JOHNS HOPKINS UNIVERSITY STUDIES

IN

HISTORICAL AND POLITICAL SCIENCE

Under the Direction of the

Departments of History, Political Economy, and

Political Science

VOLUME XXX

BALTIMORE
THE JOHNS HOPKINS PRESS
1912

PRESS OF
THE NEW ERA PRINTING COMPANY
LANCASTER, PA.

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No. 1.

RECENT ADMINISTRATION IN VIRGINIA

SERIES XXX NO. 1

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
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Political Science

RECENT ADMINISTRATION IN VIRGINIA

BY

F. A. MAGRUDER, PH.D.
Instructor in Political Science in Princeton University

BALTIMORE
THE JOHNS HOPKINS PRESS
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PREFACE.

Since the Constitutional Convention of 1902, and to no small extent as a result of the instrument framed by that body, the state government of Virginia has rapidly expanded its administrative functions. It is the purpose of this study to describe that expansion, and to contrast the present administration with that of the period covered by the constitution of 1869. In some few instances the administration is traced from ante-bellum days, but in the main the study covers the period since 1869, with special emphasis upon the present system.

The kind assistance of Professor W. W. Willoughby and the invaluable courtesies extended by the Virginia State Library and by many of the state officials are gratefully acknowledged.

F. A. M.

RECENT ADMINISTRATION IN VIRGINIA.

CHAPTER I.

PUBLIC EDUCATION.

I. Public School System.

Unsuccessful Attempts to Establish Free Schools.—Before the Civil War, Virginia, like the other States forming the Southern Confederacy, was without a system of public free schools. In 1779, before the independence of the State had been fully realized, Thomas Jefferson and George Wythe, revisers of the colonial laws, had introduced into the General Assembly a bill providing for an elaborate system of education. At first the plan was received with enthusiasm; but as the measure proposed that the College of William and Mary, under an improved form, should be the university at the apex of the system, and as that institution was under Episcopalian influence, the Dissenters after a while began to apprehend some secret design of a preference for that sect, and the measure failed to pass.[1]

Under the influence of Jefferson an act establishing primary schools passed the General Assembly in 1796. This act provided for the election of three "aldermen" for each county, in whom all supervision was lodged. The total expense was to fall on the county. The following clause prevented the introduction of this primary system: "The court of each county . . . shall first determine the year in which the first election of said aldermen shall be made, and until they so determine no election shall be made."[2] The court, composed of all the justices of the peace, represented the larger taxpayers of the county, and these were unwill-

[1] Ford, Writings of Thomas Jefferson, Vol. II, p. 220, and Report of the Commissioner of Education, 1876, p. 399.
[2] Acts, 1796, c. I.

ing to place a tax upon themselves for schools to which they would not have sent their children.

In 1846, following an enthusiastic educational convention which had been held in Richmond the preceding year, the General Assembly passed an act providing for "a free school system."[1] But this act, like that of 1796, contained what was in fact a nullifying clause: it required the assent of two thirds of the electors of any county before it could go into effect there. The insincerity of a bill which required a two thirds majority was so apparent that during the same session certain counties were granted permission to introduce public free schools, if the majority of the electors should vote affirmatively. Though the plan was adopted by nine of the counties, it seems to have survived until the Civil War in Norfolk County only.[2] Conducted without central supervision, by local officers who received only nominal pay, success could hardly have been expected.

The Literary Fund.—Though the State failed to establish a free school system, it had, since 1810, made an inadequate provision for poor white children through the Literary Fund.[3] In February, 1810, the General Assembly enacted that "all escheats, confiscations, fines, penalties, and forfeitures, and all rights in personal property accruing to the Commonwealth as derelict, and having no rightful proprietor, shall be appropriated to the encouragement of learning"; and the auditor was ordered to open an account to be designated "The Literary Fund."[4] By an act passed the next year the management and purpose of the fund were more definitely provided for. The governor, lieutenant-governor, treasurer, attorney-general, and president of the court of appeals were made a corporate body known as "President and Directors of the

[1] Acts, 1846, c. 40–42.

