain-sharing system, are interested in increasing the profit allotted to themselves, either by not performing any or by performing little yard service with locomotives, or by not engaging any or only a few temporary employees, and this for the reason that both classes of expenditures weigh heavily on the debit side of the account of the station, diminishing the benefits to be divided. Is it not to be feared that this scheme of management will lead to impairing the regularity and the safety of the service?

Considering the question thus expressed, it seems necessary to conclude that the safety of the service and the lives of travelers should not be placed in danger by maintaining a system which induces the station masters to exaggerate the savings in the expenses which are necessary for the good working of the railway service. One workingman, being interrogated by the commission of inquiry, summed up in the following sharp and effective manner his opinion of the gain-sharing system: "In the gain-sharing system the lion's share falls to the company, the cub's share to the station master, the crumbs from the table to the employees, and the annoyance to the public."

But before pronouncing such a severe condemnation it is necessary to examine carefully the system of gain sharing in all its details in order to see if it is really of such a nature as to endanger the regularity and the safety of the service. The plan of operation of the system provides, as has been said already, for the substitution of temporary laborers (taken on from time to time, according to the needs of the service) for a part of the regular employees paid by the month or by the year, and for allowing to the station masters a freer hand in the distribution of the duties of the service.

By using temporary employees the companies gain the advantage of having a laboring personnel proportionate to the traffic, which is continually changing, and of paying them according to the price of labor in the particular locality. This effects a saving as compared with the system of regular employees only, who must have uniform wages throughout the whole country.

This appears certainly to be an undeniable advantage, but, on the other hand, disadvantages are not lacking upon close examination. Some say that the temporary workers, not having any career to look

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forward to, are poor workmen; others say, on the contrary, that being liable to be discharged at any moment they work all the more zealously. Some see a danger of more thefts because the station masters, being interested in the saving of expenses for wages, do not make careful selections; others are of the contrary opinion and say that for the above-mentioned reasons the temporary employees are at the mercy of the administration, and as the thefts and the pilfering would weigh heavily on the debit side of the station account the workmen are greatly interested in watching one another; to which the defenders of the permanent-employee system answer that when, in a station working on the gain-sharing system, there is much labor to perform no time is left the employees for watching one another.

The best system to pursue would be, following the plan which the companies have adopted, to compromise between the two elements, so that the number of regular employees would, in fact, be commensurate with the ordinary traffic, and to call in temporary help only in case of an extraordinary amount of business. This principle, which is already embodied in the general plan, should be worked out in practice so as to prevent any abuse by the station masters. In this manner the necessary elasticity could be obtained, and the danger would be avoided of having the station master, in order to economize greatly, select incompetent persons who offer their services at a small price. The most important point in the system, then, would be to determine a practical method of establishing the regular working force. This force should be neither excessive nor too small, but in regard to number and distribution the employees should be adequate for the work to be performed.

In order to determine whether the number of employees is sufficient, it would be necessary to value the labor performed by them according to certain criteria, which should be sufficiently liberal to meet all emergencies which might occur if a more important labor than the ordinary were required. Instead of this, the time allowances for the various operations are (1) incomplete, because they do not contain all the operations to be performed by the employees, and (2) they are erroneous, because they are so restricted that in some stations, for certain operations, they would not be sufficient for the very best employee to perform the task. The necessary consequence, therefore, is an insufficient number of employees, and through this an overburdening of labor. At Terni 95 hours were allowed the employees for labor, while 166 hours were actually required for its performance.

The total hours of labor which theoretically should be sufficient to perform all the labor of the stations is divided by 8, which represents the daily hours of labor for each employee, the quotient, therefore, giving the number of the employees which on this basis should be connected with the station. If there is a remainder in the division and

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this remainder is in the neighborhood of 4, an employee, called a "half-timer," is engaged, who may be employed during one-half of the month in a station without acquiring thereby any right to participate in the gains. But here seems to be an absurdity when it is said that in one station in which the work should be expedited from day to day, perhaps even from hour to hour, for 15 days it could be performed by only 3 employees and for the next 15 days there must be 4 employees for the same labor without changing in any way their individual compensation.

Just as the system of gain sharing is imperfect as applied in determining the number of the employees, so is it also imperfect when applied to the accounts kept at the stations. The monthly accounts which are made up in the stations working on the gain-sharing system have been explained, and the accounts of the stations of Codogno (Adriatic company) and of Asti (Mediterranean company) have been given as examples. In order to see how imperfect the system of accounts is, it will be sufficient to state that the accounts of the station of Asti showed losses. In cases where the company has not made good the loss to the employees who have labored in excess of ordinary work, they have, instead of receiving a premium, been obliged to submit to a diminution of their pay.

To demonstrate how erroneous are the bases of the accounts of the stations, it will be sufficient to state that the stations receive premiums on the basis of quintals of freight handled, but it happens that during the Christmas and Easter holidays the number of packages increases enormously, and sometimes is such that the employees performing the clerical work, although working indefatigably, are not sufficient and must be reenforced by temporary employees. But as these shippings consist of small packages their weight is inconsiderable, and it takes 15 to 20 shippings to be able to gain from 0.08 to 0.10 lira (1.544 to 1.93 cents). It is evident that the increase of the traffic and labor cause, in this case, a diminution of gain to the employees.

So, also, are the accounts of yard service defective. As this service represents an expense for fuel, an entry of 3 lire (57.9 cents) for each operation is made on the debit side of the account of the station. The companies started with the idea that the more the locomotive yard operations cost the less that kind of labor should be resorted to—a principle which, at first sight, appears to be very reasonable, but which in practice has two defects. The first defect is, that with the diminution of that kind of yard service, the regularity of the service is diminished as far as the good and careful utilization of the rolling stock is concerned, the prompt forwarding of freight, the proper making up of trains, etc., and that not a day passes without the occurrence of some irregularities, due principally to the highly exaggerated economies in the yard service. The second defect consists in executing

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this class of yard work without keeping strict account of the same on the books. The locomotive engineers while performing this kind of yard work lose on an average 0.40 lira (7.72 cents) of their regular pay for each hour so employed, and it is therefore to their advantage not to have a strict account kept of the work. Concerning the coal used, the locomotive engineer covers this loss with irregularities in his duties, which are sometimes dangerous, such as letting the trains go down grade with great velocity, etc.

Another pernicious practice is the changing of the bases by which the unit prices of labor credited to the station are changed whenever the premiums earned by the employees seem for some months to be too high. These changes of the bases constitute the most demoralizing part of the gain-sharing system, because they create a certain distrust on the part of the employees. Besides this, these changes, being always a consequence of a material increase of the premiums, occur only in stations in which the employees tend, by greater intensity of labor, to augment the premiums beyond the average limit which the company has allotted to the employees. These changes do not occur in places where the employees, fearing a change of the basis, content themselves with the gains allotted to them and do not attempt to increase their earnings to any material extent. This result is to be expected when we bear in mind the fact that the changes are really failures on the part of the company to keep its promises.

Nearly all of the governmental railway inspectors agree in saying that the unit prices on which the station accounts are based have not been established on a principle which would make it possible to obtain a well-established sum to be gained by the employees. This is so true that when bases established do not lead to the end desired by the company they are promptly changed, naturally to the benefit of the company and to the injury of the employees. The Codogno account is typical for the stations on the Adriatic system, but sometimes it happens in some of the stations that the fixed allowances, owing to various causes, such as an increase or a decrease in the traffic, are excessive or not sufficient and may lead to a great gain or loss for the employees. The company is continually trying to eliminate the very great gains by diminishing the bases of the fixed allowances and this practice has led to the charge that the Adriatic company goes on continually reducing the prices formerly established so as to eliminate the possibility of any gain whatever.

The complaints are yet more marked when reference is made to the division of the gains, for nothing is more irritating than to see unequal reward for equal labor. The division of the gains between the Adriatic company and its employees may be examined. In the depositions and written answers of several Government inspectors and of a high functionary of the Adriatic company it has been claimed that the

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bases of the station accounts have been fixed so as to give to the employees a premium of only 24 per cent of the savings effected by the employees instead of 60 per cent as apparently called for according to the professed plan. It was claimed furthermore that this 24 per cent was the maximum figure of the gain which the company intended to leave to the employees, the proportion ranging from 15 to 24 per cent.

The following table shows the actual financial results of the service on the gain-sharing system for the Adriatic company from the introduction to December 31, 1897:

RESULTS OF THE GAIN-SHARING SYSTEM FROM ITS BEGINNING TO DECEMBER 31, 1897—ADRIATIC COMPANY.

Year.	Expenses incurred in period immediately preceding adoption of gain-sharing system.	Expenses incurred after adoption of gain-sharing system for—				Actual savings to company after adoption of gain-sharing system.	Total savings of company and employees.	Per cent of total savings received by—		Per cent of savings of salaries or wages of—	
		Permanent employees.	Temporary employees.	Employees' share of gain. (a)	Total.			Company.	Employees.	Administrative employees.	Operating employees.
1891-2	$54,603	$38,063	$2,726	$2,973	$43,762	$10,841	$13,814	78.48	21.52	13	17
1893..	271,818	185,768	14,660	21,512	221,940	49,878	71,390	69.87	30.13	18	19
1894..	745,240	517,830	43,719	59,659	621,208	124,032	183,691	67.52	32.48	16	18
1895..	948,487	643,964	57,724	82,743	784,431	164,056	246,799	66.47	33.53	16	18
1896..	1,365,307	969,837	92,891	114,621	1,177,349	187,958	302,579	62.12	37.88	16	18
1897..	1,581,042	1,147,662	130,527	139,177	1,417,366	163,676	302,853	54.04	45.96	16	17½

a Sixty per cent of the gain established by the company according to the principles of the gain-sharing system.

From the data given above, which were derived directly from the administration of the Adriatic company, it will be seen that the employees' share of the actual gain, although more than 24 per cent for each year since 1892, in no case reaches 60 per cent, and at first sight this fact can not be understood. The account is liable to be confused with the account of Codogno, where the employees apparently received 60 per cent. It must be remembered, however, that the Codogno account shows the savings as calculated by the company under the gain-sharing system, and that these savings, because of the small allowances credited by the company, are in every case less than the actual savings.

On the other hand, the present table shows the actual savings effected by the Adriatic company in the stations adopting the gain-sharing system. To find the actual savings, as will be seen by reference to the table, the expenses in the stations which have adopted the gain-sharing system are subtracted from the actual expenses in the same stations for the period (not stated; probably 1890) immediately preceding the adoption of the system. As the company credits much smaller amounts to the stations than were actually expended before the gain-sharing system was adopted, it is easily seen how an apparent

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gain of 60 per cent really represents a much smaller proportion of actual savings.

Thus, in 1891–92, in the stations which had adopted the system, the company incurred an expense of 197,217.30 lire ($38,062.94) for permanent employees, 14,126.20 lire ($2,726.36) for temporary employees, and 15,403.83 lire ($2,972.94) for the employees' share of the gain, which was calculated at 60 per cent of the savings according to the credits allowed by the company, making a total expense of 226,747.33 lire ($43,762.24). This total subtracted from 282,918.69 lire ($54,603.31), the expense actually incurred in the same stations in the period immediately preceding the adoption of the gain-sharing system, shows an actual saving to the company of 56,171.36 lire ($10,841.07). This amount, combined with the employees' share of the gain, gives a total gain to company and employees of 71,575.19 lire ($13,814.01), 78.48 per cent of which went to the company and only 21.52 per cent to the employees.

In 1893 the gain-sharing system was introduced into more stations, and the total expense for all the stations that had adopted the system was 1,149,948.79 lire ($221,940.12). The actual expense in the same stations for the period immediately preceding the adoption of the system was 1,408,385.62 lire ($271,818.43), and the actual saving to the company 258,436.83 lire ($49,878.31). This, added to 111,462.34 lire ($21,512.23), the employees' share of gain, gave a total gain to company and employees of 369,899.17 lire ($71,390.54), of which 69.87 per cent went to the company and 30.13 per cent to the employees.

By the same method it is shown that the employees received but 32.48 per cent of actual savings in 1894, 33.53 per cent in 1895, 37.88 per cent in 1896, and 45.96 per cent in 1897, though each of these per cents represented an amount which was just 60 per cent of the savings calculated according to the credits allowed by the company.

Notwithstanding the advance which has been observed in the last year (1897), the gains turned over to the employees, while apparently large, have not been in proportion to the increased labor and to the part which has gone to the benefit of the company's account.

Nor do equal conditions of labor conform to equal premiums. They do not even approach equality. It is well known that the initial premium depended in a great measure upon the conditions of the station at that period of time which immediately preceded the establishment of the gain-sharing system and which served as a basis for computations and comparisons on which the organic force of the station was determined. From this follows the very strange consequence that those who formerly labored under conditions of maximum economy received small premiums, while those who formerly incurred higher expenses participated in larger premiums.

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As an example, it may be stated that in the year 1893, in Ferrara, the daily labor, which consisted of 4 hours and 30 minutes for each employee and the handling of freight on the part of laborers of 59 quintals (13,007 pounds), brought a premium of 20 lire ($3.86), while at Lucca, with a more extended labor (5 hours and 23 minutes) and a handling of freight amounting to 93 quintals (20,503 pounds), the premium was markedly less, being 12 lire ($2.32). And in the year 1896, in the station of Ancona, a labor of 4 hours and 52 minutes and the handling of 58 quintals (12,787 pounds) resulted in a premium of 23 lire ($4.44), while in the station of Mantua, however, both the labor (6 hours and 53 minutes) and the handling of freight, amounting to 71 quintals (15,653 pounds), were greater, but the premium, 18 lire ($3.47), was less. These comparisons could be multiplied indefinitely, and it must be concluded that differences, more or less conspicuous, more or less justified, exist in a great number of stations.

And now, touching the distribution of the gains among the individual employees, the commission of inquiry has in its report made a somewhat sharp criticism of the system, based upon the grievances of the employees, which it seems well to reproduce, although all the objections to the system do not seem equally well founded. Following is this criticism:

The station masters' share of the gain must be regarded as excessive. The shares falling to the other administrative employees, however, can not be said to be excessive; in fact, if the account of the station of Codogno in the Adriatic system be taken as an example, it will be found that 6 clerks received altogether 4 shares, or $\frac{2}{3}$ for each one, while each laborer was credited with $\frac{3}{4}$ of a share.

And here, keeping always the station of Codogno as an example, as this station has been held up as the model for the Adriatic company, and without doubt it is the one which presents the least defects, a query arises which bears upon the whole system of dividing the gains. The credit side of the account of a station is, with the exception of small fixed and sundry other allowances, based on certain unit prices of the weight of freight handled and of the number of wagons and cars handled in the yard service; that is, on the work of the inferior laboring class. The administrative employees, from the station master down to the clerk, being charged with the work of direction and supervision, contribute only in an indirect way toward the gain. Why then should the reward for the workingman's increased labor be taken from him to create gains for persons who have not directly cooperated?

In the station of Codogno the shares of gain—in all 21—are divided as follows: To the laboring personnel (15 persons), which through its labor creates the gain, go $10\frac{1}{4}$ shares; to the directing and supervising personnel (10 persons), which contributes only indirectly to the gain, $10\frac{3}{4}$ shares are allowed. This division does not seem equitable. But even if the shares allotted to the directing and supervising employees were not excessive, it can not be understood why the

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rewards given to the administrative employees (which may be considered as being nearly outside the pale of the gain-sharing system) should be taken from the fruits of the labor of the inferior employees.

It would seem more just to throw the weight of this premium for the directing personnel on the marked gains which the company derives from the system of gain sharing. It might be answered that this is really not more than a question of form, because the company, in order to retain its gains undiminished, would simply have to change the proportion of the gains allotted to itself and the employees. In that case, however, the apparent 60 per cent which it pretended was given through a paternal generosity of the company to the employees would disappear.

The governmental railway inspectors recognize the fact that the share of profits of the directing employees is too high, especially that of the station master, so long as this gain is derived from a profit made to a great extent by the more intense labor of the inferior employees; and they think that a mistake has been made in the allotment of the proportional premiums by giving more on account of rank than on account of the labor performed, although they acknowledge that it is just that the station master should have a greater share, as it is upon his effort, like that of any other industrial chief, that depends the perfect quality of the system. Other complaints are made on account of the disparity in the treatment of equal classes of the employees between one station and another, there being, for example, station masters who earn a premium of 113.51 lire ($21.91) per month, while others only make a surplus gain of 1.60 lire (31 cents).

The opinions expressed by some chambers of commerce are not at variance with the above. They contend that the gains go in great part to the company, and that those gains which are allotted to the employees are adjudged to be inadequate or even ridiculous when compared with the sacrifices which the increased labor imposes upon the latter. More severe still are the criticisms on account of the division among the individual participating employees, either because equity has been disregarded in deciding upon the share of the station master and others or because the allowance of profit to the lower employees is too small and ephemeral. He who labors least earns most, and this principle is certainly not such as to induce the retention of the gain-sharing system, which should be above all a premium on labor.

If the gain-sharing system has not proved very satisfactory to the workingmen at the stations, it can be said that it results in large savings to the railway companies. For example, the Adriatic company had calculated that the savings in the year 1895 would amount to 1,100,000 lire ($212,300), and later to 2,000,000 lire ($386,000). The savings actually made however, were somewhat lower than predicted, but notwithstanding this they were very considerable. This can be seen

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from a table which has appeared on a preceding page, and from which is reproduced the following savings of the company:

1891–92	56,171.36 lire	($10,841.07)
1893	258,436.83 lire	($49,878.31)
1894	642,654.27 lire	($124,032.27)
1895	850,033.30 lire	($164,056.43)
1896	973,877.87 lire	($187,958.43)
1897	848,064.12 lire	($163,676.38)
Total	3,629,237.75 lire	($700,442.89)

Other criticisms of the gain-sharing system in stations have appeared from time to time, among these being those made by Mr. Kossuth, son of the celebrated Hungarian patriot, and manager of the second division of the Mediterranean system. Following are the defects mentioned by Kossuth: (*a*)

It must be borne in mind that the principle of authority would in the course of time receive a more or less severe blow from the introduction of a system which to a great extent is pervaded by socialistic principles, to such an extent that it approaches a programme of gain sharing between the company, the Government, and the employees—an idea which in Italy has been announced by several socialistic and democratic deputies.

It is clear that the original organization of the station employees would have to be fixed on the basis of hours of labor required for the operations. After the introduction of the system, however, any acts of superiors which would aim at the settling upon new units of compensation would cause remonstrances from the interested employees, who would claim that these acts changed the conditions of labor and therefore the results of the gain sharing.

To-day (1893) such action on the part of the superiors could neither be criticised nor opposed by the employees without such criticism or opposition assuming the character of a lack of discipline; while after putting the system in force the remonstrances would acquire a character eminently just and legal, becoming nothing else than a remonstrance of an interested partner against damages sustained through the actions of the other partner. Nor would it be of any value to try to circumvent this inconvenience by asserting that the company should maintain intact its authority and the rigor of all its regulations, because these could then be interpreted not only by the superiors, but also by the tribunals.

There would be delays, remonstrances, and discussions on the occasions of transfers, because no matter how carefully the number of necessary employees in each individual station may be estimated, it would nevertheless be evidently impossible, in such a complex system of operations, to make the estimates sufficiently exact to insure equal gains in all the stations.

Attempts would be made, however, from time to time to transfer an individual, but he would never fail to maintain that in the station to

a This statement by Mr. Kossuth was written on June 20, 1893, and at that time the gain-sharing system had not been introduced in the second division of the Mediterranean company.

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which he was transferred his part of the gain sharing would be less than it was in the station which he left. He would maintain this notwithstanding that there may be neither reason nor proof of his claim, forcing the company either to prove to him the falsity of his assertion, thus lowering itself to an action which is incompatible with its discipline, or to compel him by the exercise of authority to submit to the transfer, thereby giving rise to arguments and complaints against the alleged injustice of a provision which in itself is perfectly legal.

It is evident that the employees would not be able to obtain their profits in the gain-sharing system without performing labor, the length and the intensity of which would be much greater than what is required of them to-day. In the beginning every one would submit voluntarily in view of the marked economic advantages which he would derive, but in the course of time, as the employees became accustomed to receiving a certain sum every month as a benefit from the gain sharing, they would come to consider this benefit as a kind of acquired right, as one would say, to increased wages. The day would come in which the individuals would feel the weight of the longer and increased labor, and at this period they would begin, on occasions of punishment for faulty performance of their proper duties, and on occasions of railway disasters, to complain that they were forced to labor during too many hours, and were therefore so exhausted as to consider themselves released from their responsibilities. Then would arise a tendency to reduce the labor to that point which exists to-day, keeping intact, however, the total reward which should result from the sum of the wages and of the gain sharing. It would then be necessary to increase the number of employees without being able to diminish the wages. Little by little a kind of equilibrium between the number of employees and their earnings would be established, so that the gain sharing would not be a reward for extraordinary labor but only a simple individual increase of wages.