[2] See Virginia School Report, 1885, Part III.

[3] In Norfolk, public free schools were established in 1850 by an ordinance of the city council; and by 1858 four schools were supported by a $4.00 capitation tax. Petersburg had also established several small free schools.

[4] Acts, 1809–10, c. 14.

Literary Fund." This board was to invest the funds and to dispose of the interest as directed by the General Assembly. The fund was "to provide a school or schools for the education of the poor in each and every county of the Commonwealth."[1] By an act of 1816 a debt paid to Virginia by the Federal Government was added to the small fund which had accumulated. This payment was a loan for the War of 1812, and amounted to $1,210,550.

In 1818 the first appropriation was made from the interest of the fund. It consisted of $45,000 annually for the education of white children and $15,000 annually for the founding and sustaining of the University of Virginia. The $15,000 for the University continued unchanged in amount until the Civil War; but, as the Literary Fund increased, the annual appropriation for the education of white children gradually increased until 1861, when it reached $160,530.[2] This fund was apportioned among the counties by the president and directors of the Literary Fund, and was dispensed, in each county, by an optional number of commissioners appointed by the county court. The money was apportioned by the counties according to white population. The commissioner of a locality would appoint as many "indigent" pupils as the appropriation would allow, and for these he would pay a private school-teacher a definite sum for every day the pupils were in actual attendance.

In 1821 the General Assembly resolved that, "When the annual income of the Literary Fund shall exceed $60,000 the surplus shall be given to such colleges, academies and intermediate schools, as the general assembly may direct."[3] An act of February, 1829, allowed 10 per cent. of the allotment to be used for building school-houses, provided the locality should pay three fifths of the cost of erection. This act also provided that $100 of the fund might be used for employing a teacher if the patrons raised a like amount.

[1] Acts, 1810, c. 8.
[2] Documents, 1859–60, Doc. No. 7.
[3] Acts, 1821, c. 2.

In this event the school was to be free to all. In 1836 the fund exceeded $60,000. Then, instead of carrying out the resolution to give the surplus directly to colleges, academies, and intermediate schools, the decision was made that it should be given to the commissioners for primary schools, allowing them to apply the surplus in any county to academies or colleges.[1] Only seventeen academies received the slightest benefit.[2] Afterwards, by an act of March 8, 1842, an annuity of $1,500 was allowed the Virginia Military Institute from this fund.

In 1851 the second auditor reported that out of 65,370 poor white children only 31,486 were actually schooled, and these were taught an average of 54 days a year at an average cost of 4 cents a day.[3] The new constitution of the same year provided that at least one half of the capitation tax should go to the fund,[4] and in the session of 1852–1853 the General Assembly appropriated the whole capitation tax to the fund.[5] Before the Civil War the greatest amount of money devoted to primary schools by the State was spent in 1859, when the average yearly attendance among 54,232 poor white children was 59 days at a cost varying from 2 to 6 cents a day per child. The total amount spent was $160,530.[6]

The Constitutional Convention of 1861 appropriated the income of the fund to the military defense of the State, but in 1824 the General Assembly had already appropriated from the principal of the fund $180,000 in the form of suspended debts to the University of Virginia. The same was done in 1850 for Richmond Medical College and Emory and Henry College; $25,000 for the former, and $18,000 for the latter. Between 1810 and 1871 $440,837 was lost by investments. Hence in 1871, when the first annual report of the

[1] Acts, 1836, c. 4.
[2] Southern Literary Messenger, Vol. VII, p. 631.
[3] Report of Social Auditor, 1851, Vol. III, p. 33.
[4] Constitution, 1850, Art. IV, Sec. 24.
[5] Acts, 1852–53, c. 26.
[6] Documents, 1859–60, Doc. No. 7.

state superintendent of public instruction was issued, the available funds amounted to $1,596,069.[1]

On October 1, 1910, the fund was $2,308,300, of which about $1,800,000 was invested in 3 per cent. state bonds, and about $500,000 in loans for public school buildings bearing 4 or 5 per cent. interest. The fund is accumulating to the extent of about $80,000 a year, derived principally from state fines. Until the present decade the accumulation was about $30,000 annually; and in fact in some years it fell off to almost nothing. The fines were not well collected, even when reported to the state auditor; but now those that are reported are properly collected, the loss being due to local magistrates who fail to report fines imposed. The bulk of fines are imposed in cities; and if the judge of the police court believes that the accused will pay his fine, he is apt to be charged with the violation of a city ordinance; but if he has to serve his term, he is likely to be charged with a violation of the laws of the State in order that his jail board may be paid by the State.

Establishment of the Public School System.—The Constitutional Convention of 1868 was composed of one hundred members, of whom two thirds represented the radical party. The radicals were twenty-four negroes, fourteen white Virginians, thirteen New Yorkers, one member each from Pennsylvania, Ohio, Maine, Vermont, Connecticut, South Carolina, Maryland, and the District of Columbia; two from England; and one each from Ireland, Scotland, Nova Scotia, and Canada.[2] To this unwelcome cosmopolitan assembly Virginia owes the constitutional provision for the establishment of the first state-wide free school system.

The next General Assembly was controlled by the coalition of the conservative Republicans and the conciliatory Democrats. Faithful to their constitutional pledge, they

[1] School Report, 1871, p. 198.

[2] Eckenrode, "The Political History of Virginia during the Reconstruction," in Johns Hopkins University Studies in Historical and Political Science, Ser. XXII, Nos. 6–8, p. 87, note.

appointed Rev. W. H. Ruffner state superintendent of public instruction, and directed him to draft a plan fulfilling the constitutional provision.[1] There were fifteen applicants for the position, but Dr. Ruffner[2] had the support of Robert E. Lee, and after receiving the caucus nomination his election by the General Assembly was unanimous. Within thirty days his plan was drafted, and with a few modifications was made law. Two years later Superintendent Ruffner wrote: "Acting under a constitution whose provisions for education they did not fully approve, her [Virginia's] legislators, at their first meeting, enacted laws in strict conformity with its requirements. Entertaining in their own minds serious doubts of the undertaking, and meeting with opposition from others, they nevertheless determined not merely to comply with the constitution as a matter of form, but to make the experiment in good faith."

The Virginia Educational Journal for May, 1870, expressed the views of many Virginia people: "If any real good is to come out of the proposed trial of public schools in Virginia, we are perhaps fortunate in having as the director thereof one who seems to be so enthusiastic in praise of the system generally. The people of this State have consented, though, it shall never be forgotten, under the persuasive influence of the bayonets of the United States Government, to make trial of a mode of education, against which their judgment and observation have for years revolted. Having pledged, however, the faith of the State to this work,

[1] School Report, 1872, p. 15.

[2] William Henry Ruffner, the "Horace Mann of the South," was born in 1824 at Lexington, Virginia, where his father was president of Washington College. There he received the degree of bachelor of arts at the age of eighteen, when he delivered an oration on "The Power of Knowledge." Three years later he received the degree of master of arts. He became a leader in Christian and temperance work; studied theology at Hampden Sydney and at Princeton; was chaplain at the University of Virginia; married in 1850; was pastor of the Seventh Presbyterian Church, Philadelphia. On account of ill health from overwork he retired to a Virginia farm. He was opposed to slavery, though he was never disloyal to his State. From 1870 to 1882 he was superintendent of public instruction; he was superintendent of Virginia's first State Normal School from 1884 to 1886; he retired near Lexington, and died in 1908.

no good would result from a discussion of the merits of such a system. We must swallow the dose now."[1]

When the public free school system was established by the constitution of 1869, there were three sources of opposition; first, among the well-to-do, for even to those in moderate circumstances the public free school meant charity, because the Literary Fund which had distributed charity to "indigent" children was associated with a common school system; second, there was a strong sentiment in favor of church schools; third, it was felt that for 700,000 whites to educate themselves and 500,000 colored was a Herculean task in view of the prostrate economic condition of the State. Beside the lack of individual capital to repair the losses of war, the State had not yet adjusted a $45,000,000 ante-bellum debt, bearing 6 per cent. interest.