A phenomenon nearly analogous manifested itself when the system was introduced of giving to the locomotive engineers a premium for economy in the use of fuel. In the beginning the savings realized were considerable, and originated in the zeal and intelligence of the employees. To-day things have already changed. There is no doubt that the locomotive engineers could perform their services with considerably less fuel than they actually use. When, however, they find from time to time for a few consecutive months that the average premium for economy does not reach the accustomed amount, they are careful to be more saving in the quantity of coal allowed them; this is true of the great majority of engineers, there being a few laudable exceptions. They care very little about economy and consider the premium merely as a supplementary reward acquired by right. Notwithstanding all this, nobody could ever propose the abolition of the system of premiums because it would immediately result in careless and even malicious waste.

Something analogous would manifest itself also in the system of gain sharing, but then there would be no possibility of suppressing the system without provoking the most dangerous state of discontent.

It is certain, therefore, that the gain-sharing system, which would seem to be, theoretically, a perfect system, one that would lead up to the hope that it would help to reestablish harmony between the company and the railway employees, has grave defects which derived

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their origin, above all, from the faulty application which has been made of the just principles which grant participation in the savings resulting from the increased industry of the laborers.

It is believed that the best systems of remuneration for labor, the organization, the good sides, and the defects of the gain-sharing system have been shown.

It seems proper to refer, also, to the suggestions for a reform of the system which a most eminent railway engineer has made—a reform which would aim at rendering the system not only just in theory but also equitable and more profitable in practice, both to the company and to the employees. The suggestions are as follows:

The gain-sharing system should start from a healthy and just principle, and while it should work toward the end of greater economy for the administration it should not carry this too far. The basis of the gain-sharing system should be the effective labor performed by the employees at the station.

For this purpose the labor of the station should be divided into two great classes—manual labor and the work of management and administration. The first should have nothing to do with the second, because the laboring employees never undertake the work of the administrative branches, and the administrative employees in the discharge of their duties do not expect help from the laboring employees. For each class there should be established a standard of effective labor, subdivided into two great parts, one fixed and the other variable. The first part should be composed of the fixed labor of each single class of employees, as, for example, supervision of stations, the labor of yard service with regard to ordinary trains, the closing of accounts, made out daily, every ten days, two weeks, or monthly, correspondence, etc.; the second, or variable part, should be the labor which bears, for instance, on the passage of a special train, the finishing of a shipment, the detaching of a ticket, the arrival of a freight train, the transit of a car, etc.

In computing this labor afterwards an account should be kept of all, not only of that limited labor which occurs for each single operation, but also of the increase of labor which this occasions by reflex action in all the bookkeeping work of the station. When the labor of the administrative and managing personnel is separated from that of the manual employees there would not be any connivance between the two classes, which is the origin of so many small irregularities, while it would have for both the tendency toward a uniform purpose—that is, the augmentation of individual labor in order to increase the premium; labor which resolves itself into an increase of traffic and therefore of receipts, of an economy of personnel, and therefore of savings of wages for the administration.

In this manner a maximum of ordinary labor compensated by regular pay could be established, and then would admit of a proportional compensation for all that labor done in addition, a compensation which would constitute the premium of the service on the gain-sharing system. Starting from such premises the service in the gain-sharing system could in time be adopted in any station whatever, but would become operative only in those in which the personnel would be so reduced as to have really to perform an extraordinary amount of labor.

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Having fixed a limit of ordinary labor, the employees who are not in favor of gain sharing could find employment in those stations in which the limit is not established. By the application of this principle the disparity which can now be observed between the employees of the different stations in regard to the amount of labor and the relative remuneration would quickly disappear. The employees who would be attracted by a higher remuneration would offer themselves voluntarily to submit to increased labor in order to complete the work of those who would be absent, and the task system would thus lose the obligatory character which it now possesses. The services of those entitled to participate in the reserve fund would immediately be greatly improved, because in the accounts of the employees of the administrative and managing force would be entered as liabilities the errors occurring in bookkeeping, and the accounts of the laboring employees would be charged with the liabilities resulting from the handling of goods. Among the individuals of the two classes there would be reciprocal and easy control. The control under such a system would be of the simplest kind, for the reason that the fixed labor would not need it, and the variable labor would be easily controlled by the entries in the books of the number of freight shippings, arrivals, etc.

The gain-sharing system is, in its first stages of development, full of promises and hopes, and also full of defects. It is still in its first experience, and it must be studied with consideration and care and be continually modified in order to gradually approach that grade of perfection which can fit it for adoption in all the railway operations.

LABOR ORGANIZATIONS.

The data which were obtainable regarding labor organizations among the railway employees are meager, principally on account of the fact that these organizations, being always at variance with the Government, have never given any information which might damage their cause.

The first societies which were established were the mutual-aid society of locomotive engineers and firemen of the railway system of upper Italy, established in 1877 at Milan, and the mutual-aid society among the locomotive engineers and firemen of the railways of the southern system, established in Ancona in 1883. When the Government turned over the railways to private companies, the two societies were combined into one in the year 1885, with a central seat at Milan. These societies were created for the purpose of mutual assistance.

In the year 1890, through the initiative of members of both societies who claimed that the mutual assistance was not sufficient to ameliorate the condition of the employees, the savings association among the employees of the railways of the Mediterranean company was founded. This association, with its main office at Milan, purposed to purchase with the savings of the members shares in the Mediterranean company. By this course the society became a shareholder of the company operating the railways, and could thereby take part in the discussions at the meetings to defend the rights of the employees and to suggest improvements in their condition; but as the society possessed but few

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shares, its influence in the shareholders' meetings of the Mediterranean company was a limited one.

The employees then decided to recur to other means for defending their interests, and so was created in Genoa in the year 1890 the Fascio Ferroviario (Railway Labor Union). Its purpose was to accumulate sufficient funds to enable the employees to go into litigation with the railway companies in all cases in which they could complain of abuses or of promotions denied. As a result a series of trials came before the courts of justice to defend the rights of the employees. The novelty of the thing, and the hope that one favorable judgment of the court would enable the railway employees to regain their lost ground, enabled the Fascio Ferroviario to increase the number of its members in 2 years to 40,000.

But this organized movement was of short duration. The judgments of the courts were nearly always in favor of the railway companies, and only in rare cases, and after tremendous expenses, could the employees obtain a judgment in favor of their cause. In 1893-94 the Fascio Ferroviario ceased to exist.

During this period, however, some employees in Milan had founded a society called the Unione degli Operai ed Impiegati delle Strade Ferrate (Union of Railway Employees) for the purpose of resistance and aggression against the railway companies. This restored the activity of the mutual-aid society of locomotive engineers and firemen at Milan, and revived some sections of the Fascio Ferroviario.

In 1894 a congress was convened at Milan for the purpose of combining all these small and weak societies. This movement was successful, and the members of the former societies became members of the new organization, which took the name of Lega dei Ferrovieri Italiani (League of Italian Railway Employees). The members of the society of locomotive engineers and firemen promised adhesion to this new organization, but maintained their autonomy as far as mutual assistance was concerned. For this purpose the monthly dues were fixed at 3 lire ($57\frac{9}{10}$ cents) paid to the home society, of which sum 0.50 lira ($9\frac{7}{10}$ cents) went to the benefit of the league. It may be said that the members of the league paid the same dues of 0.50 lira ($9\frac{7}{10}$ cents) per month. The league also published a bimonthly journal.

The programme of the league was that of resistance against the operating companies. It was a militant society which proposed to declare strikes when the number of its adherents should include the majority of Italian railway employees. In a short time the league succeeded in raising its membership to the number of 10,000. The league having declared its adhesion to the Socialistic Party, the Government dissolved it in October, 1894.

The league, however, promptly reorganized and succeeded in increasing the number of its adherents in such a way that in a little more

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than three years the membership amounted to 30,000. The number of members who regularly paid the monthly dues of 0.50 lira ($9\frac{7}{10}$ cents) does not seem ever to have exceeded 12,000. The main contributors were derived from the class of locomotive engineers and firemen, these numbering in all Italy about 4,000, and of these some 1,800 were members of the league, or 45 per cent.

By 1898 the league had managed to accumulate a resistance fund of about 60,000 lire ($11,580). Besides this it had contributed to the construction of the Casa dei Ferrovieri Italiani (Italian Railway Employees Building) at Milan, which building cost 220,000 lire ($42,460), and is used as a place of meeting and reunion for all railway employees. Then followed the disturbances of May, 1898. The league was suspected of having wished to order a strike of the employees for the purpose of assisting the insurgents at Milan, and it was therefore dissolved by the Government. The principal officers were imprisoned and others were obliged to seek safety in flight, while an unfaithful treasurer, in the confusion, appropriated to his own use a part of the society's funds.

The railway labor organizations seem now to have become extinct. It is a fact that up to the present no other new society has been organized, because it is feared that it would be immediately dissolved by the Government and that the chiefs would be punished with imprisonment.

In the absence of a society, however, the railway employees established in October, 1898, a weekly paper, called El Treno (The Train). This paper has so far 8,000 subscribers, nearly every one a former member of the dissolved league. The paper defends the same purposes as the league did, on which account a certain sum from the subscription price is set aside for the purposes of propaganda and for defending the rights of railway employees as against the operating companies.

STRIKES.

It may be said that in Italy railway strikes are unknown; still there have been some small movements, from which the fear has often been entertained that other and more important strikes may be brewing. The narration of what has happened and what it has been feared might happen in Italy is interesting, particularly on account of the precautions taken by the State to keep down such serious danger to the public order.

On the 25th of February, 1886—that is, eight months after the railway contracts went into operation—the minister of the interior informed the prefects of the provinces that the workmen in several workshops (Foggia, Naples, Ancona, Rimini, and Rome) had gone on a strike, and he expressed the fear that this strike might extend to other classes of employees on railways, and especially to locomotive engineers and firemen.

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A strike of locomotive engineers and firemen, even if it were only partial, might suspend the business of the nation and even the most necessary State functions, and in some cities, including Rome, the supply of food products would be seriously diminished. The minister, therefore, gave orders that in case of strikes, when all other means should prove futile, the locomotive engineers should be compelled by force to perform their services, and should be escorted for their own safety as well as that of the service to their proper places. Such a provision would be legitimatized by the laws, and mainly for the supreme and exceptional motive of public order.

In the month of November, 1893, the minister submitted a new organic roll of the postal and telegraph service. The telegraphers, claiming that they had been injured in their interests, began an agitation, of which Rome was the center, for the purpose of preventing this ordinance from being carried into effect. The minister having been informed of these plans ordered the division chiefs to kindly give the employees to understand that they were in no way injured by the organic roll, and to warn them that violence and other reprehensible acts would be severely punished. He gave, besides this, instructions that in case of necessity the telegraphers would be replaced by clerks and substitutes from offices of the second class, by day laborers, and by military telegraphers from the army and from the navy, and at the same time he asked the minister of war to place at his disposition all soldiers who would be capable of lending their services. But the agitators, fearing that if further delay occurred the administration could efficaciously remedy the state of affairs, did not lose any time and succeeded so far that at 11 o'clock on November 20 all the telegraphers at Rome struck and the transmission and receipt of telegrams were suspended. As warnings, good advice, and exhortations were all in vain, steps were taken to substitute new employees for the strikers.

The Government, in order to cut short the strike which had hardly begun, deliberated whether it should apply the most severe penalties to the strikers or overlook their actions if they should repent and return without delay to the service. These menaces helped to cut the strike short before it had extended to all the offices of the Kingdom. Among the 11 offices where the service was partially interrupted were Rome, Milan, Turin, Genoa, and Venice. Of the 968 employees belonging to these offices, 487 went on strike, or 50.3 per cent.

This strike, the only one which was declared in Italy, although it does not refer directly to railway employees, is important in so far as it shows how the Government could bring it to an end and cause the telegraphers to return to their work without employing force. In like manner the Government decided in 1898 to employ force as soon as the fear arose that the railway employees would go on a strike.

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In the month of May, 1898, Italy was greatly convulsed by insurrectional disturbances caused by the high price of bread in various regions of the south as well as of the north. Martial law was declared in the provinces of Milan, Florence, and Naples, and the military courts condemned to imprisonment thousands of persons guilty of or suspected of having shown a disposition to rise in insurrection against the Commonwealth. It was also feared that the railway employees would go on a strike in order to help the insurgents of Milan and prevent the Government from sending troops in order to strengthen the somewhat weak garrison of that city.

That the railway employees were impatient to go on a strike is very certain, as had been declared in the Chamber of Deputies in the session of June 4, 1897, by the Hon. Quirino Nofri, deputy from Turin, elected mainly as a representative of railway employees. The Hon. Q. Nofri said that the railway employees were decided even to impede the business of the nation in order to defend their interests; he added, however, that the moment for the strike had not quite arrived, because the railway people were not yet strong enough to oppose and vanquish the railway companies.

When the disturbances of May, 1898, broke out, the fear was frequently and generally expressed that the railway employees would profit by an occasion when there would be great need of transportation on the railways; and confidence was certainly not reestablished by the fact that the would-be strikers declared that they wished only to defend their rights as against the companies. The Government, in order to prevent strikes, the consequences of which at that time would have been very grave and would have endangered the public peace, resolved to militarize a part of the railway personnel, and, consequently, by royal decree of May 10, all persons subject to military duty on indefinite furlough, of any class or category whatever, were called to arms. This call comprised the noncommissioned officers who had been employed among the personnel of the Mediterranean and Adriatic systems and other small roads as depot keepers, locomotive engineers, firemen, workingmen authorized to perform the functions of firemen, also workingmen in the depots, chief switchmen and switchmen, roundhouse men and cleaners, chief conductors and conductors, chief brakemen and brakemen, yard masters and gang bosses of yard men, and yard men.

This decree ordered that all of these employees should continue to perform their services on the railways; at the same time they would be considered as part of the army. By this means they kept on working under their own superiors, who were also higher graded soldiers called into military service. In this way the danger of a strike was averted, because the employees were placed under military discipline, a distinction being made, however, between faults committed of a

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technical or administrative character and those which assumed a military and disciplinary character. The technical and administrative faults continued to be judged under the authority of the railway companies, and were punished according to the regulations governing the roads. The second, such as arbitrary and voluntary absence, strikes, disobedience, and insubordination, were punished according to military law. It was further prescribed that the military uniform should be worn by those employees when not on railway duty, while during railway service, in which nothing was changed, they should use the various distinctive badges of their labor and could wear working clothes.

It is evident that the Government could employ this means of militarizing to prevent the strike only because in Italy the system of obligatory military service exists. Up to the age of 39 years the State can compel its citizens to perform service in the army. In this case the State had incorporated into the army the railway employees, but still could compel them to continue their services on the railway.

So far the matter had been covered only by a decree of the Government, but the law of July 17, 1898, was enacted, and this state of affairs was thereby legalized. Article 4 of the law reads as follows:

The soldiers of the army, as well as of the reserve belonging to the railway, postal, and telegraph services, can be recalled into military service for such time as the Government may judge necessary, still continuing the exercise of their duties and functions in their offices.

These recalled men will continue to receive their regular pay, without acquiring any right to the disbursements of the war office. They will be subjected to military jurisdiction, but will continue to submit to all the obligations and regulations of their respective railway administrations.

This provision of law was not of indefinite duration, but was to remain in force only until June 30, 1899. Before the law expired by this limitation, the Government proposed to insert in Title II of the law regarding public safety a chapter (VI *bis*) entitled "The protection of the public service," with the following provision:

The employees, agents, and workingmen performing a public service depending on the State (even if that service should be performed by means of private enterprise) who, in the number of three or more and by previous agreement, abandon their proper duties or charges, or omit to fulfill their duties so as to impede and disturb the regular working of the public service, will be punished, provided that there is no charge of a more serious crime, with imprisonment for not more than one year besides the infliction of the punishment provided for in article 181 of the penal code, which relates to public officials. The promoters and chiefs will be punished with imprisonment for periods of from one to two years.

This bill has not yet been approved by Parliament, on account of the obstructionist policy of certain deputies of the Republican, Socialist,

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and Radical parties. The Government, however, promulgated it by royal decree, which has the force of law, so that up to January, 1900, it belonged to the existing legislation of the country, and as such has been received by the courts of justice. But in January, 1900, the high court of cassation of Rome declared the decree void. The Government then asked that the decree be approved and converted into law by the Parliament. The obstructionist policy of the extreme Left of the Chamber of Deputies had up to March, 1900, succeeded in impeding the adoption of the bill.

APPRENTICESHIP SCHOOLS FOR WORKING PEOPLE.

By virtue of article 36 of the agreement, by which the State leased the railways to the companies, there should have been established in connection with every railway system schools for firemen learners and schools for the apprentices in the various workshops.

In the Mediterranean system these schools have proved in general to give very satisfactory results so far as the effect of securing, for the necessities of the service, a sufficient technical personnel furnished with the necessary capacity and aptitude was concerned.

From the following statements will be seen the number of firemen learners who have attended these schools and the number promoted at the end of each course, also the number in the schools for the apprentices in workshops and those licensed at the end of a full course:

SCHOOLS FOR FIREMEN LEARNERS AT TURIN, ALESSANDRIA, MILAN, PISA, AND NAPLES.

Year.	Number attending schools.	Number who passed final examination.
1885-86	78	72
1886-87	95	81
1887-88	92	83
1888-89	80	52
1889-90	65	53
1890-91	60	52
1891-92	48	39
1892-93	48	37
1893-94	76	66
1894-95	91	82
1895-96	92	81
Total	825	698

SCHOOLS FOR APPRENTICES IN THE TURIN AND NAPLES WORKSHOPS.

Year.	Number attending schools.			Number of apprentices licensed at end of full course.
	First year of course.	Second year of course.	Third year of course.	
1890-91	23			
1891-92	17	13		
1892-93	19	16	10	8
1893-94	29	10	5	4
1894-95	38	22	9	7
1895-96	35	31	20	10
Total	161	92	44	29

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In the Adriatic system these schools have also contributed to improve the instruction of the railway personnel.

Below is given a statement concerning the schools attached to roundhouses, the average number of firemen learners per year who attended them and were declared fit for service during the period of 1886 to 1896, and the number of soldiers permitted by the competent authorities to take part in this instruction being shown:

SCHOOLS FOR FIREMEN LEARNERS ATTACHED TO ROUNDHOUSES, 1886 TO 1896.

Class.	Average yearly number of workingmen.	
	Who attended school.	Who were declared competent.
Civilians, already in service	31	30
Civilians, newly assigned	40	31
Soldiers	38	31

The Sicilian company has also instituted schools for firemen learners, which were opened alternately at Palermo and Messina, so that the young workingmen of the two stations might be enabled to frequent the said schools without forcing them to leave their respective homes.

The results obtained by the institution of these schools are satisfactory. There is now in the class of firemen an element furnished with superior theoretical and practical knowledge and more intelligent than that which previously existed.

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RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

MAINE.

Thirteenth Annual Report of the Bureau of Industrial and Labor Statistics for the State of Maine. 1899. Samuel W. Matthews, Commissioner. 182 pp.

The contents of the present report may be grouped as follows: Cotton, woolen, and boot and shoe industries, 9 pages; factories, mills, and shops, 5 pages; slate and lime industries, 11 pages; the pulp and paper industry, 32 pages; the lumber industry, 23 pages; plush and worsted industries, 6 pages; the agricultural implement industry, 4 pages; railroads, 5 pages; extracts from the proceedings of the fifteenth annual convention of officials of labor bureaus, 68 pages; factory inspection, 10 pages.

Cotton, Woolen, and Boot and Shoe Industries.—Returns were received from 12 cotton mills, 27 woolen mills, and 6 boot and shoe manufactories. The tabulations show for each establishment the amount of capital invested, cost of material used, value of product, weeks in operation during the year, persons employed, and wages paid. Ten of the 12 cotton mills and 19 of the 27 woolen mills made complete returns for 1898 and 1899. The totals of these returns for each of the two years are shown in the following statement:

STATISTICS OF 10 COTTON AND 19 WOOLEN MILLS, 1898 AND 1899.

Items.	Cotton mills.		Woolen mills.	
	1898.	1899.	1898.	1899.
Capital invested	$12,588,500.00	$11,545,025.00	$2,170,795.00	$2,087,800.00
Cost of material used	3,905,748.00	4,201,763.00	2,142,724.00	2,187,288.00
Total wages paid	2,596,131.00	2,956,311.00	760,177.00	763,117.00
Value of product	7,455,394.00	8,076,754.00	3,478,282.00	3,375,659.00
Average weekly wages:				
Men	7.45	7.40	8.49	8.78
Women	5.55	5.68	6.10	6.12
Children	2.74	2.87	3.77	3.63
Average employees:				
Men	3,933	4,111	1,359	1,402
Women	5,025	5,114	651	640
Children	625	459	16	18
Total	9,583	9,684	2,026	2,060
Average weeks in operation	47.2	51.1	50.1	49.4

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The returns from 6 boot and shoe manufacturing plants show the following totals: Capital invested, $451,500; cost of material used, $1,760,462; value of product, $2,551,005; weeks in operation, 50.6; persons employed, 1,298; total wages paid, $616,619. The average weekly wages of men were $10.93; women, $7.97; and children under 16 years of age, $4.

Factories, Mills, and Shops.—Improvements during 1899 were reported in the case of 138 factories, situated in 103 towns. These improvements were in the nature of new buildings and sheds, the rebuilding, enlargement, and alteration of factories, the installation of new machinery plants, etc. It is estimated that these improvements cost $6,800,700 and gave employment to 4,990 persons. The above figures are greater than those shown at any other time in nine years.

Slate and Lime Industries.—A review is given of the development and present condition of each of these industries in the State.

Pulp and Paper Industry.—This chapter contains a description of the pulp and paper industry and a list of the pulp and chemical fiber mills in the State showing their equipment, output, motive power, number of employees, etc. An account is also given of the forest lands in the State and suggestions are made in relation to their preservation.

The report shows that there were 30 pulp and 28 paper mills in the State, employing 5,902 wage workers, the latter earning an average of $1.62 per day. The daily product of the mills consisted of 600 tons of paper, 735 tons of ground wood pulp, 330 tons of sulphite pulp, 110 tons of soda pulp, and 60 tons of leather board. In addition to the employees above mentioned, thousands of men are employed in cutting the wood in the forests and conveying it to the mills.

Lumber Industry.—This subject is treated in a similar manner to the one preceding. The returns from lumber operators were somewhat incomplete, so that the figures representing this industry can be only roughly estimated. Such an estimate places the total annual output of lumber in the State at 600,000,000 feet, requiring the labor of 15,753 men and 6,736 horses for a period of 134½ working days in the year. The total annual wages paid is estimated at $1,938,000.

Railroads.—In 1899 the 23 steam railways in the State employed 7,036 persons, exclusive of general officers, or 1,184 more than in 1898. The wages paid in 1899 amounted to $3,242,411.31, a gain of $419,860.44 over 1898.

The street railways employed 864 persons in the State, who received $390,250.50 in wages in 1899. This was an increase over 1898 of 139 in the number of employees and of $65,250.50 in the amount of wages paid. The above figures do not include persons employed in road construction.

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MASSACHUSETTS.

Twenty-ninth Annual Report of the Massachusetts Bureau of Statistics of Labor. March, 1899. Horace G. Wadlin, Chief. xxviii, 659 pp.

This report consists of the following subjects: Part I, Sunday labor, 100 pages; Part II, graded weekly wages, 384 pages; Part III, labor chronology, 1898, and labor legislation, 1899, 175 pages.

Sunday Labor.—This investigation was undertaken in compliance with a legislative act of 1898. The information was collected by direct inquiry and by special agents. The inquiries relate to the location and average number of persons employed on week days and the largest, smallest, and average number of persons employed in the same establishments on Sundays; the character of service and hours of labor on week days and Sundays; the number of Sundays employed during the year; whether Sunday work was optional or compulsory; whether a day of rest was allowed during the week when Sunday work was required; whether employees were liable to lose their places in case they refused to work on Sundays; the methods of payment for Sunday work; the relative pay for Sunday work as compared with week-day work; whether Sunday work was the same as on week days or was limited to necessary repairs, and the reasons why Sunday work is necessary. The investigation covers Sunday work in transportation, domestic and personal service, trade, manufacturing industries, and in the public service of cities and towns.

With regard to Sunday work in the transportation industries, 157 schedules were received. The transportation industries enumerated comprised cab and herdic companies, dredging companies, electric street railways, steam railroads, express companies, ferries, longshoremen and stevedores, steamboats, towboats, and telegraph and telephone companies. The establishments reporting employed 46,233 persons on week days and 17,994, or 38.92 per cent of that number, on Sundays. Of those employed on Sundays 8,282, or nearly one-half, were employed in the transportation of passengers only, on electric street railways, and 7,726 others were engaged in the transportation of passengers and merchandise by means of carriages, steamboats, and steam railways, making a total of 16,008, or 88.96 per cent, whose Sunday work chiefly consisted in the transportation of passengers. While in the electric street railway service 80 per cent of all employees worked on Sundays, in the steam railroad service this proportion was only 24 per cent.

A general review of the replies to the inquiries used in the investigation shows that in the transportation service the hours of labor on Sundays, while in many cases the same as on week days, were on an average slightly shorter. A great majority of the establishments reported Sunday work on every Sunday during the year. Where Sunday work was performed it was required in most cases, although in a considerable number of establishments it was optional. In the street railway and

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express services a day of rest was generally allowed during the week when Sunday work was required, but in most other cases no such rest was permitted. The pay for Sunday work was usually the same as for that on week days, only a few establishments paying a higher rate for the former. As a rule Sunday work was regular and of the same character as the week-day work and was not limited to repairs.

Under the head of miscellaneous industries are considered domestic and personal service, trade, manufacturing, and city and town employees. Domestic service as enumerated in this report includes household service, hotel and restaurant employees, bartenders, livery-stable employees, and barbers. Persons engaged in domestic service, including such bartenders and barbers as were employed in hotels, were usually employed on Sundays. The work was generally much lighter than on week days, except in the case of employees in livery stables. It was usual to allow some time off during the week or to follow a system of rotation wherever Sunday labor was required, except in the case of livery-stable employees. No increased pay was allowed as a rule for Sunday work.

Under the head of trade are considered pharmacists' establishments and milk distribution. Pharmacists' establishments were usually open either throughout the day or during certain hours on Sundays. Not as many persons were employed on Sundays as on week days and employees generally alternated in Sunday work. A half day off during the week was generally allowed when Sunday work was required. Licensed milk drivers and stablemen in dairies were employed practically every day in the year. The hours of labor varied in different establishments. The employees were paid on a basis of seven days to the week and worked accordingly. In some cases they were allowed to absent themselves on Sundays by rotation and in some others by furnishing substitutes.

Under the head of manufacturing industries are considered breweries, bakeries, newspaper printing and publishing, paper mills, gas and electric-light works, and slaughtering and meat packing. Work in these industries was usually restricted to the lowest possible limit required to carry on the process of manufacture, to repair the machinery, or to supply the public needs. The number of employees was usually much smaller and the hours of labor shorter on Sundays than on week days, and in most cases Sunday work was done by rotation or employees working on Sundays were allowed some time off during the week.

The city and town employees considered in this report were those in the police, fire, water, street, and health departments and the library service. In the police and fire departments employees were usually on duty continuously Sundays and week days. In the other city departments but a very small proportion of the employees were on duty on Sundays, and the hours of service were usually much shorter.

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In general the Sunday work found to exist in the State in the various lines of industry was confined to such work as was necessary for the protection and preservation of wealth and not for its creation, or else was required in the necessary daily personal duties of life. According to the census of 1895 the number of persons in gainful occupations in the State was, in round numbers, 1,075,000. The report states that possibly 150,000 of these had some connection with Sunday work. Of these at least 113,000 will be found in household and domestic service, in agriculture, or in the fisheries. Of the 37,000 others, 17,994 were in the transportation service, as before indicated. The remainder was distributed among hotel and restaurant service and other employments of a more or less personal nature, miscellaneous industries and trade, city, town, and public institution service, the ministerial and medical professions, etc.

Graded Weekly Wages.—This part of the report completes the chronological presentation of graded weekly wages which was begun in the report of the Massachusetts bureau for 1895 and continued in installments in subsequent reports. (*a*) The wage data are arranged alphabetically according to occupations, the present report relating to those having the initial letters P to Y, inclusive.

Labor Chronology.—This part of the report contains information collated from various sources by the Massachusetts bureau. It shows the important acts of labor organizations and other events of the year 1898 regarding hours of labor, wages, and trade unions, arranged in each case in chronological order. It also contains a general review of other events affecting the condition of workingmen in Massachusetts, and a résumé of labor legislation in the State during 1899. In each case reference is made to previous publications of the bureau in which the respective subjects have been treated.

NEW YORK.

Sixteenth Annual Report of the Bureau of Labor Statistics of the State of New York, for the year 1898. Transmitted to the legislature January 23, 1899. John McMackin, Commissioner. xi, 1179 pp.

The contents of the present report are as follows: Introduction, 16 pages; Part I, the economic condition of organized labor, 933 pages; Part II, immigration, its progress, extent, and effect, 198 pages; Part III, investigation of alien labor employed on State contract work, 8 pages; Part IV, the free employment bureau, 17 pages; appendix, labor laws of New York State enacted in 1898, 5 pages.

The Economic Condition of Organized Labor.—This subject, as in the preceding year, occupies the greater part of the report and covers ground similar to the previous investigation. Tables are given showing in detail for each occupation, industry, and locality, for

a For a brief outline of the scheme of presentation see Bulletin No. 14, pp. 55, 56.

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the quarters ending December 31, 1897, and March 31, June 30, and September 30, 1898, the number of labor organizations making returns, the number and sex of members, their earnings and days of employment, the number of unemployed, etc. Summary tables are given showing these items by industries and occupations, for each of the 7 quarters, from January, 1897, to September, 1898, inclusive. The information was obtained from figures supplied either by the individual members or by the secretaries of the labor organizations. The following table gives a summary of the data presented for each of the 7 quarters mentioned:

STATISTICS OF LABOR ORGANIZATIONS FOR EACH OF THE QUARTERS FROM JANUARY, 1897, TO SEPTEMBER, 1898.

Items.	Quarter ending—						
	Mar. 31, 1897.	June 30, 1897.	Sept. 30, 1897.	Dec. 31, 1897.	Mar. 31, 1898.	June 30, 1898.	Sept. 30, 1898.
Organizations reporting	927	976	1,009	1,029	1,048	1,079	1,087
Membership on last day of quarter:							
Men	138,249	147,105	162,690	167,250	173,349	164,802	163,515
Women	4,321	4,101	5,764	6,712	6,606	7,538	7,505
Total	142,570	151,206	168,454	173,962	179,955	172,340	*a*171,067
Members unemployed during entire quarter	35,381	17,877	10,893	10,132	18,102	10,272	9,734
Members unemployed on last day of quarter	43,654	27,378	23,230	39,353	37,857	35,643	22,485
Per cent of total membership	30.6	18.1	13.8	22.6	21.0	20.7	13.1
Average days of employment during quarter:							
Men	58	69	67	65	62	61	65
Women	63	57	66	56	61	58	64
Average earnings of members during quarter:							
Men	$155.06	$159.12	$174.40	$174.54	$163.61	$168.05	$175.41
Women	85.63	81.39	91.80	73.71	75.06	76.88	81.63

a This is not a correct total for the preceding items. The figures given are, however, according to the original.

There was a steady increase in the number of organizations reporting to the bureau, due, in a measure, to greater completeness in the returns, but chiefly to increased activity in the organization of labor. The total membership of labor organizations shows an increase at the end of each quarter, except the second and third quarters of 1898, when there is a decrease. This falling off in membership was chiefly due to the lapsing of one union of 8,000 members during the second quarter and of another union of 1,835 members during the third quarter of 1898, and does not, therefore, show a general decline throughout the State.

With regard to the unemployed members of labor organizations, a comparison of the first three quarters of 1897 with the corresponding quarters of 1898 shows that there was a marked decrease in the number of members unemployed during each entire quarter, and in two of the three cases there was a decrease in the number of unemployed on the last day of each quarter.

A comparison of the average number of days employed during the first three quarters of 1897 and 1898 shows a slight decrease during the latter year. A similar comparison of the average earnings shows

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an increase in the case of the men and a decrease in the case of the women in 1898.

The membership of labor organizations and the per cent of members unemployed at the end of each quarter is shown, by industries, in the following two tables:

MEMBERSHIP OF LABOR ORGANIZATIONS AT THE END OF EACH QUARTER FROM JANUARY, 1897, TO SEPTEMBER, 1898.

Industries.	Membership of labor organizations on—						
	Mar. 31, 1897.	June 30, 1897.	Sept. 30, 1897.	Dec. 31, 1897.	Mar. 31, 1898.	June 30, 1898.	Sept. 30, 1898.
Building trades	46,711	46,056	48,398	48,801	50,607	54,612	55,093
Cigars, cigarettes, and tobacco	7,394	6,962	9,097	9,029	8,842	8,947	8,889
Clothing	13,436	18,633	26,942	27,792	27,575	22,004	20,571
Coach drivers and livery-stable employees	2,086	2,036	1,872	1,270	1,550	2,082	1,780
Food products	2,698	2,578	2,548	2,440	2,432	2,683	2,586
Furniture	645	551	801	841	1,008	875	890
Glass workers	1,380	881	818	921	875	806	758
Hats, caps, and furs	2,405	2,297	2,336	2,125	2,314	1,718	1,697
Hotel, restaurant, and park employees	1,556	2,009	1,453	1,455	1,379	1,635	1,404
Iron and steel	9,420	10,759	10,653	11,019	10,837	11,652	12,551
Leather workers	2,421	2,336	2,189	2,642	2,935	2,741	2,700
Malt liquors and mineral waters	3,471	3,353	4,073	3,733	3,747	3,806	3,883
Marine trades	2,405	2,860	3,113	2,497	2,420	2,344	2,262
Metal workers	853	946	963	1,034	843	1,362	1,511
Musicians and musical-instrument workers	1,012	2,168	5,379	5,070	5,231	5,172	5,597
Printing, binding, etc	13,695	13,133	13,260	14,191	14,449	14,535	14,957
Railroad employees (steam)	9,491	9,745	9,898	10,059	10,340	10,333	10,457
Railroad employees (street surface)	3,149	3,203	3,247	5,695	4,544	5,407	3,680
Stone workers	5,197	5,114	5,299	5,050	4,909	4,577	4,865
Street paving, etc	672	674	636	653	554	585	596
Textile trades	1,237	1,174	680	457	456	1,471	1,465
Theatrical employees and actors	1,873	1,870	1,916	1,871	4,156	4,164	4,115
Woodworkers	1,933	1,786	1,769	1,673	1,892	1,864	1,741
Miscellaneous trades	7,430	10,082	11,114	13,644	16,060	6,965	7,019
Total	142,570	151,206	168,454	173,962	179,955	172,340	171,067

PER CENT OF MEMBERS OF LABOR ORGANIZATIONS UNEMPLOYED AT THE END OF EACH QUARTER FROM JANUARY, 1897, TO SEPTEMBER, 1898.

Industries.	Per cent of members of labor organizations unemployed on—						
	Mar. 31, 1897.	June 30, 1897.	Sept. 30, 1897.	Dec. 31, 1897.	Mar. 31, 1898.	June 30, 1898.	Sept. 30, 1898.
Building trades	47.4	23.0	14.9	25.0	31.5	23.2	17.6
Cigars, cigarettes, and tobacco	16.9	8.9	11.7	20.0	10.5	10.4	12.1
Clothing	25.9	15.8	13.1	42.8	14.8	53.6	17.4
Coach drivers and livery-stable employees	20.1	19.4	20.9	6.3	8.8	18.3	21.9
Food products	16.5	14.8	11.1	11.5	15.5	9.1	9.1
Furniture	36.0	33.4	.8	....	22.5	18.5	7.3
Glass workers	33.9	34.2	45.1	29.1	13.9	5.6	27.0
Hats, caps, and furs	32.8	10.8	3.3	15.0	17.2	7.9	3.9
Hotel, restaurant, and park employees	26.3	31.8	21.8	14.6	27.8	17.6	22.4
Iron and steel	23.4	13.2	9.5	15.1	10.0	9.7	6.7
Leather workers	22.6	24.9	43.3	43.5	8.8	20.9	17.0
Malt liquors and mineral waters	9.4	7.6	7.9	6.5	7.4	11.7	7.5
Marine trades	9.6	9.1	13.1	15.9	13.3	10.0	11.7
Metal workers	20.7	22.7	22.9	17.7	3.0	8.6	10.5
Musicians and musical-instrument workers	30.1	22.8	4.9	6.9	6.5	7.9	2.5
Printing, binding, etc	18.1	17.1	17.9	10.4	10.1	12.8	13.3
Railroad employees (steam)	2.9	3.1	3.0	3.3	2.7	3.2	1.5
Railroad employees (street surface)	1.6	....	1.5	3.1	2.6	1.6	6.8
Stone workers	52.4	23.1	22.1	48.2	63.4	32.8	26.0
Street paving, etc	80.9	6.7	.4	9.5	81.6	36.9	48.2
Textile trades	44.7	38.1	37.1	36.5	21.1	.6	14.1
Theatrical employees and actors	41.3	54.8	37.7	37.8	2.9	18.1	2.3
Woodworkers	36.4	27.2	12.2	29.3	21.2	25.9	8.6
Miscellaneous trades	29.0	21.3	15.6	18.1	43.1	11.5	6.0
Total	30.6	18.1	13.8	22.6	21.0	20.7	13.1

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IMMIGRATION.—This chapter contains a history of immigration from colonial times to the present, with especial reference to New York, remarks of labor organizations concerning the effects of immigration, immigration laws and statistics of immigration, and the effects of immigration upon employment and wages as reported by labor organizations.

ALIEN LABOR EMPLOYED ON STATE CONTRACT WORK.—This part of the report contains the results of an investigation of the mode of employment of aliens, the wages earned, and their general condition. The investigation relates chiefly to Italian labor under the padrone system. A table is given showing the number of persons employed on canal-improvement work and the wages paid in each occupation.

THE FREE EMPLOYMENT BUREAU.—During the year ending December 31, 1898, 5,100 persons made application to the bureau for employment, of whom 2,487 were males and 2,613 were females. Situations were secured for 234 males and 1,786 females, or 2,020 persons in all. Of the applicants for situations 341 had 684 children depending upon them. Most of the applicants were under 30 years of age.

RHODE ISLAND.

Twelfth Annual Report of the Commissioner of Industrial Statistics, made to the General Assembly at its January session, 1899. Henry E. Tiepke, Commissioner. vii, 615 pp.

The present report treats of the following subjects: Rhode Island in the war with Spain, 125 pages; statistics of textile manufactures, 52 pages; taxpayers and population, 3 pages; decisions of courts affecting labor, 319 pages; labor laws, 102 pages.

RHODE ISLAND IN THE WAR WITH SPAIN.—Statistics are given showing the age, nativity, occupation, etc., of persons who enlisted in Rhode Island during the war with Spain.

TEXTILE MANUFACTURES.—Comparative statistics are given, based upon returns made in the years 1896 and 1897 by 135 firms engaged in textile industries. Of the firms reporting 66 were engaged in the manufacture of cotton goods, 8 in hosiery and knit goods, 11 in bleaching, dyeing, and printing, 4 in silk goods, and 46 in woolen goods.

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Following is a summary of the figures presented:

STATISTICS OF 135 TEXTILE MANUFACTURING ESTABLISHMENTS, 1896 AND 1897.

Items.	1896.	1897.	Increase.	
			Amount.	Per cent.
Firms	53	50	*a*3	*a*5.66
Corporations	82	85	3	3.66
Partners and stockholders	1,307	1,419	112	8.57
Capital invested	$47,795,439	$50,273,363	$2,477,924	5.18
Cost of material used	$23,484,936	$27,876,239	$4,391,303	18.70
Value of goods made	$39,039,685	$45,867,220	$6,827,535	17.49
Aggregate wages paid	$10,143,322	$11,335,309	$1,191,987	11.75
Average days in operation	267.30	281.78	14.48	5.42
Employees:				
Average number	31,777	33,614	1,837	5.78
Greatest number	34,307	35,918	1,611	4.70
Smallest number	23,701	29,019	5,318	22.44
Average yearly earnings	$319.20	$337.22	$18.02	5.65

a Decrease.

DECISIONS OF COURTS AFFECTING LABOR.—This chapter is devoted to a reproduction of the decisions published in the bulletins of the United States Department of Labor during the year 1898.

LABOR LAWS.—In this chapter are reproduced the labor laws passed in recent years in Maine, New Hampshire, Massachusetts, Connecticut, and Rhode Island.

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THIRTEENTH ANNUAL REPORT OF THE BOARD OF MEDIATION AND ARBITRATION OF THE STATE OF NEW YORK.

Thirteenth Annual Report of the Board of Mediation and Arbitration of the State of New York. Transmitted to the Legislature February 5, 1900. James M. Gilbert, W. H. H. Webster, and Francis B. Delehanty, Commissioners. 61 pp.

This report contains an account of each of the most important cases of labor disputes which came before the board for action during the year 1899, and a table showing the number of strikes, by industries, that have taken place during the past 5 years.