Organization of the Public School System.—The public free school system went into effect in the fall of 1870. It was modeled upon tried systems; and instead of the decentralized district system which had already proved unsatisfactory in New England, a centralized system was, from necessity, at once inaugurated. The administrators were a state board of education, a superintendent of public instruction, division superintendents, and district trustees.

The state board of education was composed of the governor, attorney-general, and superintendent of public instruction. It had all the powers hitherto vested in the board of the Literary Fund, such as the investment and distribution of funds; but the second auditor, a special officer created in 1823 to take charge of the state debt and special funds, continued a custodian of the fund. The duties of the board were the making of by-laws, the appointing of division superintendents and trustees with the consent of the Senate, the hearing of appeals from superintendents, and many other duties usually belonging to such a board.[2] The state superintendent of public instruction was elected every four years

[1] Educational Journal of Virginia, Vol. I, p. 223.
[2] Acts, 1869–70, c. 259.

by a joint ballot of the General Assembly.[1] To the division superintendents he was an intermediary court and a collector of reports; to the boards he was an apportioner of funds which were distributed according to the number of children between five and twenty-one years of age. In brief, he was both the pivot and the motive power of the system.[2]

The division superintendents, of county or city, were elected by the state board, with a salary not exceeding $350 a year. The duties included supervision of district boards, collection of reports, examination of teachers, and visiting of schools. The questions for examinations were prepared by the state board, but in practice the division superintendents determined their standard for grading the papers and, in fact, certificated whom they pleased.

The district board of trustees was a corporate body of three members elected for three years by the state board. The district coincided with the township or "magisterial district," and the trustees received, from the district funds, a sum not exceeding $2 a day for time actually spent in the performance of their duties. These were to provide buildings, select teachers, furnish books for indigent children, take the census, submit questions of district school taxes to the electors, suspend pupils, and perform a number of minor duties.[3]

Such was the original organization; but the next year the district trustees were organized into county school boards,—corporate bodies, composed of the county superintendent and all the district trustees of the county.[4] The board met annually to examine all reports concerning school funds, including the books of the county treasurer, and to recommend an appropriation for the following year to the county supervisors who determined the county and the district school rate.[5]

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[1] Acts, 1869–70, c. 15.
[2] Acts, 1869–70, c. 259.
[3] Acts, 1869–70, c. 259.
[4] Acts, 1871–72, c. 107.
[5] Acts, 1871–72, c. 348.

Decentralizing Tendencies.—Although Dr. Ruffner, state superintendent of public instruction from 1870 to 1882, was an enthusiastic supporter of a public school system, he was an advocate of a decentralized system. In 1874 he wrote an article deploring centralization, under the title: "State Uniformity of text books; Tending to Despotism, Corruption and Intellectual Death." The article ended triumphantly with the sentence: "*Vive la République.*"

The constitution provided for uniform text-books, but the superintendent oddly construed it to mean uniform in any one school or locality, so he prepared at first a double, afterwards a multiple list from which the local school officers selected. In 1875 he had a law passed providing for subdistricts in any county whose school board desired them. This gave the patrons of a single school almost absolute control of their school.[1] Few counties tried this township meeting idea which was so foreign to Virginia. Today this law is dead letter, though the patrons often supplement the salary of teachers by local subscriptions.