There was, in 1899, an increase in the number of strikes, the total being higher than for any year since 1891. This increase was not confined to any particular lines of industry. The most frequent causes were wage disputes. During the year 1899 the board had information of 455 strikes, but at least 60 per cent of these were of short duration, and had no appreciable effect upon general labor conditions. The 455 strikes were distributed as follows among the different occupations:

STRIKES IN NEW YORK, BY OCCUPATIONS, 1899.

Occupations.	Strikes.	Occupations.	Strikes.	Occupations.	Strikes.
Bakers	4	Glass workers	4	Pipe fitters	3
Bell boys	1	Glove makers	1	Printing trades	18
Boiler makers	4	Goldbeaters	1	Print makers	1
Brickmakers	5	Golf caddies	3	Purse makers	1
Brewery workmen	2	Grain scoopers	1	Railroad employees	3
Building trades	112	Handkerchief makers	1	Salt packers	1
Butchers	3	Horseshoers	1	Shirt makers	1
Buttonhole makers and		Ice handlers	5	Shoe workers	5
button makers	1	Iron molders	20	Silk workers	5
Cab drivers	1	Jewelers	1	Silver platers	2
Cabinetmakers	4	Laborers	53	Slipper makers	1
Carpet weavers	1	Laundry workers	1	Soap makers	1
Caisson makers	2	Leather workers	1	Stage hands	1
Cap makers	1	Longshoremen	18	Steel workers	2
Cement workers	2	Machinists	13	Stonecutters	6
Cigarette makers	3	Marble workers	1	Street railway employ-	
Cigar makers	12	Match packers	3	ees	4
Collar makers	1	Messengers	1	Tanners	1
Coopers	3	Metal workers	11	Teamsters	9
Cordage workers	1	Mince-meat makers	1	Textile workers	9
Diamond workers	2	Miners	1	Tow boys	1
Drill makers	1	Musicians	1	Upholsterers	2
Dyers	2	Newsboys	7	Waiters	3
Electric wiremen	4	Oyster dredgers	1	Waxworkers	1
Express messengers	2	Pavers	2	Wood workers	2
Fiber chamois workers	2	Piano makers	3		
Garment workers	39	Pickle makers	1	Total	455

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RECENT FOREIGN STATISTICAL PUBLICATIONS.

FRANCE.

Bases Statistiques de l'Assurance contre les Accidents d'après les Résultats de l'Assurance Obligatoire en Allemagne et en Autriche. Office du Travail, Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes. 1899. 234 pp.

The enforcement of the French workingmen's compensation act of April 9, 1898, has necessitated a complete recasting of accident insurance in France, and has emphasized the need of scientific bases for the fixing of premium rates. In view of the absence of sufficiently reliable statistics of accidents in French industries, it was deemed advisable to utilize the experience of neighboring countries which, on account of the compulsory insurance in force there, had collected a vast amount of information on this subject. For this purpose the French labor bureau has undertaken the task of recapitulating in a systematic way the statistical data published annually by the German and Austrian Governments.

The present work, which is a continuation of previous studies of the statistical results and the workings of compulsory accident insurance in Germany and Austria published by the bureau, recapitulates and completes the data up to and including the year 1897 in the case of Germany and 1896 in the case of Austria. The tables presented permit the determining of the probable values of accident risks in the various industries, and also serve to ascertain to what extent the previous theoretical calculations have been confirmed by an experience of twelve years in Germany and seven years in Austria. They furnish, therefore, more exact and complete bases for accident insurance than have thus far been available.

Les Associations Professionnelles Ouvrières. Tome I. Office du Travail, Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes. 1899. iv, 905 pp.

The French bureau of labor has published annually since 1889 a list of all trade and agricultural associations and the various auxiliary institutions created by them. These annual reports, however, give no account of the development, purposes, or workings of these asso-

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ciations or their influence upon the condition of the working people. The present work is intended to supply this information.

This report consists of three parts. The first part contains a review of French legislation with regard to trade associations, coalitions, etc., from 1791 until 1884, and an historical review of the movement for organized labor from 1791 to 1898. The second part gives, by industries, an account of the development of each of the various tentative trade organizations in the principal cities of France which, after the passage of the law of 1884, became the regularly incorporated national and sectional trade federations. The third part of the report is devoted to an historical account of the various local federations of unions of different trades and the more important labor exchanges. The first part and so much of the second part of the report as relates to trade organizations in the agricultural, mining, food, chemical product, and printing and publishing industries are included in the present volume.

The legislation with regard to trade associations and coalitions has been almost entirely of a repressive character, and it was not until 1884 that the State fully recognized the right of association on the part of trade unions and similar bodies.(*a*)

In spite of the prohibitive legislation in force in France from 1791 to 1884, secret trade unions (*sociétés compagnonniques*) managed to thrive, and through their excellent organization, each trade having its own national federation, they rendered services to their members equal and sometimes superior to the modern authorized trade organizations. Their efforts were supported by the creation of mutual aid, cooperative productive, and mutual credit societies, labor congresses, etc. Mutual-aid societies were suppressed for a time during the first empire, but being finally authorized they served as a means of uniting the working people in their efforts to protect their wages and other interests. While the repressive legislation during three-quarters of a century impeded the collective relations between employers and employees, it neither prevented strikes nor the propagation of the various theories for the improvement of the condition of the working people.

The passage of the law of 1884 marked a new era in labor organization, and since that time the trade unions have been gradually replacing all other forms of labor association. They have their trade federations, labor exchanges, congresses, etc., and maintain auxiliary institutions such as mutual aid and credit funds, cooperative productive associations, employment bureaus, etc. The following table shows the number and membership of trade unions and the number

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a For an account of French legislation on the right of association, etc., see Bulletin No. 25, pages 836–839.

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of cooperative productive associations in France, by groups of industries, on January 1, 1898:

TRADE UNIONS AND COOPERATIVE PRODUCTIVE ASSOCIATIONS, JANUARY 1, 1898.

Industries.	Trade unions.		Cooperative productive associations.
	Number.	Membership.	
Agriculture, forestry, and fisheries	69	8,002	2
Mining and quarrying	63	41,760	6
Food products	146	18,552	5
Chemical products	76	27,967	....
Paper, printing, and publishing	197	13,944	16
Hides and leather goods	167	20,262	19
Textiles proper	169	35,432	9
Clothing, cleaning, etc	129	8,092	6
Woodworking	199	13,588	23
Metals and metallic goods	286	38,316	19
Stone, earthenware, and glass	70	9,150	11
Building trades	450	33,795	89
Transportation and commerce	243	160,208	20
Other industries	60	8,725	1
Total	2,324	a 434,331	226

a This is not a correct total for the preceding items. The figures given are, however, according to the original.

GREAT BRITAIN.

Eleventh Report on Trade Unions in Great Britain and Ireland, 1898. lxxiv, 311 pp. (Published by the Labor Department of the British Board of Trade.)

The present report covers the same ground as the reports for preceding years, except that a new feature is added consisting of an analysis of the financial rules of the principal trade unions. The information contained in the report is presented in the form of detailed tables, showing the returns for the years 1892 to 1898 for each trade union, arranged according to industries. These tables are preceded by an analysis and a series of summary tables. In the body of the report only those trade unions are considered which furnished returns for all the seven years. The rest, which were comparatively few, are shown separately in the appendix.

The number of trade unions making complete returns for 1898 was 1,267. Thirty-five trade unions, with a membership of 66,192 persons, were formed during 1898; 56 unions, with a membership of 16,279, were dissolved, and 19 sectional unions were amalgamated with larger organizations of their trades. While the net result of these figures shows a decrease in the number of unions reporting in 1898, the membership rose from 1,611,384 in 1897 to 1,644,591 in 1898, an increase of over 2 per cent.

With regard to the sex of members, the returns show that 140 unions included females in their membership, the total of these in 1898 being 116,016, or a little over 7 per cent of the total trade union

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membership. Twenty-nine unions were composed exclusively of women. About 92 per cent of all female trade unionists were engaged in the textile trades.

The following tables show the number and membership of trade unions, by groups of industries, for the seven years 1892 to 1898, inclusive:

NUMBER OF TRADE UNIONS, BY GROUPS OF INDUSTRIES, 1892 TO 1898.

[In this tabulation only those trade unions are considered which furnished returns for all of the seven years included in this period.]

Year.	Building.	Mining and quarrying.	Metal, engineering, and ship building.	Textile.	Clothing.	Transportation (land and sea).	Printing, paper, etc.	Wood working and furnishing.	Miscellaneous.	Total
1892	98	73	297	216	42	60	52	108	262	1,208
1893	101	77	290	221	45	63	56	113	289	1,255
1894	124	78	285	232	43	66	56	114	297	1,295
1895	126	78	283	242	47	67	55	117	296	1,311
1896	133	77	288	242	51	64	56	116	290	1,317
1897	142	64	281	246	48	66	55	116	289	1,307
1898	134	58	276	239	46	63	53	116	282	1,267

MEMBERSHIP OF TRADE UNIONS, BY GROUPS OF INDUSTRIES, 1892 TO 1898.

[In this tabulation only those trade unions are considered which furnished returns for all of the seven years included in this period.]

Year.	Building.	Mining and quarrying.	Metal, engineering, and ship building.	Textile.	Clothing.	Transportation (land and sea).	Printing, paper, etc.	Wood working and furnishing.	Miscellaneous.	Total.
1892	160,388	315,098	278,159	204,039	83,114	153,937	45,291	31,811	229,246	1,501,083
1893	175,379	318,142	265,256	205,431	80,580	141,839	46,725	31,890	213,694	1,478,936
1894	181,648	307,772	263,027	215,289	81,591	123,776	47,886	30,696	186,981	1,438,666
1895	181,901	279,559	267,983	218,709	78,361	120,352	49,060	31,839	178,883	1,406,647
1896	196,274	279,429	302,471	218,233	76,708	134,826	50,956	36,618	197,860	1,493,375
1897	219,401	282,432	318,180	217,716	75,619	183,873	52,570	38,564	223,029	1,611,384
1898	235,862	352,826	307,902	213,776	70,344	147,298	53,970	37,841	224,772	1,644,591

Of the groups of industries enumerated above, the building, mining and quarrying, printing, paper, etc., and miscellaneous trades show an increase, while the metal, engineering, and shipbuilding, textile, clothing, transportation, and wood working and furnishing trades show a decrease in membership. The largest membership (352,826) was reported by the group of mining and quarrying. Next in order were the groups of metal, engineering, and shipbuilding, with 307,902 members, and of building trades, with 235,862 members.

The financial operations and benefit features of trade unions are shown for only 100 of the principal organizations. These in 1898 comprised 1,043,476 members, or 63 per cent of the total trade union membership reported. The following comparative statement shows the financial

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operations of the 100 principal trade unions for the seven years 1892 to 1898:

FINANCIAL OPERATIONS OF 100 PRINCIPAL TRADE UNIONS, 1892 TO 1898.

Year.	Members at end of year.	Income.	Expenditures.	Funds on hand at end of year.
1892	909,648	$7,101,265	$6,916,119	$7,868,157
1893	914,311	7,882,747	9,027,353	6,723,552
1894	928,105	7,943,311	6,987,340	7,679,522
1895	917,950	7,591,821	6,773,720	8,497,123
1896	964,809	8,153,991	6,013,631	10,637,483
1897	1,065,910	9,641,758	9,237,079	11,042,162
1898	1,043,476	9,321,562	7,249,484	13,114,239

The total income and expenditures of the 100 unions have fallen off during 1898, concurrently with the membership, while the funds on hand at the end of the year show an increase. The total expenditures of the 100 unions in 1898 amounted to £1,489,671 ($7,249,484), or 21.5 per cent less than in 1897. This was expended mostly on various kinds of benefits, the nature and the amount of the latter varying considerably in the different unions. Thus of the 100 unions, 61 provided unemployed and traveling benefits, 49 paid sick benefits, 43 provided accident benefits, 12 made contributions to medical charities, 39 paid superannuation benefits, and 88 paid funeral benefits. Probably all trade unions provide for the payment of dispute benefits, but in some years a number of unions are not called upon to pay anything under this head. Among the 100 considered, 15 do not show any such expenditures in 1898.

The following tables show the total expenditures and the amount expended per member on each of the various benefits during each of the years 1892 to 1898:

EXPENDITURES OF 100 PRINCIPAL TRADE UNIONS ON VARIOUS BENEFITS, ETC., 1892 TO 1898.

Year.	Unemployed, traveling, and emigration benefit. (*a*)	Dispute benefit. (*a*)	Sick and accident benefit.	Superannuation benefit.	Funeral benefit.	Other benefits and grants to members. (*b*)	Working and other expenses.	Total.
1892	$1,568,166	$1,859,188	$1,020,388	$498,485	$333,628	$391,987	$1,244,277	$6,916,119
1893	2,232,799	2,869,809	1,173,766	547,905	366,238	610,084	1,226,752	9,027,353
1894	2,222,584	800,276	1,117,694	595,825	340,631	674,161	1,236,169	6,987,340
1895	2,053,658	975,193	1,281,851	641,701	371,314	226,779	1,223,224	6,773,720
1896	1,287,471	839,861	1,199,772	693,564	367,372	307,665	1,317,926	6,013,631
1897	1,603,093	3,157,317	1,308,227	740,696	387,510	555,306	1,484,930	9,237,079
1898	1,176,321	1,533,385	1,356,863	796,855	408,105	485,706	1,492,249	7,249,484

a In a few cases it was not possible to separate a certain amount of unemployed benefit from dispute benefit.

b Includes grants to members, grants from one society to another, payments to federations, trade councils, congresses, etc.

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EXPENDITURES PER MEMBER OF 100 PRINCIPAL TRADE UNIONS ON VARIOUS BENEFITS, ETC., 1892 TO 1898.

[The expenditure per member is calculated on the basis of the total membership of the 100 principal trade unions, and not on the membership of the unions paying the particular classes of benefits.]

Year.	Unemployed, traveling, and emigration benefit. (*a*)	Dispute benefit. (*a*)	Sick and accident benefit.	Superannuation benefit.	Funeral benefit.	Other benefits and grants to members. (*b*)	Working and other expenses.	Total.
1892	$1.72	$2.04	$1.12	$0.55	$0.37	$0.43	$1.37	$7.60
1893	2.44	3.14	1.28	.60	.40	.67	1.34	9.87
1894	2.39	.86	1.21	.64	.37	.73	1.33	7.53
1895	2.24	1.06	1.39	.70	.41	.25	1.33	7.38
1896	1.33	.87	1.24	.72	.38	.32	1.37	6.23
1897	1.51	2.96	1.23	.69	.37	.52	1.39	8.67
1898	1.12	1.47	1.30	.77	.39	.47	1.43	6.95

a In a few cases it was not possible to separate a certain amount of unemployed benefit from dispute benefit.
b Includes grants to members, grants from one society to another, payments to federations, trade councils, congresses, etc.

A comparison of the items of expenditure during the seven-year period shows a steady growth of expenditure per member on superannuation benefits, marked variations in the expenditures for dispute and unemployed benefits, and a comparatively uniform cost per head for sickness, accident, funeral, and other benefits, and grants to members. The expenditures for unemployed, traveling, and emigration benefits in 1898 were smaller than during any year of the period. Taken as a whole, there is no perceptible tendency shown either toward increased or decreased expenditures per member on the part of trade unions.

The other forms of labor organizations considered in this report are trade councils and federations of trade unions. These institutions have been defined in the digests of the previous reports. The following summary shows the distribution of federations according to groups of industries and the trade councils for the years 1895 to 1898:

FEDERATIONS OF TRADE UNIONS AND TRADE COUNCILS, 1895 TO 1898.

Groups of industries.	1895.		1896.		1897.		1898.	
	Number.	Membership.	Number.	Membership.	Number.	Membership.	Number.	Membership.
Federations of trade unions:								
Building trades	40	94,934	37	74,648	37	91,949	34	94,612
Mining	14	417,328	13	401,916	12	361,182	9	300,717
Metal, engineering, and shipbuilding	15	191,098	16	207,759	16	212,416	16	234,406
Textiles	18	297,842	18	177,939	19	268,958	18	257,410
Transportation (land and sea)	2	23,716	3	57,820	6	72,624	6	42,914
Printing and allied trades	5	29,820	8	32,595	8	34,318	8	44,598
Woodworking and furnishing	9	12,882	13	16,973	11	16,764	10	12,204
Enginemen	4	10,085	4	10,082	5	10,925	4	6,766
Other trades	5	10,969	6	15,282	6	20,447	7	16,063
Total	112	1,088,674	118	995,014	120	1,089,583	112	1,009,690
Trade councils	154	690,870	151	700,651	155	701,289	156	701,717

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The total gross membership of unions participating in the 112 federations in 1898 was reported as 1,009,690, but, owing to the duplications arising from the fact that the same unions are sometimes affiliated with more than one federation, about 25 per cent should be deducted to obtain the actual number of individuals represented. Federations were most numerous in the building trades, but the largest federation membership was reported in the groups of mining, of textiles, and of metal, engineering, and shipbuilding trades. Of trade councils, 156 reported a total membership of 701,717 persons.

The new chapter added to the present report consists of a statement, based on the rules of 100 principal trade unions, showing for each union the age, qualifications, entrance fees, and weekly contributions of their members, together with the amount of dispute and various friendly benefits paid to those entitled to the same.

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DECISIONS OF COURTS AFFECTING LABOR.

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

DECISIONS UNDER STATUTORY LAW.

CONSTITUTIONALITY OF STATUTE—SUNDAY LABOR—BARBERS—*Petit v. State of Minnesota, 20 Supreme Court Reporter, page 666.*—This case came before the Supreme Court of the United States on a writ of error directed to the supreme court of the State of Minnesota, in which one Paul J. Petit had been convicted of violating the law of that State forbidding Sunday labor. The point in issue was the constitutionality of the statute under which the conviction was had, and the same was affirmed in the decision of the court, which was rendered April 9, 1900.

From the opinion of the court, delivered by Chief Justice Fuller, the following is quoted:

Petit was tried and convicted of keeping open a barber shop on Sunday, for the purpose of cutting hair and shaving beards, contrary to sec. 6513 of the General Statutes of Minnesota for 1894, and the judgment was affirmed by the supreme court of Minnesota. (74 Minn., 376; 77 N. W., 225.) This writ or error was then allowed.

Section 6513 reads as follows: "All labor on Sunday is prohibited, excepting the works of necessity or charity. In works of necessity or charity is included whatever is needful during the day for good order, health, or comfort of the community: *Provided, however*, That keeping open a barber shop on Sunday for the purpose of cutting hair and shaving beards shall not be deemed a work of necessity or charity."

We have uniformly recognized State laws relating to the observance of Sunday as enacted in the legitimate exercise of the police power of the State. Well-nigh innumerable decisions of the State courts have sustained the validity of such laws.

But it is contended that by reason of the proviso this act must be held unconstitutional, because thereby restricted in its operation on the particular class of craftsmen to which Petit belonged, as contradistinguished from other classes of labor. The proviso was added in 1887 to sec. 225 of the Penal Code of Minnesota of 1885. (Laws Minn., 1887, chap. 54.)

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By the original statute all labor was prohibited, excepting the works of necessity or charity, which included whatever was needful during the day for the good order, health, or comfort of the community. As the supreme court said, if keeping a barber shop open on Sunday for the purposes of shaving and hair cutting was not a work of necessity or charity, within the meaning of the statute as it originally read, the amendment did not change the law. And it would be going very far to hold that because out of abundant caution the legislature may have sought to obviate any misconstruction as to what should be considered needful during that day for the comfort of the community, as respected work generally so desirable as tonsorial labor, by declaring the meaning of the statute as it stood, therefore the law was transferred to the category of class legislation. The legislature had the right to define its own language, and the statute thus interpreted could not reasonably be held to have made any discrimination.

The question is not whether the bare fact of shaving some particular individual under exceptional circumstances might not be upheld, but whether the public exercise of the occupation of shaving and hair cutting could be justified as a work of necessity or charity.

We think that the keeping open by barbers of their shops on Sunday for the general pursuit of their ordinary calling was, as matter of law, not within the exception of the statute as it read before the amendment.

But even if the question whether keeping open a barber shop on Sunday for cutting hair and shaving beards, under some circumstances, was a work of necessity or charity, was a question of fact under the original act, which was foreclosed as such by the amendment, the result is the same.

Assuming that the proviso did have this effect, the supreme court was of opinion that the classification was not purely arbitrary. The court pointed out that the law did not forbid a man shaving himself or getting someone else to shave him, but the keeping open a barber shop for that purpose on Sunday; that the object mainly was to protect the employees by insuring them a day of rest; and said, "Courts will take judicial notice of the fact that, in view of the custom to keep barber shops open in the evening as well as in the day, the employees in them work more, and during later, hours than those engaged in most other occupations, and that this is especially true on Saturday afternoons and evenings; also that, owing to the habit of so many men to postpone getting shaved until Sunday, if such shops were to be permitted to be kept open on Sunday, the employees would ordinarily be deprived of rest during half of that day. In view of all these facts we can not say that the legislature has exceeded the limits of its legislative police power in declaring that, as a matter of law, keeping barber shops open on Sunday is not a work of necessity or charity, while as to all other kinds of labor they have left that question to be determined as one of fact."