Two years later the county trustee electoral board, composed of the county superintendent of schools, the county judge, and the commonwealth-attorney, was created to elect and dismiss district trustees, and it thus took over a function hitherto performed by the state board. This board also heard appeals from the district boards of trustees when any five patrons were dissatisfied with the decision of a district board of trustees.[2] Excepting a political interruption from 1882 to 1886, trustees have always been elected by this local board; but since 1902, when the office of county judge was dropped, the circuit judge has appointed a non-official as third member of the board. Dr. Ruffner also advocated the appointment of division superintendents by a special board. Fortunately this was never done. Should the election of the division superintendent be taken from the state board the latter would be left powerless. State electorates have never justified local school autonomy.

[1] Acts, 1874–75, c. 81; 1877–78, c. 161.
[2] Acts, 1876–77, c. 12.

The original act for the establishment of a public school system applied to cities as well as counties, except in so far as the charters and ordinances of cities and towns otherwise provided, and these exceptions were insignificant.[1] The following year it was provided that incorporated towns of more than five hundred inhabitants might, at the option of the town council, constitute a separate school district with financial control separate from county supervision or the county treasurer.[2] Cities with a population of more than ten thousand might have a superintendent, if the remaining part of the county had a population of fifteen thousand. But in these smaller cities the approval of the state board was required. The city council divided the city into districts; if wards existed, each ward became a district. According to the intent of the law, the council was obliged to furnish the amount of school funds asked for by the city school board, provided it did not exceed double the state appropriation or necessitate a school tax of more than three mills.[3] Interpretations of this law, however, deprived the city school board of this power.

Centralization and Efficiency.—As we have seen, the system of education provided for in 1870 was centralized to an extreme degree in the General Assembly and a political state board. From 1870 to 1882 it gradually became less centralized. From 1882 to 1902 no noteworthy changes were made in the system; but, as we shall now see, the new constitution of 1902 has again centralized the administration in the state board of education. The centralization in 1870 was a matter of expediency, a means of forcing upon the people a system which the majority of influential whites did not favor; the centralization of 1902 is a matter of efficiency, a means of improving a system which practically all acknowledge to be a prime necessity for the progress of the State.

[1] Acts, 1887, c. 233.
[2] Acts, 1869–70, c. 259.
[3] Acts, 1870–71, c. 276.

This centralization of power in the state board of education was brought about by Article IX, Section 132, of the constitution of 1902 which provides that: "It [the state board] shall have authority to make all needful rules and regulations for the management and conduct of the schools, which, when published and distributed, shall have the *force and effect of law* [italics mine], subject to the authority of the general assembly to revise, amend, or repeal the same." No state board in the union has stronger powers. As an example of this power, we find that in 1908 the General Assembly enacted a law[1] regulating in detail the construction of public school buildings. A state board of inspectors for these buildings was to accept no plans which did not fulfill all the requirements of the act; but the accompanying bill providing for a state board of inspectors for public school buildings failed to pass. This made the law of no effect. In 1910 the General Assembly again refused to create such a board. The state board of education, however, by regulation has provided that the building act of 1908 shall be enforced by the division superintendents, and that no school-house shall be built without the approval of one of these officers. As the division superintendents are dependent upon the state board of education for re-election, the state board has as complete control over the architecture of schoolhouses as if the General Assembly had provided the inspectors.

Another example of the power of the state board is a regulation which gives a division superintendent in a city "exclusive authority to assign to their respective positions all teachers and principals employed by the school board of trustees, and to assign them at his discretion," notwithstanding the fact that the General Assembly had provided[2] that teachers should be employed and dismissed by the school board of trustees. The state board of education also continues to administer the Literary Funds, and has been given full discretion and power in selecting text-books

[1] Acts, 1908, c. 187.
[2] Acts, 1906, c. 292.

instead of being restricted to a uniform list as it was by the constitution of 1869;[1] and it may enter into contracts with publishers.[2]

At the same time that power was concentrated in the board, the personnel of the board was changed so as to prevent the probability of graft or of ill-considered rules. It is now composed of eight members: the governor, the attorney-general, and the superintendent of public instruction, officers elected quadrennially by the people; three experienced educators elected for the same term by the Senate from a list of six eligibles, consisting of one from each of the faculties, and nominated by the respective boards of visitors of six specified state schools; and two division superintendents, one from a county and the other from a city, who are selected for two years by the preceding six members. The last two members cannot participate in the appointment of any public school official.