We recognize the force of the distinctions suggested and perceive no adequate ground for interfering with the wide discretion confessedly necessarily exercised by the States in these matters, by holding that the classification was so palpably arbitrary as to bring the law into conflict with the Federal Constitution.

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EMPLOYERS' LIABILITY—CONSTRUCTION OF STATUTE—FELLOW-SERVANTS—*Brush Electric Light and Power Co. v. Wells, 35 Southeastern Reporter, page 365.*—Rebecca Wells sued the above-named company for damages for the homicide of her husband, who was a lineman in the employ of said company, and who was killed by the sudden turning on of the electric current while he was repairing a wire, having climbed a pole for that purpose. The evidence showed that if there was any negligence in the turning on of the current it was the negligence of the engineer of the company, and the question of liability of the company turned upon the point as to whether said engineer was or was not a fellow-servant of the deceased. In the city court of Savannah, Ga., a judgment was rendered in favor of the plaintiff and the defendant company carried the case upon a writ of error before the supreme court of the State which rendered its decision March 3, 1900, and reversed the judgment of the lower court, holding that the engineer was a fellow-servant of the deceased and that, therefore, the company was not liable for his negligence.

Judge Fish delivered the opinion of the supreme court, and in the course of the same he used the following language:

Granting that the engineer neglected to give the required signal upon that occasion, and that his failure to do so caused Wells's death, was the defendant, under the law, liable for his homicide? In other words, would the rule as to fellow-servants, as stated in section 2610 of the Civil Code, apply? viz, that the master, except in case of railroad companies, is not liable to one servant for injuries arising from the negligence or misconduct of other servants about the same business. Counsel for defendant in error contended that the facts of this case did not bring it within such rule, for the reason that the respective duties of the engineer and the lineman, Wells, were performed in different departments of the company's business, so that there was no opportunity for the exertion of a mutual influence upon each other's carefulness.

At this point the judge cited and quoted from numerous decisions of the courts, and then continued in part as follows:

The "different department limitation," or the "doctrine of consociation," to the effect that the fellow-servant rule is not applicable where the servant injured is employed in a department of the general service which is separate and distinct from that of the servant whose negligence caused the injury, is not recognized in this State, as is manifest from the decisions referred to above; and the great preponderance of judicial authority elsewhere is unquestionably against such a restriction of the fellow-servant rule.

Applying the law as we conceive it to be to the facts of the present case, the engineer of the Brush Electric Light and Power Company and Wells, its lineman, being subject to direction and control by the same general master, in the same common enterprise, were fellow-servants, though employed in different departments of duty, and so far removed from each other that one could in no degree control or influence the conduct of the other; and, granting that Wells was killed

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by reason of the negligence of the engineer in failing to give the signal before the electric current was turned on, the defendant company was not liable to Wells's widow for his homicide. Judgment reversed.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—NEGLIGENCE OF FELLOW-SERVANT—CONSTRUCTION OF STATUTE—*Fenwick v. Illinois Central Ry. Co., 100 Federal Reporter, page 247.*—This case came before the United States circuit court of appeals for the fifth circuit upon a writ of error, directed to the United States circuit court for the southern district of Mississippi, a judgment having been rendered therein in favor of the defendant railway company, which had been sued by one Fenwick to recover damages for personal injuries incurred by him while in its employ. The decision of the court of appeals was rendered February 28, 1900, and affirmed the judgment of the circuit court.

The facts in the case are sufficiently shown in the opinion of the court of appeals, which was delivered by Circuit Judge Shelby, and from the same the following is quoted:

Joseph Fenwick, the plaintiff, was injured while in the employment of the defendant. He alleged that the injury was caused by the negligence of Frank Puckett, who was also a servant of the defendant. Puckett, Hughes, Fredericks, and the plaintiff constituted the switch crew in defendant's yard at McComb City, Miss. Sullivan was the yardmaster, and, on the night that the injury occurred, Frank Puckett was acting as foreman of the switch crew. In the absence of statutes or constitutional provisions controlling the case, it is conceded that the plaintiff could not recover, because the employer would not be responsible to the plaintiff for an injury caused by the negligence of a fellow-servant. The plaintiff's contention is that the defendant is made liable by section 193 of the constitution of Mississippi adopted in 1890, which provision is also embraced in a statute. (Ann. Code, Miss., 1892, § 3559.) The part of the section relied on is as follows: "Every employee of a railroad corporation shall have the same rights and remedies for an injury suffered by him from the act or omission of the corporation or its employees as are allowed by law to other persons not employees, where the injury results from the negligence of a superior agent or officer, or of a person having the right to control or direct the services of the party injured."

It was clearly not the intention of the makers of the constitution or the legislature to entirely abrogate the common law relating to negligence of fellow-servants. It is only modified. The rule is only changed when the injury results from the negligence of a "superior agent or officer," or of "a person having the right to control or direct the services of the party injured." In the case of Evans *v.* Railway Co., 70 Miss., 527; 12 South., 581, a brakeman was injured by the alleged negligence of an engineer, and the cited constitutional provision was relied on by the plaintiff. In the course of the opinion the court said:

"The constitutional provision has reference to a superior agent or officer, of the sort well known as such, and any other person in the

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company's service, by whatever name, who may be intrusted with the right to control and direct the services of others according to his discretion and judgment—one to whom is committed the direction or control of others, for the accomplishment of some end dependent on his independent orders, born of the occasion, sprung from him as director, and not consisting of the mere execution of routine duties in pursuance of fixed rules by various employees, each charged with certain parts in the general performance. It may be that under some circumstances the engineer may be the superior of the brakeman, in the meaning of the constitution, but, in the operation of the train in accordance with rules, one is no more superior than the other, and they are not within the rule established by the constitution. To hold that they are would, by interpretation, so enlarge the constitutional provision as to sweep away entirely the rule as to fellow-servants as existing before, in the face of the incontrovertible fact that the purpose of the framers of the constitution was not to abrogate, but to modify to a certain extent, carefully expressed in section 193."

This construction of the statute in question seems to us decisive of this case. The business of the switch crew was to distribute the cars on the various tracks in order to make up the trains. One of the crew was called the "foreman." On the night in question, and for that occasion, the yard master, Sullivan, had appointed Puckett foreman. Puckett had the switch list, or written memorandum by which the crew switched the cars. This is furnished the crew by the yard master. There are five tracks in the yard, including the "lead" on which the cars were to be switched. On certain tracks designated cars were to be placed, and the men were engaged in that work. We do not find in the evidence that Puckett was employed to direct the services of the plaintiff according to his discretion and judgment. The crew were engaged in the performance of mere routine duties. The plaintiff and Puckett were of the same rank in the service; neither employed or could discharge the other; they received the same pay; and neither was superior to the other, in the sense that the one could exercise a discretion and judgment in controlling the actions of the other.

Under other circumstances a foreman of a crew might be an agent of the defendant, for whose negligence the defendant would be liable for injury to an employee. The name or title of the officer or agent is immaterial. We decide only that on the facts disclosed by the record the foreman did not, in reference to the services in which he and the plaintiff were engaged when the injury occurred, bear such relation to him as to make the employer responsible under the statute for his alleged negligence. We think that the circuit court correctly directed a verdict for the defendant. The judgment of the circuit court is affirmed.

EXAMINATION, LICENSING, ETC., OF BARBERS—CONSTRUCTION OF STATUTE—*Wass v. Michigan Board of Examiners for Barbers, 82 Northwestern Reporter, page 234.*—An application for mandamus was filed in the supreme court of Michigan by Fred S. Wass against the Michigan board of examiners for barbers and after a hearing, in a decision rendered by said court March 27, 1900, the writ was denied.

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The opinion of the court, delivered by Judge Hooker, shows the facts in the case and reads as follows:

The relator alleges that he is a barber, and has worked at that calling for more than two years immediately preceding his application to the respondents, in Ohio and Michigan, the last eleven months of which period he worked in this State. He applied to the respondents for a certificate as a barber, under act No. 212 of the Public Acts of 1899, and, being refused a certificate, asks a mandamus to compel its issue. The answer of the respondents shows that the only ground of refusal is that the relator is not entitled to such certificate without paying $5 to the treasurer of the board, and submitting to examination; not having been engaged in the business of a barber in this State for the period of two years. Relator claims that, having been engaged in the business of a barber for two years, he is entitled to the certificate of the board, whether said business was conducted in Michigan or another of the United States, and this is the only question that we are called upon to decide. Counsel for the relator, in their brief, say that, "so far as this case is concerned, it is simply a matter of construing the meaning of sections 6 and 7 of the act." They read as follows:

"SECTION 6. Each person applying to said board for a certificate shall pay to the treasurer thereof the sum of five dollars, which shall entitle him to examination and to a certificate if found qualified: *Provided*, This section shall not apply to barbers now engaged in the business of a barber in this State and who have been so engaged for the period of two years.

"SEC. 7. Every person now engaged in the business of a barber in this State, and who has been so engaged for a period of two years or more, shall within ninety days after this act shall take effect file with the secretary of said board a statement verified by his oath to be administered by any notary public of the State, showing his name, place of business, post-office address, the length of time he has actually served as a barber, and shall pay to said secretary the sum of one dollar and receive and shall be entitled to receive from said board a certificate as a barber, and shall pay annually thereafter the sum of fifty cents for a renewal of said certificate."

The question resolves itself into this, viz: Whether the words "so engaged" refer to the words "engaged in the business of a barber," or to the words "engaged in the business of a barber in this State." We have no doubt that the latter was the meaning intended. It is said that section 7 does not require the application to show that the applicant has been engaged in the business of a barber in this State for two years, but we think the entire act should be construed together; and, whatever the application may be required to show, we are satisfied that it was designed that the applicant should not be entitled to a certificate without examination, and the payment of a fee of $5, unless he should show that fact. The writ is denied, with costs.

PENALTY FOR MAKING FALSE CLAIMS AGAINST SEAMEN—CONSTRUCTION OF STATUTE—*United States v. Nelson, 100 Federal Reporter, page 125*.—This was a prosecution brought in the United States district court for the southern district of Alabama under section 10 of chapter 121 of the acts of 1883–84, as amended by chapter 421 of the acts of

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1885-86 and by section 24 of chapter 28 of the acts of 1898-99. A demurrer to the indictment was filed claiming that the penal provision in the statute applied only to false statements made for the purpose of establishing a claim against an allotment of wages made by a stipulation as provided by said statute, and that it had no reference to any other false claims against seamen such as was made in the case at bar. The district court, in its decision rendered February 1, 1900, took this view of the case and sustained the demurrer, dismissing the indictment.

The opinion of the court, delivered by District Judge Toulmin, reads as follows:

The indictment in this case is found under section 10 of an act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce. The statute provides that it is unlawful to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person. Such payment is forbidden under penalties therein provided for. But it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of his wages, not exceeding one month's wages, to be paid to an original creditor in liquidation of any just debt for board or clothing which he may have contracted prior to engagement. All stipulations for the allotment of any portion of the wages of a seaman shall be inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom the payments are to be made; and any person who shall make a false statement of the nature or amount of any debt claimed to be due from any seaman under this statute shall be punishable, etc.

The term "seaman," as used in this statute, clearly means those Americans who practice or are employed in navigation—whose avocation is that of mariner. To construe the statute as applying to those persons only who ship or engage to ship on American vessels, it seems to me, would give too narrow a construction to it, too small a field for its operation, and make the statute inconsistent with itself and inharmonious as a whole. The statute is designed to protect the seaman from imposition by any person, by providing that no portion of his wages shall be paid in advance, and be thereafter deducted from his wages when actually earned, except he stipulates in his shipping agreement for an allotment of an amount to be fixed, and not to exceed one month's wages, out of which allotment any sum justly due to an original creditor for board and clothing, which he may have contracted for prior to his engagement, shall be paid.

The stipulation for the allotment having been inserted in the agreement, the statute provides that any person who shall make a false statement of the nature and amount of any debt claimed to be due from the seaman shall be subject to a penalty. That the statute applies to American seamen—Americans whose avocation is that of mariner—only, is, I think, clear; and I think it is equally clear that the provision prohibiting, under penalty, the making of a false claim or statement, refers to making a claim against said allotted sum. It is made unlawful by the statute for a master to pay a seaman wages in advance, or to pay such advance wages to any other persons, unless, as I construe the law, they be paid out of an allotment stipulated for by the seaman in his shipping agreement; and any master who makes such

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payment, in the absence of the stipulation and allotment required, would be liable to the penalties provided for in the statute. This liability of the master was doubtless considered a sufficient protection to the seaman from a false claim presented to the master where there has been no stipulation and allotment provided for in the shipping agreement; but where there has been such stipulation and allotment the master would in that event be authorized to pay advance wages to the extent of the amount stipulated for. The penalties imposed on any person who should make a false claim, or a false statement of the nature and amount of any claim, against the seaman, and stipulated for in his shipping agreement, was intended to protect the seaman from such false claim. The allotment is made to meet claims against the seaman for board and clothing, and the stipulation for the allotment must be inserted in the shipping agreement. No wages can be lawfully paid in liquidation of such claim without the stipulation and allotment. Any person making a false claim against such allotment shall be liable to the penalty. This is, in my opinion, the correct interpretation of the law.

The statute declares that it is applicable to foreign vessels, and it provides that any master, owner, agent, or consignee who violates its provisions shall be liable to the same penalty that the master, etc., of a vessel of the United States would be, provided that treaties in force between the United States and foreign nations do not conflict. The penalty there referred to is the penalty for paying wages in advance to the seaman, or paying advance wages to any other person unlawfully; and the master, owner, or agent of a foreign vessel is liable to this penalty unless there is a treaty between the United States and the nation to which the vessel belongs in conflict with the statute. The demurrer is sustained.

Strikes—Injunction—Combinations of Workmen—Picketing—*Cumberland Glass Manufacturing Co. v. Glass Blowers' Association of the United States and Canada et al., 46 Atlantic Reporter, page 208.*—This was a bill in equity, brought in the court of chancery of the State of New Jersey by the above-named manufacturing company, asking for the issuance of an injunction to restrain the defendants from interfering with workmen engaged by the company. The bill of the complainant sets out that it was a manufacturer of both window glass and hollow ware; that on March 16, 1899, it received a letter from Dennis A. Hayes, president of the Glass Bottle Blowers' Association of the United States and Canada, stating that the nonunion glass blowers of South Jersey had organized and agreed that they should ask their employers to concede them such wages and privileges as had been agreed upon between the union manufacturers and their employees; that the letter requested a meeting to discuss this matter; that those manufacturers who had received copies of the letter met and appointed a committee to confer with Mr. Hayes; that this committee, being unable to come to an agreement with Mr. Hayes, suggested the appointment of an arbitration committee, to which suggestion Mr. Hayes refused to accede and declined to consider any proposition

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which did not include an increase of wages and a reduction in the number of future apprentices and the subjection of all manufacturers to the domination of the defendant association; that on April 8, 1899, all the journeymen blowers and finishers, with two exceptions, in the hollow-ware department of complainant's works left their work while the molten glass was in the furnace and tanks and this branch of work has since been idle.

The bill further stated that Hayes lived in Philadelphia, but came to Bridgeton, where the glass works were located, and directed the strike, either personally or through orders issued by him to William M. Doughty, Charles Doughty, and George W. Branin, none of whom were residents of Bridgeton, but who, since the strike, were continuously in the city, conducting it; that Mr. Hayes, William Lanning, secretary, Conrad Auth, its treasurer, and William Doughty and George W. Branin, members of the executive committee of the Glass Bottle Blowers' Association, had furnished sums of money to prevent the workers from returning to their work; that two branches of said association, namely, No. 8 and No. 19, were organized in Bridgeton to assist in disbursing said sums; that certain persons, acting by advice of said association, congregated in large numbers, some armed with clubs, about the approaches to the company's factory, and by threats and force coerced and intimidated such workmen as offered their services to the complainant; that they not only guarded such approaches, but guarded all railroad stations to prevent, by violence, people taking employment with the complainant; that the complainant was compelled to lodge 30 of its employees within its works to protect them from injury, and that the strikers attacked and maltreated those about to enter complainant's works. The affidavits attached to complainant's bill were, in substance, to the following effect: That from the inception of the strike the street in front of the entrance to the works was constantly occupied by bands of strikers, some armed with clubs; that they used indecent and threatening language to the workmen; that they interposed physically between the entrance and anyone wishing to enter or who was suspected to be a prospective employee; that they threw bricks and stones against the house and fence of the company and into the house of one who lodged the workmen of the company; that employees and those suspected of seeking work were held up and insulted and threatened on the street and on the city cars; that the platforms of the railroad stations on each arrival of a train were crowded with strikers, and workmen were sought out and physically pushed into the headquarters of the strikers, where they were half persuaded and half coerced into abandoning their intention of working in complainant's factory, and that incoming trains with workmen on board were bombarded with stones and the persons in charge of these workmen were struck and seriously injured.

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The answer of the defendants practically admitted the allegations of the complaint except the acts of violence, the commission of any such acts being denied. After considering the papers, the court of chancery rendered its decision December 14, 1899, and issued an injunction, but against those only who were shown to have used force and coercion, refusing to enjoin the Glass Bottle Blowers' Association, or its officers, as such, holding that neither a workingman's association, conducting and financially supporting a strike by its members, nor the president of such association who organizes and directs such strike, confers with its leaders, disburses the financial aid to strikers, and promises it to others on their striking, will be enjoined at suit of the employer to restrain interference with engaged employees, neither having authorized, encouraged, known of, or tacitly approved any acts of violence.

The opinion of the court, delivered by Vice-Chancellor Reed, contains the following language:

Every employer has the right to engage, or refuse to engage, whomsoever he chooses, just as every workman has the right to enter or refuse to enter the service of any employer, as he may choose. Apart from obligations arising from special contract for employment, or for services, for a specified period of time, every employer has the right to discharge a workman, and every workman has the privilege of leaving the service of his employer, at his pleasure. The freedom of the individual workman to seek employment, and of the individual master to give or refuse employment, belongs to every citizen. Formerly a concerted act, by which a number of workmen combined to leave a master's employment simultaneously, or to persuade other workmen to leave his employment together, for the purpose of injuring his business, or of compelling him to concede increased wages, or to hire or discharge particular workmen, was an indictable conspiracy. It was, however, held, in the case of Mayer *v.* Association, 47 N. J. Eq., 519, 20 Atl., 492, that since the passage of the act of 1883 [acts of 1883, page 36, act approved February 14, 1883] a combination which before that time would have been held to be a conspiracy became by the force of this statute a lawful combination. This act has not been repealed. By its terms it is lawful for workmen to combine to persuade, by peaceable means, any person or persons to enter into any combination for the leaving or entering into the employment of any person or persons or corporation. The purpose of the act was undoubtedly to legalize strikes; i. e. the organization of concerted simultaneous cessation of work by bodies of workmen. The words employed by the statute cover a combination for the purpose of persuading others to combine for the purpose of entering or leaving an employment. The words would seem to intend a legalization of a combination to induce others to join in a strike, and are, perhaps, broad enough to legalize a combination to persuade individual workmen to quit, or refuse to enter, the service of any person or persons or corporation. According to the act, the means adopted must be peaceable, as the words "persuade, advise, or encourage" indicate, without the use of the words "by peaceable means." Therefore the methods adopted to induce a workman to quit, or to refuse to enter, an employment must be persuasive, and

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not coercive. It is entirely settled that the moment that individuals, either singly or in company, for the purpose of compelling a master to accede to their views, use force or threats of force, or in any way injure or threaten to injure either the master, or those working or wishing to work for him, the act becomes illegal. Interference with the movement of employees in passing in and out of their employer's factory, or the use of abusive language, upon the street or elsewhere, toward such employees—indeed, any conduct which is calculated to induce those working or wishing to work, against their wish, to abandon their work, or their intention to seek work—is within the limits of coercive conduct. There is no contrariety of judicial view in respect to the illegality in the use of any act which is calculated to coerce, but in respect to what acts are to be regarded as coercive there is naturally more difference in judicial sentiment. It finds expression mainly upon the fact of "picketing;" that is, by relays of guards in front of a factory or the place of business of the employer, for the purpose of watching who should enter or leave the same.

At this point in the opinion the judge cites and quotes from a number of cases involving the legality of picketing, and then continues, in part, as follows:

I can not say that the law is so settled that a preliminary injunction can go upon the notion that picketing, without some other act evidential of coercion, is in itself evidence of intimidation. The decision of the question, I think, must depend upon the circumstances surrounding each case. There must be taken into account the size of the guard, the extent of their occupation of the street, and what they say and do. Taking every circumstance into account, if it appears that the purpose of the picketing is to interfere with those passing into or out of the works, or those wishing to pass into the works, by other than persuasive means, it is illegal. If the design of the picketing is to see who can be the subject of persuasive inducements, such picketing is legal.