The election of the superintendent of public instruction was transferred from the General Assembly to the people, and the superintendent instead of the governor was made ex-officio president of the board. The debates of the Constitutional Convention show that three alternatives were considered; first, the General Assembly might continue to elect; second, the governor might appoint; third, the state board might select. The objection to the first was the certainty of political consideration; to the second, the temptation of a governor to select the educator who had proved to be his best political retainer; to the third, the fact that the superintendent himself has direct or indirect part in selecting five members of the board.

Revival of Education.—The general increased interest in public schools in Virginia during the past few years has come about in the following manner. By 1902, when the Constitutional Convention framed the plan for the new board of education, the generation which had opposed the

[1] Constitution, 1869, Art. VIII, Sec. 6.
[2] Acts, 1908, c. 292.

system of 1869, or in fact any system of public free schools, had largely passed away. The system, though inefficiently administered, had become a reality. Therefore, the committee on schools of the Constitutional Convention strove to remove the system as far as possible from party politics and to make it efficient. The former was accomplished by adding five non-political or educational members to the three so-called political members of the state board; the latter, by giving the board power to make laws governing school matters, subject only to the veto of the next General Assembly. Also, the Constitutional Convention provided for increased revenues. Since 1902 the state revenues have doubled.

While the Constitutional Convention of 1869 was in session the Peabody Fund came to assist in the establishment of public schools in Virginia. In 1902 the General Education Board came to revive education. The latter began its work with Mr. Robert G. Ogden of New York as its president. He was an enthusiastic advocate of education for the South. Previous to this the Southern Education Board, a body of educators who met annually for debate, had been organized, but it would have languished for funds had not the General Education Board come to its rescue. Mr. Rockefeller pledged $100,000 per annum for ten years to the General Education Board.[1] In 1902 and 1903 Hon. Harry Saint George Tucker and Dr. Robert Frazer devoted eighteen months to educational field-work in Virginia under the auspices of the Southern Education Board.[2]

The Virginia Teachers' Association was revived between 1901 and 1906 under the presidency of R. C. Stearnes, now

[1] This was the beginning of the Rockefeller Fund of the General Education Board, which on June 30. 1911, amounted to $32,246,377. The professor of secondary education at the University of Virginia is paid from this fund. It is his duty to visit and inspect high schools, and to encourage high school development.

[2] Under the auspices of the Southern Education Board, Dr. C. W. Dabney, of Nashville, Tennessee, issued Southern Education Notes, a bi-weekly which was widely circulated throughout Virginia.

secretary to the state board of education. In the spring of 1904 the Virginia Cooperative Education Commission, to cooperate with the General Southern Education Board, was organized with Governor Montague as temporary chairman and Dr. S. C. Mitchell as permanent chairman. The commission was to conduct an educational conference semi-annually, and its platform was as follows:

1. Nine months' schooling for every child.
2. High schools within reasonable distance of every child.
3. Well-trained teachers.
4. Agricultural and industrial training.
5. Efficient supervision.
6. Promotion of libraries.
7. Schools for the defective and dependent.
8. Citizens' education associations in every county and city.

At the next conference of this commission, which met in Norfolk, December, 1904, Professor Ormond Stone, of the University of Virginia, offered a resolution to the effect that Governor Montague and President Alderman, of the University, make a thorough tour of the State in May, 1905, in the interest of better education. Other educators and public-spirited professional men were invited to enlist. During the intervening six months Professor Bruce R. Payne, then of William and Mary College, as chairman of the committee on publications, kept the newspapers of the State filled with educational literature. In this so-called May Campaign one hundred of the ablest speakers of the State delivered three hundred addresses in ninety-four counties at one hundred and eight meetings; two hundred thousand pages of educational literature were issued; and fifty citizens' school associations were formed.