It remains to draw conclusions in respect to the facts proved as applicable to the doctrine thus stated. The fact that there was disorderly and unlawful conduct on the part of very many of those engaged in the strike is not refuted. It is entirely clear that, almost continuously, large bodies of men were in the street, in front of and around the factory of the complainant, and that large bodies of men attended the arrival of each incoming train. Now, the force of the testimony is that, while the directions to the guards and strikers in general may have been to employ only persuasive methods to induce workmen to quit the service of complainant, or to refrain from entering into its service, coercive measures were in fact resorted to. It is not surprising that this should be so. When large bodies of men are combined to bring about a purpose, in the accomplishment of which their feelings and passions are involved, the line which separates argument from force is not readily recognized, or, if recognized, not easily observed. Nevertheless, each man is bound to observe the right of the employee and employer to employ or seek employment undeterred by coercive influences. Now, it goes without saying that the bombardment of complainant's fences and the boarding house, the attack upon incoming trains carrying employees, and the physical interference with or interception of workmen, were illegal acts. So, too, I think, was

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the gathering of large crowds of workmen about the railroad station to assist in the interception of workmen. The actual outcome of such a crowd was seen at each arrival. The newcomers were surrounded, and jostled, and pushed along, until they were landed in the headquarters of the strikers. It was almost a physical impossibility for the workmen to move otherwise than according to the will of the crowd, however much they may have wished to do so. In respect to the crowd guarding the works, the question is whether it can be regarded as merely picketing for the purpose of seeing what was going on, or whether it was there for the purpose of exercising a coercive power upon those who came to work, or those already working for the complainant. Taking the testimony so far as it stands substantially uncontradicted, I conclude that the crowd spoken of in the complainant's affidavits as "guards," judged by its size and acts, were [was] designed for coercive as well as persuasive purposes. Conceding that a number of strikers could remain in the vicinity of the factory yard, to see what was going on, yet when the number became a crowd, and when the acts of the crowd expanded into occasional attacks upon property, and abusive language toward employees, and interference with those seeking to enter the yard, the "guard" became a coercive instrument. A permanent guard in a public street in front of citizens' houses or a factory is in itself a nuisance.

The court at this point went on and considered the cases of the individuals concerned in the strike and refused to enjoin any except those who were directly concerned in acts of violence or coercion, against whom it allowed an injunction to issue restraining them from the commission of such acts after the issuance of the injunction.

DECISIONS UNDER COMMON LAW.

Employers' Liability—Duty of the Master—Safe Place to Work—*Grace and Hyde Co. v. Kennedy, 99 Federal Reporter, page 679.*—In the United States circuit court for the southern district of New York, one Daniel Kennedy recovered a judgment in a suit brought by him for damages for personal injuries, against the above-named company, his employer. He was employed by said company in the erection of a shed over a sidewalk and was standing on top of a post nailing a wooden girder thereto when the accident happened. The work was being prosecuted during the night, and at about half past 4 o'clock in the morning a mail van coming down the street ran against one of two guy ropes of a derrick, which ropes were stretched across the street. Said guy rope swayed over and threw Kennedy from the top of the post to the sidewalk, and his kneecap and one arm were broken. The evidence showed that it was customary to place red lights upon obstructions or to employ a watchman to warn against danger; that four red lanterns had been furnished by the company, two of which had been broken before the night of the accident; that the two remaining ones were placed upon a beam in the street, but that

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none were placed upon the guy ropes, and in consequence thereof the driver of the mail van did not see the rope into which he ran; also that no watchman had been employed by the company. From the judgment of the circuit court the company appealed to the United States circuit court of appeals for the second circuit, which court rendered its decision January 24, 1900, and affirmed the judgment of the lower court.

From the opinion of the court of appeals, which was delivered by Circuit Judge Shipman, the following is quoted:

The case was presented to the jury by the plaintiff upon the theory that, inasmuch as the work was necessarily done at night, upon a street which was frequently occupied by passing vehicles of various kinds, and as the necessary guy ropes which extended into the street must be fastened when they were in danger of collision with a passing vehicle, if unobserved in the darkness by the driver of the vehicle, it was the duty of the defendant to take such precautions against injury to his employees as to render the place of their work reasonably safe. The court charged upon the duty of the defendant as follows:

"Did the defendants fulfill their duty, which was to provide what was reasonably safe and proper by way of precaution from such a thing as this mail wagon, or anything of that sort, coming along? If they did—did everything that was reasonable in that behalf—you may return a verdict for the defendants, because, if they did, that is enough. That is all they were required to do."

The defendant insists that the rule of law which directs the master to provide his servant "with a reasonably safe place to work in, having reference to the character of the employment in which the servant is engaged," is inapplicable, because the street was a safe place, and the rule as to safe places does not apply when the place originally furnished is safe, and becomes unsafe in the progress of the work, or because of the manner in which the work is done. The argument rests upon the incorrect assumption that the place originally furnished was safe. The place was an avenue extensively used for travel, in which a substantial shed was to be erected at night by the use of derricks secured by ropes stretching somewhere in the avenue. It was eminently unsafe unless protected either by danger signals or watchmen. It is said, however, that when the workmen began work sufficient appliances in the way of lamps were furnished, and that it became unsafe by the way in which the work was done.

The place could not be reasonably safe when the workmen began their night's work unless an adequate system was adopted for their protection against dangers which were easily to be anticipated; neither did danger spring out of sudden exigencies, or sudden neglect or mistake of a foreman or workman. The negligence, if it existed, arose from the insufficiency of the means for the protection of the workmen which were originally adopted.

The defendant's assignments of error seek to introduce into the case the doctrine of nonliability for an injury caused by a coservant, and it is urged that the danger was created by the workmen themselves; for it did not appear that there was a necessity for tying the guy lines on the other side of the street, and that occasion for warning or signals arose only in consequence of the act of the men in thus extending the

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ropes. The defect in the argument is a continuance of the omission to recognize the ordinary necessity for the protection of the employees, and that the absolute duty of the master to provide a safe place is not avoided by the neglect of his representative or servants to do the things which will obviously prevent the known original danger.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—LAW OF PLACE WHERE INJURY WAS RECEIVED TO GOVERN—NEGLIGENCE—ASSUMPTION OF RISK—*Leazott v. Boston and Maine Railroad Co., 45 Atlantic Reporter, page 1084.*—Suit was brought by Victor Leazott against the above-named railroad company to recover damages for injuries incurred while in its employ. The accident occurred in the State of Massachusetts and was occasioned by the breaking of a brake rod, which had a defect in it that had existed for some time but was not readily discoverable by the plaintiff. The car to which the rod was attached belonged to another railroad company and had been received by the Boston and Maine at Worcester, Mass. The default and negligence complained of was the failure of the defendant company to inspect the brake when the car was received by said company. In the supreme court sitting in Hillsboro County, N. H., where the case was heard, a verdict was rendered in favor of the plaintiff and the case was carried before the law term of said court upon exceptions. The decision of said court was rendered July 28, 1899, and the exceptions were sustained and a judgment rendered for the defendant company. From the opinion of the court, delivered by Judge Young, the following is taken:

The rights of parties in actions of tort are so far governed by the lex loci that whatever would be a defense to an action where the cause arose is a defense here. Inspection was the only duty which the law of Massachusetts imposed upon the defendants, for the plaintiff's benefit, in respect of this car; and they performed this duty if they furnished competent, sufficient, and suitable inspectors, acting under proper superintendence, rules, and instructions. The defendants' habitual neglect to inspect the brakes on cars which they received from connecting lines was the only evidence of their failure to perform this duty, and, while this is evidence of the defendant's negligence, it is not of itself sufficient to establish their liability; for the burden is on the plaintiff to show all the facts necessary to constitute his cause of action, and one of these facts is that the accident was not caused by a risk which he assumed when he entered the defendant's employment. A servant assumes the risk arising from all the ordinary dangers of his employment, of which he either knows or might have known by the exercise of due care; and this includes any risk arising from the negligent performance of the master's duties, if the servant knows of this danger, and voluntarily remains in the master's employment. Upon this point the law is the same both in this State and in Massachusetts.

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The plaintiff was familiar with his work, and with the defendant's system of inspection. He knew that they never made any test to discover the strength of brake rods on foreign cars. The danger from insufficient brake rods on cars of this kind is so apparent that no man of ordinary prudence could fail to see and appreciate it; and the plaintiff, by voluntarily remaining in the defendant's employment after he knew of this danger, must be held to have assumed the risk. Verdict set aside. Judgment for the defendants.

Employers' Liability—Railroad Companies—Masters' Duty—Contributory Negligence—*New Orleans and Northeastern Railroad Co. v. Clements, 100 Federal Reporter, page 415.*—One E. T. Clements was night foreman in the switch yards of the above-named railroad company at Meridian, Miss. About 10 o'clock at night certain flat cars of another road arrived in the yards and were inspected by the regular inspectors, after which Clements had an engine attached thereto and started to move them. After they had started and were moving slowly, he observed that a brake was set on one car, and, climbing on the next car, he started to step from one to the other—reaching forward and taking hold of the brake wheel as he did so. The nut was gone from the top of the brake rod and the wheel came off, causing him to fall between the cars, and he was run over and his arm crushed. He brought suit against the railroad company for damages, and in the United States circuit court for the southern district of Mississippi a judgment in his favor was rendered. The railroad brought the case before the United States circuit court of appeals for the fifth circuit, upon a writ of error, and said court rendered its decision February 28, 1900, affirming the judgment of the lower court.

Circuit Judge Pardee delivered the opinion of the court of appeals, and after reciting and commenting upon certain instructions and charges which the railroad company requested the court to give to the jury and which the court refused to do he continued in the following language:

The rule sought to be presented by these instructions and charges is that, while it is the duty of the railroad company to make proper inspection and look after the condition of cars that it calls upon its employees to use, when the railroad company has appointed proper and capable inspectors, and provided by its rules that these inspectors shall make due and proper inspection, and the inspectors have made inspection, then the duty of the railroad company is performed, and no negligence can be imputed to the company because the inspection has not been thorough and complete.

At this point the judge cites and quotes from numerous decisions of the courts, and then continues as follows:

In the light of these decisions, we understand the law to be that, as to patent defects in machinery furnished by railroad companies for the

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employees to use, the railroad companies are insurers in all cases where the employee, by reason of his employment or the circumstances of the case, has no full opportunity, before using the machinery in question, to observe and note the patent defect; and the rule is the same with regard to all defects that can be discovered on proper examination and inspection.

In the present case the defendant in error [Clements] was not called upon by his duty to make any particular inspection of the cars turned over to him after the regular inspection. As to the particular defect which resulted in his injury, the proof is clear that although the defect was patent, and could and would have been readily noticed by any employee called ordinarily to use the same, the defendant was called upon to use it at night, in an emergency, and without opportunity to examine or inspect the same. It may be, as counsel for plaintiff in error argued, that he knew that the car had lately come in from another road; that after he reached the platform of the car he could, with the slightest movement of his hand, or instantaneous movement of his lantern, have discovered the condition of the brake (that is, the absence of the nut); and that upon that discovery he could have used the brake ("let it off") in such a way that he would not have been injured. But the trouble is, he had no opportunity to examine the condition of the brake with his hand, or by any movement of the lantern. In the line of his duty, he was climbing on top of the car as it was moving, and he reached for and caught the brake to support himself preparatory to using the same; and to say, under such circumstances, that he should have made a preliminary inspection, is contrary to both reason and authority. On the whole case—and we have examined it with great care—we are constrained to hold that the record shows no reversible error on the trial, and the judgment must be affirmed.

TRADE UNIONS—CONSPIRACY AGAINST PERSONS NOT MEMBERS—*Plant et al. v. Woods et al., 57 Northeastern Reporter, page 1011.*—Action was brought by one Plant and others, as plaintiffs, against one Woods and others, as defendants, to restrain the defendants from interfering with the plaintiffs in their employment and asking that an injunction to that effect be issued. In the superior court of Hampden County, Mass., a decree was rendered in favor of the plaintiffs, and the defendants appealed to the supreme judicial court of the State, which rendered its decision September 6, 1900, and practically sustained the decision of the lower court, although modifying the terms of the injunction which had been issued.

The facts of the case are stated in the opinion of the court, which was delivered by Judge Hammond, and from the same the following is quoted:

This case arises out of a contest for supremacy between two labor unions of the same craft, having substantially the same constitution and by-laws. The chief difference between them is that the plaintiff union is affiliated with a national organization having its headquarters in Lafayette, in the State of Indiana, while the defendant union is affili-

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ated with a similar organization having its headquarters in Baltimore, in the State of Maryland. The plaintiff union was composed of workmen who, in 1897, withdrew from the defendant union.

The contest became active early in the fall of 1898. In September of that year the members of the defendant union declared "all painters not affiliated with the Baltimore headquarters to be nonunion men," and voted "to notify bosses" of that declaration. The manifest object of the defendants was to have all the members of the craft subjected to the rules and discipline of their particular union, in order that they might have better control over the whole business, and to that end they combined and conspired to get the plaintiffs, and each of them, to join the defendant association, peaceably, if possible, but by threat and intimidation if necessary. Accordingly, on October 7, they voted that, "If our demands are not complied with, all men working in shops where Lafayette people are employed refuse to go to work." The plaintiffs resisting whatever persuasive measures, if any, were used by the defendants, the latter proceeded to carry out their plan in the manner fully set forth in the master's report.

The general method of operations was substantially as follows: A duly authorized agent of the defendants would visit a shop where one or more of the plaintiffs were at work, and inform the employer of the action of the defendant union with reference to the plaintiffs, and ask him to induce such of the plaintiffs as were in his employ to sign applications for reinstatement in the defendant union. As to the general nature of these interviews the master finds that the defendants have been courteous in manner, have made no threats of personal violence, have referred to the plaintiffs as nonunion men, but have not otherwise represented them as men lacking good standing in their craft; that they have not asked that the Lafayette men be discharged, and in some cases have expressly stated that they did not wish to have them discharged, but only that they sign the blanks for reinstatement in the defendant union. The master, however, further finds, from all the circumstances under which those requests were made, that the defendants intended that employers of Lafayette men should fear trouble in their business if they continued to employ such men, and that employers to whom these requests were made were justified in believing that a failure on the part of their employees who were Lafayette men to sign such reinstatement blanks, and a failure on the part of the employers to discharge them for not doing so, would lead to trouble in the business of the employers in the nature of strikes or a boycott; and the employers to whom these requests were made did believe that such results would follow, and did suggest their belief to the defendants, and the defendants did not deny that such results might occur; that the strikes which did occur appear to have been steps taken by the defendants to obtain the discharge of such employees as were Lafayette men who declined to sign application blanks for reinstatement; that these defendants did not in all cases threaten a boycott of the employers' business, but did threaten that the place of business of at least one such employer would be left off from a so-called "fair list" to be published by the Baltimore union. The master also found that, from all the evidence presented, the object which the Baltimore men and the defendant association sought to accomplish in all the acts which were testified to was to compel the members of the Lafayette union to join the Baltimore union, and as a means to this end they caused strikes to

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be instituted in the shops where strikes would seriously interfere with the business of the shops, and in all other shops they made such representations as would lead the proprietors thereof to expect trouble in their business.

We have, therefore, a case where the defendants have conspired to compel the members of the plaintiff union to join the defendant union, and, to carry out their purpose, have resolved upon such coercion and intimidation as naturally may be caused by threats of loss of property by strikes and boycotts, to induce the employers either to get the plaintiffs to ask for reinstatement in the defendant union, or, that failing, then to discharge them. It matters not that this request to discharge has not been expressly made. There can be no doubt, upon the findings of the master and the facts stated in his report, that the compulsory discharge of the plaintiffs in case of noncompliance with the demands of the defendant union is one of the prominent features of the plan agreed upon.

It is well to see what is the meaning of this threat to strike, when taken in connection with the intimation that the employer may "expect trouble in his business." It means more than that the strikers will cease to work. That is only the preliminary skirmish. It means that those who have ceased to work will by strong, persistent, and organized persuasion and social pressure of every description do all they can to prevent the employer from procuring workmen to take their places. It means much more. It means that, if these peaceful measures fail, the employer may reasonably expect that unlawful physical injury may be done to his property; that attempts in all the ways practiced by organized labor will be made to injure him in his business, even to his ruin, if possible; and that by the use of vile and opprobrious epithets and other annoying conduct, and actual and threatened personal violence, attempts will be made to intimidate those who enter or desire to enter his employ; and that whether or not all this be done by the strikers or only by their sympathizers, or with the open sanction and approval of the former, he will have no help from them in his efforts to protect himself. However mild the language or suave the manner in which the threat to strike is made under such circumstances as are disclosed in this case, the employer knows that he is in danger of passing through such an ordeal as that above described, and those who make the threat know that as well as he does.

Such is the nature of the threat, and such the degree of coercion and intimidation involved in it. If the defendants can lawfully perform the acts complained of in the city of Springfield, they can pursue the plaintiffs all over the State in the same manner, and compel them to abandon their trade, or bow to the behests of their pursuers. It is to be observed that this is not a case between the employer and employed, or, to use a hackneyed expression, between capital and labor, but between laborers all of the same craft, and each having the same right as any one of the others to pursue his calling. In this as in every other case of equal rights the right of each individual is to be exercised with due regard to the similar right of all others, and the right of one [may] be said to end where the right of another begins. The right involved is the right to dispose of one's labor with full freedom. This is a legal right, and it is entitled to legal protection. The rule is stated with care and discrimination by Wells, J., in Walker *v.* Cronin, 107 Mass., 555: "Everyone has a right to enjoy the fruits and advan-

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tages of his own enterprise, industry, skill, and credit. He has no right to be protected against competition, but he has a right to be free from malicious and wanton interference, disturbance, or annoyance. If disturbance or loss come as the result of competition, or the exercise of like rights by others, it is damnum absque injuria, unless some superior right by contract, or otherwise, is interfered with. But if it come from the merely wanton or malicious acts of others, without the justification of competition, or the service of any interest or lawful purpose, it then stands upon a different footing." In this case the acts complained of were calculated to cause damage to the plaintiffs, and did actually cause such damage; and they were intentionally done for that purpose. Unless, therefore, there was justifiable cause, the acts were malicious and unlawful.

The purpose of these defendants was to force the plaintiffs to join the defendant association, and to that end they injured the plaintiffs in their business, and molested and disturbed them in their efforts to work at their trade. The defendants might make such lawful rules as they please for the regulation of their own conduct, but they had no right to force other persons to join them. The necessity that the plaintiffs should join this association is not so great, nor is its relation to the rights of the defendants, as compared with the right of the plaintiffs to be free from molestation, such as to bring the acts of the defendant under the shelter of the principles of trade competition. Such acts are without justification, and therefore are malicious and unlawful, and the conspiracy thus to force the plaintiffs was unlawful.

Unlawful Suspension from Membership in Trade Union—*Cotton Jammers' and Longshoremen's Association No. 2 v. Taylor—56 Southwestern Reporter, page 553.*—Action was brought against the above-named labor organization by James A. Taylor for damages for his alleged wrongful and malicious suspension from membership in said organization. In the county court of Galveston County, Tex., a judgment was rendered in his favor and the defendant organization appealed the case to the court of civil appeals of the State which rendered its decision April 2, 1900, and reversed the judgment of the lower court.

The facts in the case were clearly stated by Judge Gill, who delivered the opinion of the court, and from said opinion the following is taken:

The association is a corporation organized for the purpose of securing work for its members, for maintaining fair wages for their labor, and to supply certain tools for their use. These tools were purchased with funds derived from assessments upon the membership, and each member was entitled to their use, and to such other benefits as inured to him as a member of the body, under certain prescribed rules and regulations. One rule provided that any member who should work for a less sum than 40 cents per hour should be subject to a fine of $10 and suspension from the association for one year, during which time he should be deprived of the benefits of membership. Appellee was a member of the association. At a regular meeting held July 28,

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1897, he was, by resolution, fined $10, and suspended for one year, for the alleged reason that he, with certain other members, named in the resolution, had worked for the Lone Star Line at a less sum per hour than the sum prescribed in the rule above named. This resolution was carried by the requisite vote, and the suspension resulting therefrom was enforced against appellee. He was present when this action was taken, but had received no previous notice of the purpose to suspend him, and did nothing at the time which amounted to a waiver of such notice. On the contrary, he protested against the summary nature of the proceedings, and demanded the right to be heard; but his protest was ignored. As to whether, at the time of this action, there was in existence any rule prescribing the method of suspension or expulsion, the evidence is conflicting. It was shown that the association had formerly been incorporated under a different name, but had forfeited its charter by nonpayment of the franchise tax; that the old concern had by-laws for the government of the body in the suspension and expulsion of members, and that such by-laws provided for notice and a hearing. It was also shown that a committee was then out, engaged in the task of formulating by-laws for the new corporation. It was contended that the by-laws of the defunct corporation controlled the new body, and there was some evidence that it had been acting thereunder, though none that they had been formally adopted. It was shown that the suspension of appellee was final, if valid, he having no right to appeal to any other tribunal connected with the order. His right of action depends, therefore, upon the invalidity of the action of the association in suspending him. Appellant contends that the suspension was valid and binding in the absence of by-laws providing for notice and trial and prescribing the mode of procedure.

The case before us is one involving valuable rights. In such cases the weight of authority tends to support the doctrine that a by-law providing for expulsion without notice or trial will be held invalid. A by-law, to be valid, must be reasonable. In this case, if the association was in fact acting under the by-laws of the old corporation, the suspension was void, because their provisions were ignored. If the old by-laws were not operative, then no by-law existed providing rules of procedure in such cases, and appellee was entitled to reasonable notice of the nature of the charges against him, and an opportunity to be heard.

The contention of appellant that the act of expulsion was binding upon appellee is not tenable. He would be entitled to a judgment for such damages as proximately resulted from the wrong.

By the eighth assignment of error appellant complains of the refusal of the trial court to sustain a special exception to the petition. The exception is that the petition fails to disclose in what manner appellee was deprived of the use of the tools, and how and in what manner his suspension affected his right to engage in remunerative labor, or prevented him from procuring work. The petition is defective in the respects pointed out, and the court erred in refusing to sustain the exception. It is impossible to ascertain from the petition what connection existed between his membership in the association and his means of obtaining work, or in what way he was deprived of an opportunity to secure employment. For the errors indicated, the judgment is reversed, and the cause remanded.

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

[The Second Special Report of the Department contains all laws of the various States and Territories and of the United States relating to labor in force January 1, 1896. Later enactments are reproduced in successive issues of the Bulletin from time to time as published.]

NORTH CAROLINA.

ACTS OF 1899.

CHAPTER 373.—*Bureau of labor and printing.*

SECTION 1. Chapter one hundred and thirteen of the laws of eighteen hundred and eighty-seven [creating a bureau of labor statistics] is hereby repealed.

SEC. 2 (as amended by chapter 539, acts of 1899). A bureau of labor and printing is hereby created and established, the duties of which bureau shall be exercised and discharged by a commissioner, who shall be designated as "commissioner of labor and printing" and by an assistant, who shall be appointed by said commissioner and who shall be a practical printer. The said commissioner shall be elected by the joint ballot of the members of the senate and house of representatives of the general assembly of North Carolina. The term of office of said commissioner shall begin on the fifteenth day of March next after his election, and he shall hold his office until January, nineteen hundred and one, when other State officers are qualified. At the next general election the commissioners [commissioner] of labor and printing shall be elected for a term of four years by the people in the same manner as is provided for the election of secretary of state. The office of said bureau shall be kept in the city of Raleigh and the same shall be provided for as other public officers [offices] by the State.

SEC. 3. Said commissioners [commissioner] shall receive a salary of one thousand five hundred dollars per annum, payable monthly; and said assistant commissioner shall receive a salary of nine hundred dollars per annum, payable monthly, and they shall also receive their actual traveling expenses while traveling for the purpose of collecting the information and statistics provided for in this act. And said assistant commissioner shall perform the duties of the said commissioner in his absence from office or in case of a vacancy therein.

SEC. 4. Said commissioner aided by said assistant commissioner shall collect and collate information and statistics concerning labor and its relation to capital, the hours of labor, the earnings of laborers and their educational, moral and financial condition; and the best means of promoting their mental and moral and material welfare; shall also collect [and] collate information and statistics concerning the various mining, milling and manufacturing industries in this State, their location, capacity and actual output of manufactured products, the kind and quantity of raw material annually used by them and the capital invested therein; shall also collect and collate information and statistics concerning the location, estimated and actual horse power and conditions of valuable water powers developed and undeveloped in this State; also concerning farm lands and farming, the kinds, character and quantity of the annual farm products in this State; also of timber lands and timbers, truck gardening, dairying and such other information and statistics concerning the agricultural, industrial welfare of the citizens of this State as he may deem to be of interest and benefit to the public, and shall all [also] perform the duties prescribed in chapter fifteen, public laws of eighteen hundred and ninety-seven.

SEC. 5. Said commissioner, aided by said assistant commissioner, shall carefully examine all printing and binding done for the State, or any department thereof by the public printer, and shall certify that the workmanship of said printing and binding is properly executed and that the accounts rendered by the public printer for the same are accurate and just before the auditor shall issue any warrant for the payment thereof.

SEC. 6. Said commissioner shall annually publish a report embodying therein such information and statistics as he may deem expedient and proper, which report shall

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be printed and paid for by the State just as the report [reports] of other public officers are printed and paid for, the number of copies of said report to be printed to be designated by said commissioner; the distribution of the reports will be paid for from the general fund and not from the appropriation; said commissioner shall send or cause to be sent a copy of said report to every newspaper in this State and a copy to each member of the general assembly, a copy to each of the several State and county officers, a copy to each labor organization in the State and a copy to any citizen who may apply for the same either in person or by mail, and he may also send a copy to such officers of other States and Territories and to such corporations or individuals in other States and Territories as may apply for the same or as he may think proper. He shall also make a full report to the governor as other State officers are required to do, embodying therein such recommendation as he may deem calculated to promote the efficiency of his department.

Sec. 7. For carrying out the provisions of this act the sum of three thousand five hundred dollars ($3,500) annually is hereby appropriated to be paid by the State treasurer out of any funds not otherwise specifically appropriated, and said commissioner when money is required for the use of his said department shall certify to the State auditor the amount required, and the auditor shall thereupon draw his warrant upon the treasurer for the same.

Sec. 8. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 9. This act shall be in force from and after its ratification.

Ratified the 3d day of March, A. D. 1899.

Chapter 410.—*Making labor day a legal holiday.*

Section 1. Section three thousand seven hundred and eighty-four of the code is hereby amended by inserting at the end of line four of said section the following words, to wit: "And the first Thursday in September."

Sec. 2. This act shall be in force from and after its ratification.

Ratified the 6th day of March, A. D. 1899.

Chapter 507.—*Protection of employees as voters.*

Section 54.—Any person who shall discharge from employment, withdraw patronage from or otherwise injure, threaten, oppress or attempt to intimidate any qualified voter of this State because of the vote such voter may or may not have cast in any election shall be guilty of a misdemeanor.

Sec. 88. All laws and clauses of laws in conflict with this act are hereby repealed. * * *

Sec. 89. This act shall be in force from and after its ratification

Ratified the 6th day of March, A. D. 1899.

Chapter 581.—*Convict labor.*

Section 8.—All prisoners confined in the county jail under a final sentence of the court for crime or imprisonment for nonpayment of costs or fines or under final judgment in cases of bastardy, or under the vagrant acts, all insolvents who shall be imprisoned by any court in said county for nonpayment of costs, and all persons sentenced in said county to the State prison for a term less than ten years shall be worked on the public roads of the county: *Provided*, That the commissioners of the county may arrange with the commissioners of any neighboring county or counties for such an exchange of prisoners during alternate months or years as will enable each such cooperating county to thereby increase the number of prisoners at work on its public roads at any given time. And upon application of the said road superintendent of the county or that of the chairman of the board of county commissioners, the judge of the superior court or the judge of the criminal court, the justices of the peace and the principal officer of any municipal or any other inferior court, it shall be the duty of the said judge or justice of the peace or said principal officer to assign such persons convicted in his court to said road superintendent for work on the public roads of said county; all such convicts to be fed, clothed and otherwise cared for at the expense of the county: *Provided further*, That in case of serious physical disability, certified to by the county physician, persons convicted in said superior, criminal or inferior courts in the county may be sentenced to the penitentiary or to the county jail.

Sec. 9. When the commissioners of any county shall have made provisions for the expense of supporting and guarding while at work on the public roads a larger num-

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ber of prisoners than can be supplied from that county, upon the application of the commissioners of said county to the judges of the superior and criminal courts presiding in adjoining counties or any other county or counties in the same or adjoining judicial districts which do not otherwise provide for the working of their own convicts on their own public roads, may sentence such able-bodied male prisoners as are described in section eight of this act from such adjoining counties or other counties in the same and adjoining judicial districts to work on the public roads of said county or counties applying for the same in the order of their application; and the cost of transporting, guarding and maintaining such prisoners as may be sent to any such county applying for the same, shall be paid by the county applying for and receiving them out of the road fund of each such county: *Provided*, That any and all such prisoners from such other counties may at any time be returned to the keeper of the common jail of such counties at the expense of the county having received and used them.

SEC. 28. All laws and parts of laws in conflict with this act are hereby repealed. * * *

SEC. 29. This act shall be in force from and after its ratification.

Ratified the 7th day of March, A. D. 1899.

CHAPTER 628.—*Convict labor.*

SECTION 1. * * * The justice of the peace before whom a conviction shall be had shall in his judgment sentence any vagrant or vagrants to work out his sentence on the public roads or highways of the county in which such conviction is had.

SEC. 2. The boards of commissioners of the various counties shall in their discretion make provisions by such rules and regulations as they may deem necessary and lawful for the working of convicts upon the public roads or highways for their counties, and it shall be lawful for any justice of the peace or judge holding court in such counties to sentence to imprisonment and hard labor on the public roads for such terms as are now provided by law for their imprisonment in the county jail or in the State prison the following classes of convicts:

First. All persons convicted of offenses the punishment whereof would otherwise be wholly or in part imprisonment in the common jail.

Second. All persons convicted of crimes the punishment whereof would otherwise be wholly or in part punishment in the penitentiary for a term not exceeding two years.

SEC. 3. The convicts sentenced to hard labor upon the public roads under the provisions of this act shall be under the control of the commissioners of the county, and said commissioners shall have power to enact all needful rules and regulations for the successful working of all convicts upon such public roads and highways.

SEC. 4. This act shall apply only to the counties of Pitt, Edgecombe, Wilson, Jackson, Granville, Stanley, and Swain.

SEC. 5. This act shall be in force from and after its ratification.

Ratified the 8th day of March, A. D. 1899.

WASHINGTON.

ACTS OF 1899.

CHAPTER 23.—*Blacklisting.*

SECTION 1. Every person in this State who shall willfully and maliciously, send or deliver, or make or cause to be made, for the purpose of being delivered or sent or part with the possession of any paper, letter or writing, with or without name signed thereto, or signed with a fictitious name, or with any letter, mark or other designation, or publish or cause to be published any statement for the purpose of preventing any other person from obtaining employment in this State or elsewhere, and every person who shall willfully and maliciously "blacklist" or cause to be "blacklisted" any person or persons, by writing, printing or publishing, or causing the same to be done, the name, or mark, or designation representing the name of any person in any paper, pamphlet, circular or book, together with any statement concerning persons so named, or publish or cause to be published that any person is a member of any secret organization, for the purpose of preventing such person from securing employment, or who shall willfully and maliciously make or issue any statement or paper that will tend to influence or prejudice the mind of any employer against the person of such person seeking employment, or any person who shall do

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any of the things mentioned in this section for the purpose of causing the discharge of any person employed by any railroad or other company, corporation, individual or individuals, shall, on conviction thereof, be adjudged guilty of misdemeanor and punished by a fine of not less than one hundred dollars nor more than one thousand dollars, or by imprisonment in the county jail for not less than ninety days nor more than one year, or by both such fine and imprisonment.

Approved March 3, 1899.

CHAPTER 35.—*Safety appliances on railroads.*

SECTION 1. Any person or persons, railroad companies or corporations, owning or operating a railroad or railroads in this State, shall be and are hereby required on or before the first day of October, 1899, to so adjust, fill, block and securely guard the frogs, switches and guard rails on their roads as to protect and prevent the feet of employees and other persons from being caught therein.

SEC. 2. Any person or persons, railroad companies or corporations owning or operating a railroad or railroads in this State, shall be liable for any damage received from a failure to comply with the provisions of this act; such damages to be recovered by the parties entitled to recover as provided in sections 137, 138 and 139 of volume 2 of Hill's Annotated Codes and Statutes of Washington, being sections 4827, 4828 and 4829, Ballinger's Annotated Codes and Statutes of Washington.

SEC. 3. Any person or persons, railroad companies or corporations, owning or operating any railroad in this State, failing to comply with the provisions of this act within the time limited, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than five hundred dollars nor more than two thousand dollars.

Approved March 6, 1899.

CHAPTER 77.—*Examination, licensing, etc., of horseshoers.*

SECTION 1. No person shall practice horseshoeing either as a master horseshoer or journeyman horseshoer for hire in any city of the first class of this State unless he is duly registered as hereinafter provided, in a book kept for that purpose in the office of the city clerk of the city in which he practices.

SEC. 2. The city clerk of every city of the first class in this State, shall keep a book in his office to be known as the "master's and journeymen's horseshoers' register," in which shall be recorded the names of all master and journeymen horseshoers entitled to continue the practice of horseshoeing in such city.

SEC. 3. Any person who at the time of the passage of this act is practicing as a master or journeyman horseshoer in this State may register within sixty (60) days after the passage of this act after making and filing with the clerk of the city of the first class in which he practices, an affidavit stating that he was practicing horseshoeing at the time of the passage of this act, and such registration shall exempt him from the provisions of this act requiring an examination. No person shall be entitled to register as a master or journeyman horseshoer without presenting a certificate of satisfactory examination from a board of examiners, as provided for in section 5 of this act, and whose qualifications for examination shall be that he has served an apprenticeship at horseshoeing for at least three years: *Provided*, That this section shall not be so construed as to prohibit any person who has made application for examination, to practice horseshoeing under the direct supervision of a person who has passed such examination, while the board of examiners is acting upon or deferring action upon such application.

SEC. 4. In every city affected by this act there shall be appointed a board of examiners, consisting of one veterinary and two master horseshoers and two journeymen horseshoers, which shall be called "horseshoers' board of examiners," who shall be residents of such city, and whose duty it shall be to carry out the provisions of this act. The members of said board shall be appointed by the mayor of such city, and the term of office shall be for five years, except that the members of said board first appointed shall hold office for the term of one, two, three, four, and five years, as designated by the mayor and until their successors shall be duly appointed. The board of examiners shall have a regular place of meeting, and shall hold sessions for the purpose of examining applicants desiring to practice horseshoeing as a master or journeyman horseshoer in each city affected by this act, not later than three days after any applications have been presented to them, and shall grant a certificate to any person showing himself qualified to practice, and the board shall receive as compensation a fee not exceeding two dollars from each person examined. Three members of said board shall constitute a quorum.

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Sec. 5. Every applicant who shall have complied with the provisions of sections 4 and 5 of this act, shall be admitted to registration and shall pay the city treasurer of the city in which he desires to register the sum of fifty cents, which shall be received as full compensation for such registration.

Sec. 6. Any person who shall present to the clerk for the purpose of registration any certificate which has been fraudulently obtained, or shall in any wise knowingly violate or neglect to comply with any of the provisions of this act, shall be guilty of a misdemeanor and shall, for each and every offense, be punished by a fine of not less than ten dollars or more than fifty dollars, or by imprisonment in the county jail for a term of not less than ten days or more than thirty days, or by both fine and imprisonment.

Approved March 13, 1899.

Chapter 101.—*Hours of labor on public works.*

Section 1. Hereafter eight hours in any calendar day shall constitute a day's work on any work done for the State or any county or municipality within the State, subject to conditions hereinafter provided.

Sec. 2. All work done by contract or subcontract on any building or improvements or works on roads, bridges, streets, alleys or buildings for the State or any county or municipality within the State, shall be done under the provisions of this act: *Provided*, That in cases of extraordinary emergency such as danger to life or property, the hours for work may be extended, but in such case the rate of pay for time employed in excess of eight hours of each calendar day, shall be one and one-half times the rate of pay allowed for the same amount of time during eight hours' service. And for this purpose this act is made a part of all contracts, subcontracts or agreements for work done for the State or any county or municipality within the State.

Sec. 3. Any contractor, subcontractor, or agent of contractor or subcontractor, foreman or employer who shall violate the provisions of this act, shall be deemed guilty of misdemeanor and upon conviction shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or with imprisonment in the county jail for a period of not less than ten days nor more than ninety days, or both such fine and imprisonment, at the discretion of the court.

Approved March 13, 1899.

Chapter 140.—*Employment of children.*

Section 5. No child under the age of fifteen years shall be employed in any manufacturing, mechanical or mercantile establishment, or by any telegraph or telephone company in this State, except during the vacations of the public schools of the city in which such child resides, unless during the twelve months next preceding such employment, he shall have attended school as provided for in section one of this act, or has already attained a reasonable proficiency in the common school branches for the first eight years as outlined in the course of study for common schools of the State of Washington, or shall have been excused by the board of directors of the city in which such child resides; nor shall such employment continue unless such child shall attend school each year, or until he shall have acquired the elementary branches of learning taught in public schools as above provided.

Sec. 6. No child under the age of fifteen years shall be so employed who does not present a certificate made by or under the direction of the board of directors of the district in which such child resides, of his compliance with the requirements of section five of this act; and said certificate shall also give the place and date of birth of such child as nearly accurate as may be; and every owner, superintendent or overseer of any establishment or company employing any such child shall keep such certificate on file so long as such child is employed therein. The form of said certificate shall be furnished by the superintendent of public instruction.

Sec. 7. Every owner, superintendent, or overseer of any such establishment or company who employs or permits to be employed any child in violation of any of the provisions of the two next preceding sections, and every parent or guardian who permits such employment, shall be fined not exceeding twenty-five dollars.

Sec. 8. The truant officers shall, at least once in every school term, and as often as the board of directors shall require, visit the establishments or companies employing such children in their respective cities, and ascertain whether the provisions of the three next preceding sections hereof are duly observed, and report all violations thereof to the said board.

Sec. 9. The truant officers shall demand the names of the children under fifteen years of age employed in such establishments or companies in their respective cities,

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and shall require the certificates of age and school attendance, prescribed in section 6 of this act, to be produced for their inspection; and a refusal to produce such certificate shall be punished by a fine not exceeding twenty-five dollars.

Sec. 10. Every owner, superintendent or overseer of any such establishment or company who employs or permits to be employed therein a child under sixteen years of age who can not write his name, age and place of residence legibly, while the public schools in the city where such child lives are in session, shall for every such offense be fined not exceeding twenty-five dollars.

Approved March 14, 1899.

WISCONSIN.

ACTS OF 1899.

Chapter 28.—*State reformatory—Manual training—Convict labor.*

Section 1. Chapter 201a of the Revised Statutes of 1898, entitled "Of the State Reformatory," is hereby amended to read as follows:

Organization: Section 4944b. * * * It [the State board of control] may also maintain therein a manual training school, may cause the inmates to be instructed in trades, and may carry on in the institution any industry not prohibited by law, employing for that purpose the labor of the inmates confined therein.

Approved March 18, 1899.

Chapter 77.—*Seats for female employees.*

Section 1. Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in the State of Wisconsin shall provide suitable seats for the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Sec. 2. Any person or corporation who shall violate the provisions of this act shall, upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars, nor more than thirty dollars for each and every offense.

Sec. 3. This act shall take effect and be in force from and after its passage and publication.

Approved March 30, 1899.

Chapter 79.—*Regulating the manufacture of cigars.*

Section 1. No shop or place wherein cigars are manufactured shall be located below the ground floor.

Sec. 2. Each employee in any shop or place wherein cigars are manufactured, shall, while actually employed, be allowed to use twenty square feet of surface space, unobstructed to the ceiling.

Sec. 3. Every room wherein cigars are manufactured shall contain at least seven hundred cubic feet of air space. It shall in every part be not less than eight feet in height, from floor to ceiling, every window shall have not less than twelve square feet in superficial area, and the entire area of window surface shall not be less than twelve per cent of the floor space of such room.

Sec. 4. Every room in which cigars are manufactured while work is carried on shall be so ventilated that the air shall not become impure and injurious to the health of the persons employed therein, and it shall whenever necessary, by the means of air shafts or other ventilation, be so changed as to render harmless all gases, dust and other impurities generated in the process of manufacturing cigars. All windows are to be kept open for thirty minutes before working hours and for thirty minutes after working hours.

Sec. 5. Every such shop or place in which one or more persons are employed and every such factory in which five or more persons are employed, shall be kept clean. The dust must be removed from work tables and floors once every day, the floors scrubbed at least once a week and one cuspidor provided for every two employees.

Sec. 6. No person under eighteen years of age shall be employed or permitted to work in a cigar shop or a cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

Sec. 7. Where men and women are employed there shall be separate dressing rooms and water-closets for the different sexes.

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Sec. 8. Any person violating any provision of this act shall be punished by fine not exceeding twenty-five dollars and no less than ten dollars for the first offense, and by fine not exceeding fifty dollars, and no less than twenty-five dollars for the second and each following offense.

Sec. 9. The factory inspector shall have full power and it shall be his duty to enforce all the provisions of this act, but no prosecution shall be instituted for any violation of sections 2, 3 and 4 unless the employer or manufacturer, or the firm has been notified by a notice sent in a registered letter for at least four weeks prior to a prosecution, requiring the necessary changes in the factory or workshop, and such request has not been complied with.

Sec. 10. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 11. The provisions of this act shall take effect on and after the first day of July, 1900.

Approved March 30, 1899.

Chapter 152.—*Assistant factory inspectors.*

Section 1. The commissioner of labor and industrial statistics shall have power to appoint six suitable persons as assistant factory inspectors who shall perform their duties under his direction and who may be removed by him for cause.

Sec. 2. Each of the said assistant factory inspectors shall be paid a salary at the rate of one thousand dollars per annum together with necessary traveling expenses to be paid out of money in the general fund not otherwise appropriated.

Sec. 3. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its passage and publication.

Approved April 11, 1899.

Chapter 158.—*Duties of factory inspectors, etc.*

Section 1. Section 1021f of the Statutes of 1898, is hereby amended * * * so that said section * * * shall read as follows:

Section 1021f. The commissioner [of labor and industrial statistics], his deputy, the factory inspector and the assistant factory inspector may enter any factory, mercantile establishment or workshop in which laborers or women are employed, for the purpose of obtaining facts and statistics, examining the means of escape therefrom in case of fire and the provisions made for the health and safety of operatives or for suitable seats for women therein. If any such officer shall learn of any violation of or neglect to comply with the law in respect to the employment of children, the hours of labor for them or for women, or in reference to fire escapes or the safety of employees, or such seats for women, he shall give written notice to the owner or occupant of such factory, mercantile establishment or workshop, of such offense or neglect, and if the same is not remedied within thirty days after the service of such notice, such officer shall give the district attorney of the county in which such factory, mercantile establishment or workshop is situated, formal notice of the facts, whereupon that officer shall immediately institute the proper proceedings against the person guilty of such offense or neglect.

Sec. 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 12, 1899.

Chapter 189.—*Emery wheels in factories and workshops.*

Section 1. All persons, companies or corporations operating any factory or workshop where emery wheels or emery belts of any description are used for polishing, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buff, shall, when deemed necessary, by the factory inspector, assistant factory inspector, or any officers of the Bureau of Labor, provide such polishing wheels or belts with blowers or similar apparatus, which shall be placed over, beside or under such wheels or belts in such manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building or to some receptacle placed so as to receive and to confine such dust. *Provided,* That grinding machines upon which water is used at the

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point of the grinding contact shall be exempt from the provisions of this act; and *provided* that this act shall apply only to those wheels or belts which are used for polishing and which are contained in the room or apartment usually denominated the polishing room, and which are used continuously therein; and *provided further*, That this act shall not embrace nor apply to such wheels or belts as can not be so equipped without impairing the convenient or necessary use thereof.

SEC. 2. No emery wheel or grindstone in any factory, mill or workshop, shall be used when the same is known to the person using the same to be cracked or otherwise defective, nor operated at a greater speed than indicated or guaranteed by the manufacturer of such emery wheel or grindstone.

SEC. 3. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast iron hood or hopper, of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe attached to same hood or hopper.

SEC. 4. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter, with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter, with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size as to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with the suction pipe or pipes shall be as large, or larger than the suction pipe.

SEC. 5. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at a rate of speed as will produce a velocity of air in such suction or discharge pipes of sufficient force to carry away all dust discharged into the aforesaid hood or hopper. All branch pipes must enter the main trunk pipe at any angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels, and as close to the same as possible, and to be either upon the floor or underneath the floor on which the machines are placed to which such wheels are attached. All bends, turns, and elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

SEC. 6. The provisions of sections 4 and 5 shall not apply to existing mills, factories or workshops which, at the time of the passage of this act, have an appliance or appliances designed and used for the purpose of removing such dust from the polishing room, and which said appliance or appliances substantially effect such design.

SEC. 7. It shall be the duty of every factory inspector of this State, or his deputies to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, directed to the owner, manager or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act as hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

SEC. 8. Any such person or persons or company, or managers, superintendents or directors of any such company or corporation, who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than twenty-five dollars, and not exceeding one hundred dollars.

SEC. 9. This act shall take effect and be in force from and after its passage and publication.

Approved April 14, 1899.

CHAPTER 213.—*Employment and intelligence offices and bureaus.*

SECTION 1. No person shall engage in the business of keeping an employment or intelligence bureau or office or agency for the purpose of hiring men to work for others, and receive a compensation for such hiring without first having obtained a

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license so to do as hereinafter provided; any person or persons who shall establish or keep any office or place within said State, for the purpose of obtaining place or employment for laborers of any kind whatever, or for procuring or giving information concerning such places or employment to such laborers, or for procuring or giving information concerning such laborers to employers, shall be deemed a keeper of an employment or intelligence bureau, office or agency; and any person who shall engage in such business without such license, shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding ninety days or both.

Sec. 2. Any person who desires to engage in any such business may apply to the common council if such business be carried on in a city, or to the village council if in a village, or to the county board of the county in which such business is to be carried on if in the country, for such license, and pay into the treasury of such city, village or county, the sum of ten dollars and upon executing and delivering to such common council, village council or county board a bond in the penal sum of one thousand dollars with sufficient sureties, or in lieu thereof a surety bond of one thousand dollars, to be approved by such common council, village council or county board, he shall be entitled to such license. Each license shall designate the house in which the person licensed shall keep his office, giving street and number of the same, and the number of such license, and shall continue to be in force until the first day of May next ensuing the date thereof and no longer; *Provided always*, That the foregoing license fee shall be the same for any length of time whether issued for a year on the first day of May, or any fractional part thereof; and no license issued hereunder shall be transferred to any other person or persons whatever or inure to the benefit of any other person other than the licensee.

Sec. 3. The bonds shall run to the State of Wisconsin, and shall be conditioned for the payment of any damage that 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. The bond shall be filed with the city clerk if approved by the common council, with the village recorder if approved by the village council, and with the county clerk if approved by the county board of any county. Any person licensed and having given bond as herein provided may, while continuing to reside or maintain his office at the place mentioned in such license, prosecute his said business in any part of the State.

Sec. 4. Every person hired or engaged to work for others by one so licensed as aforesaid, shall be furnished a written copy in duplicate of the terms of such hire or engagement, rate of wages or compensation, kind of service to be performed, length of time of such service, with full name and address of the person or persons, firm or corporation authorizing the hire of such person, one of the aforesaid copies to be delivered to the person or persons, firm or corporation for whom the contracted labor is to be performed, and the other to be retained by the person hired as aforesaid. And any person hired or engaged to work for others by one so licensed as aforesaid, who shall fail to get employment according to the terms of such contract of hire or employment, by reason of any unauthorized act, fraud or misrepresentation on the part of such agent, may bring an action upon said bond, and may recover in such action against the principal and sureties the full amount of his damages sustained by reason of such unauthorized act, fraud or misrepresentation, together with his costs, disbursements, in such action: *Provided however* that nothing contained herein shall apply to agencies conducted by women, for the purpose of securing employment for females only.

Sec. 5. This act shall take effect and be in force, from and after its passage and publication.

Approved April 19, 1899.

Chapter 224.—*Forgery, etc., of employer's letters of recommendation of employees and of receipts for dues of members of associations of railway employees.*

Section 1. Any person who shall falsely make, alter, forge or counterfeit any card or receipt of dues purporting to be given or issued by any association of railway employees, or by any of its officers to its members, with intent to injure, deceive or defraud, shall be punished as hereinafter provided.

Sec. 2. Any person who shall falsely make, alter, forge or counterfeit any letter or certificate purporting to be given by any corporation or person, or officer or agent of such corporation or person to an employee of such corporation or person at the time of such employee's leaving the service of such corporation or person, showing the capacity or capacities in which such employee was employed by such corporation or person, the date of leaving the service or the reason or cause of such leaving, with the intent to injure, deceive or defraud, shall be punished as hereinafter provided.

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Sec. 3. Any person who shall utter, publish, pass or tender as true, or who shall have in his possession with intent to utter, publish, pass or tender as true, any false, altered, forged or counterfeited letter, certificate, card or receipt, the forging, altering or counterfeiting whereof is prohibited by either of the preceding sections of this act, with intent to injure, deceive or defraud, shall be punished as hereinafter provided.

Sec. 4. Any person violating any ot the provisions of this act shall, upon conviction thereof, be punished by imprisonment in the State's prison or county jail not more than one year or by fine not exceeding two hundred dollars.

Sec. 5. This act shall take effec. and be in force from and after its passage and publication.

Approved April 20, 1899.

Chapter 232.—*Factories and workshops—Sweating system.*

Section 1. No dwelling or building, or any room or apartment of itself, in, or connected with any tenement or dwelling or other building, shall be used except by the immediate members of the family living therein, for carrying on any process of making any kind of wearing apparel or goods for male and female wear, use, or adornment, or for the manufacture of cigars, cigarettes, or tobacco goods in any form, when such wearing apparel or other goods are to be exposed for sale, or to be sold by manufacturer, wholesalers or jobber, to the trade or by retail, unless such room or apartment shall have been made to conform to the requirements and regulations provided for in this act.

Sec. 2. Each such room or apartment used for the purposes aforesaid, shall be regarded as a workshop or factory, and shall be separate from and have no door, window or other opening into any living or sleeping room of any tenement or dwelling, and no such workshop or factory shall be used at any time for living or sleeping purposes, and shall contain no bed, bedding, cooking or other utensils, except what is required to carry on the work therein, and every such shop or factory shall have an entrance from the outside direct, and if above the first floor, shall have a separate and distinct stairway leading thereto, and every such workshop or factory, shall be well and sufficiently lighted, heated and ventilated by ordinary, or, if necessary, by mechanical appliance, and shall provide for each person employed therein, no less than two hundred and fifty cubic feet of air space in daytime and four hundred cubic feet at night, and shall have suitable closet arrangements for each sex employed therein, as follows: Where there are ten or more persons, and three or more to the number of twenty, are of either sex, a separate and distinct water-closet, either inside the building, with adequate plumbing connections, or on the outside at least twenty feet from the building, shall be provided for each sex; when the number employed is more than twenty-five of either sex, there shall be provided an additional water-closet for such sex up to the number of fifty persons, and above that number in the same ratio, and all such closets shall be kept strictly and exclusively for the use of the employees and employer or employers of such workshop or factory; *Provided* that where more than one room is used under the direction of one employer, all such rooms are to be regarded as one shop, or factory, and every such workshop or factory shall be kept in a clean and wholesome condition, all stairways and the premises within a radius of thirty feet, shall be kept clean, and closets shall be regularly disinfected and supplied with disinfectants, and the commissioner of labor and factory inspectors may require all necessary changes, or any process of cleaning, painting or whitewashing which they may deem essential to assure absolute freedom from obnoxious odor, filth, vermin, decaying matters or any condition liable to impair health or breed infectious or contagious diseases; he shall prevent the operation of such shops or factories that do not conform to the provisions of this act, and cause the arrest and prosecution of the person or persons operating the same.

Sec. 3. No person, for himself or for any other person, firm or corporation, shall give out work to or contract with, any other person to perform such work necessary to make such goods mentioned in section 1, after having received notice from the commissioner of labor or factory inspectors that said latter person has not complied with the provisions of section 2 of this act, which notice shall remain in force, until said person has complied with this law, of which notice must be given to the employer by the commissioner of labor or the factory inspectors.

Sec. 4. Every such person, firm or corporation heretofore mentioned, shall obtain and keep a record of all persons to whom work is given out or contracted for, including their names and addresses, which record shall be opened to inspection of the commissioner of labor or the factory inspectors when called for.

Sec. 5. No person, firm or corporation shall receive, handle or convey to others, or sell, hold in stock or expose for sale, any goods mentioned in section 1, unless made under the sanitary conditions provided for and prescribed in this act; but this act shall

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not include the making of garments or other goods, by any person for another by personal order, and when received for wear or use direct from the maker's hands, and all violations of the provisions of this act, shall be prosecuted by any of the factory inspectors with the advice and consent of the commissioner of labor.

SEC. 6. Any person, firm or corporation who shall violate any of the provisions of this act, shall upon conviction thereof, be fined in any sum not less than fifty dollars, nor more than one hundred dollars for each offense, or imprisoned not less than thirty, nor more than sixty days, or both; and in all prosecutions brought by or under the direction of the commissioner of labor for the violation of this act, he shall not be held to give security for costs, or adjudged to pay any costs, but in all cases where the accused be acquitted, or is found to be indigent, the costs shall be paid out of the county treasury of the county in which the proceedings are brought, the same as the costs in all other cases of misdemeanor.

SEC. 7. This act shall take effect and be in force, from and after its passage and publication.

Approved April 20, 1899.

CHAPTER 274.—*Employment of children.*

SECTION 1. No child under fourteen years of age shall be employed at any time in any factory or workshop or in or about any mine. No such child shall be employed in any mercantile establishment, laundry or in the telegraph, telephone or public messenger service, except during the vacation of the public schools in the town, district or city where such child is employed.

SEC. 2. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors in any mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop or in the telegraph, telephone or public messenger service within this State to keep a register in said mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age, date of birth, place of residence of every child employed or permitted or suffered to work therein under the age of sixteen years; and it shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ or to permit or suffer to work in any mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop, telegraph, telephone or public messenger service any child under the age of sixteen years unless there is first provided and placed on file in such mercantile establishment, store, office, laundry, manufacturing establishment, factory or workshop an affidavit made by the parent stating the name, date and place of birth and name and place of the school attended of such child. If such child have no parent or guardian, then such affidavit shall be made by the child, and the register and affidavits herein provided for shall, on demand, be produced and shown for inspection to the factory inspector, assistant factory inspectors or any officer of the bureau of labor and industrial statistics.

SEC. 3. No person under the age of sixteen years shall be employed, required, permitted or suffered to work for wages at any gainful occupation longer than ten hours in any one day, nor more than six days in any one week, nor after the hour of nine at night nor before the hour of six in the morning.

SEC. 4. It shall be the duty of the commissioner of labor, the factory or assistant factory inspectors to enforce the provisions of this act, and to prosecute violations of the same before any court of competent jurisdiction in this State. It shall be the duty of the said commissioner of labor or the factory or assistant factory inspectors, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

SEC. 5. The commissioner of labor, the factory or assistant factory inspectors shall have the power to demand a certificate of physical fitness, from some regularly licensed physician, in the case of children who may seem physically unable to perform the labor at which they may be employed, and no minor shall be employed who can not obtain such a certificate.

SEC. 6. Whenever it appears upon due examination that the labor of any minor over twelve years of age, who would be debarred from employment under the provisions of section 1 of this act is necessary for the support of the family to which said child belongs or for its own support, the county judge of the county where said child resides, the commissioner of labor or any factory or assistant factory inspector may in the exercise of their discretion issue, free of charge, a permit or excuse authorizing the employment of such minor within such time or times as they may fix.

SEC. 7. No firm, person or corporation shall employ or permit any child under sixteen years of age to have the care, custody, management or operation of any elevator.

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Sec. 8. The words "manufacturing establishment," "factory" or "workshop" as used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned or sorted, stored or packed, in whole or in part, for sale or for wages, and not for the personal use of the maker or his or her family or employer.

Sec. 9. Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation or by himself or through agents, servants or foremen shall violate or fail to comply with any of the provisions of this act or shall hinder or delay the commissioner of labor, the factory or assistant factory inspectors or any or either of them in the performance of their duty or refuse to admit or shut or lock them out from any place required to be inspected by this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the provisions of this act shall be liable to the above penalties, which may be recovered against such corporations in an action for debt or assumpsit brought before any court of competent jurisdiction in this State.

Sec. 10. Any parent or guardian who suffers or permits a child to be employed or suffered or permitted to work in violation of this act shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not less than five nor more than twenty-five dollars.

Sec. 11. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 12. This act shall take effect and be in force from and after its passage and publication.

Approved April 27, 1899.

Chapter 292.—*Protection of wages due laborers on public buildings—Contractor's bond.*

Section 1. All contracts hereafter let for the erection, construction, equipment, repairs, protection or removal of any building of the State shall contain a provision for the payment by the contractor of all claims for labor and material, and no contract shall hereafter be let for the erection, construction, equipment, repairs, protection or removal of any building of the State, unless the contractor shall give a good and sufficient bond, to be approved by the governor, conditioned for the faithful performance of the contract, and the payment of all the claims for work or labor performed, and material furnished in and about the erection, construction, equipment, repairs, protection or removal of such building to each and every person entitled thereto.

Sec. 2. Any party in interest may maintain an action in his own name against such contractor and the sureties upon such bond required by section 1 of this act for the recovery of any damages he may have sustained by reason of the failure, refusal or neglect of said contractor to comply with the terms of said contract or any of the terms and conditions of the contract between said contractor and subcontractors.

Sec. 3. This act shall take effect and be in force from and after its passage and publication.

Approved April 28, 1899.

Chapter 330.—*Notice of intention to leave employ and to discharge—Protection of employees as voters—Employment of children.*

Section 1. Any person or corporation engaged in manufacturing, which requires from persons in his or its employ, under penalty of forfeiture of a part of the wages earned by then a notice of intention to leave such employ, shall be liable to the payment of a like forfeiture if he or it discharges, without similar notice, a person in such employ except for incapacity or misconduct, unless in case of a general suspension of labor in his or its shop or factory or in the department thereof wherein such employee is engaged.

Sec. 2. No person shall, by threatening to discharge a person from his employment or threatening to reduce the wages of a person or by promising to give employment at higher wages to a person, attempt to influence a qualified voter to give or withhold his vote at an election.

Sec. 3. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats, contortionists or in any feats of gymnastics or equestrianism, when in the opinion of the board of officers authorized to grant licenses such children are employed in such manner as to corrupt their morals or impair their physical health.

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Sec. 4. Any person who shall violate any of the provisions of this act shall, upon conviction, be fined in a sum not exceeding one hundred dollars.

Sec. 5. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

CHAPTER 332.—*Protection of employees as members of labor organizations.*

Section 1. No person, corporation, agent or officer on behalf of any person or corporation, shall coerce or compel any person or persons into an agreement, either written or verbal, not to join or become a member of any labor organization, as a condition of such person or persons securing employment or continuing in the employment of any such person or corporation, and no person or corporation shall discharge an employee because he is a member of any labor organization.

Sec. 2. Any person or corporation violating any of the provisions of this act shall be fined not less than two hundred dollars nor more than one thousand dollars, or be punished by imprisonment in the county jail not to exceed nine months or both.

Sec. 3. This act shall take effect and be in force from and after its passage and publication.

Approved May 3, 1899.

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RECENT GOVERNMENT CONTRACTS.

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

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

BUFFALO, N. Y.—October 2, 1900. Contract with John Feist for erection and completion of building for life-saving exhibit in connection with Pan-American Exposition, $3,749. Work to be completed before April 1, 1901.

ELGIN, ILL.—October 2, 1900. Contract with M. Yeager & Son, Danville, Ill., for construction, except heating, electric wiring, and conduits, of post-office, $59,492. Work to be completed within three hundred and eighty working days.

MENOMINEE, MICH.—October 3, 1900. Contract with Hennessy Brothers & Evans Company, Chicago, Ill., for construction, except heating apparatus, electric wiring, and conduits, of post-office, $35,745. Work to be completed within twelve months.

BLAIR, NEBR.—October 9, 1900. Contract with John S. Ketterman, Ida Grove, Iowa, for construction, except heating apparatus and electric wiring, of post-office, $27,240. Work to be completed within one hundred and fifty working days.

CINCINNATI, OHIO.—October 18, 1900. Contract with Walton Iron Company for construction of lookout gallery in custom-house and post-office, $2,397. Work to be completed within forty-five days.

PORTLAND, OREG.—October 20, 1900. Contract with Butler-Ryan Company, St. Paul, Minn., for interior finish, etc., of custom-house, $98,193. Work to be completed within fourteen months.

PORTLAND, OREG.—October 23, 1900. Contract with Charles B. Kruse Heating Company, Milwaukee, Wis., for heating and ventilating apparatus for custom-house, $21,233.

BOSTON, MASS.—October 25, 1900. Contract with Whittier Machine Company for elevator plant for post-office and subtreasury, $39,850. Work to be completed within three and a half months.

WASHINGTON, D. C.—October 27, 1900. Contract with James Nolan & Sons for new plumbing and interior finish of toilet rooms for Treasury building, $34,641. Work to be completed within five months.

ANNAPOLIS, MD.—October 30, 1900. Contract with Charles McCaul for construction of post-office, except heating apparatus, electric wiring, and conduits, $64,000. Work to be completed within ten months.

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