In the fall of 1905, upon the invitation of the Cooperative Education Commission, another meeting of superintendents and others engaged in educational work was held in Lynchburg. The following autumn the Virginia Educa-

tional Conference met, and it has met every autumn since that time. The conference is composed of the Conference of Division Superintendents, organized in the eighties; the State Teachers' Association, organized in 1901; the Co-operative Education Association, organized in 1904; and the School Trustees Association, organized in 1906.

In 1906 the superintendent of public instruction, J. D. Eggleston, the only first-class superintendent since 1882, came into office at the same time as Governor Swanson, who had himself, when a young man, taught a country school. The new school board created the board of five examiners and inspectors. These men at once entered with enthusiasm upon their work as field agents. Some of the results are shown graphically by the following table:[1]

GROWTH OF THE VIRGINIA PUBLIC SCHOOL SYSTEM.

Year.	Enumeration. (Between 5 and 21 years.)	Enrollment.	Daily attendance.	Percentage of attendance to enumeration.	Percentage of attendance to enrollment.	Months taught.	Teachers employed.
1871	441,021	131,088	75,722	18.4	57.7	4.66	3,014
1875	482,789	184,486	103,927	21.3	56.3	5.59	4,262
1880	555,807	220,730	128,404	23 1	58.1	5.64	4,873
1885	610,271	303,343	176,469	28 9	58.1	5.92	6,693
1890	652,045	342,269	198,290	30.4	57.9	5.91	7,523
1895	665,533	355,986	202,530	30.4	56.8	5 95	8,292
1900	691,312	370,595	216,464	31.3	58.4	6.00	8,954
1905	580,618[2]	361,772	215,205	37.0[2]	59.4	6.40	9,972
1910	615,379[2]	402,109	259,394	42.1[2]	64.5	7.04	10.443

State Board of Education.—From 1870 until 1902, a period when the board was composed of two political ex-officio members and one elected by a political assembly, great progress could not have been expected; and it was not made. The addition of five educators to the board is one of the best results of the Constitutional Convention of 1902. Membership on the board has become a great honor because able, true men have been selected for it. In the

[1] The table on page 57, entitled "Growth of Expenditures," shows this development even more strikingly.

[2] Between 7 and 20 years.

selection of division superintendents the non-political members have few friends among the applicants to whom they feel under obligations, hence their votes are cast more impartially.

In 1910, when two frank, straightforward members of the board were superseded, it was believed by many that political attorneys for book corporations, friends of defeated applicants for the division superintendency, and persons actuated by political factional animus were the causes. However, there is no reason to believe that their successors will be any more open to improper influences: in fact, the system which restricts the membership of the board to members of the faculties of state schools is a reasonable guarantee of an efficient personnel.

Superintendent of Public Instruction.—From 1870 until 1905 the General Assembly elected only one noteworthy superintendent of public instruction; and it did not elect him originally, but twice reconfirmed him. The reference is to Superintendent Ruffner (1870–1882), who was practically named by General Robert E. Lee. It is generally believed that only one superintendent has profited from direct graft, but no investigation was made. This man is quoted as having said that he had been accused of many things, but never of having been a fool. It is told of another lovable superintendent that, after dozing off several times in a board meeting, he excused himself on the ground that, anyhow, the other members knew more about school matters than he did.

The present superintendent, J. D. Eggleston, the first one popularly elected, is the man for the place. The General Assembly, in all probability, would have elected Mr. Eggleston's opponent, who had been clerk in the department of education and had made friends among the influential legislators of the State. Mr. Eggleston, who had been for several years a division superintendent in North Carolina, was not in touch with those in authority, and it is probable that he would not have been elected by the General Assembly. But, having to "carry" the Democratic primary,

he had an opportunity to place himself before the people and to criticize the inefficiency of the department. This campaign brought information to him that there was graft in the department. An investigation centered this graft upon his opponent, and Mr. Eggleston's election was assured. In 1909 Mr. Eggleston was reelected by the people without Democratic competition. He spends two thirds of his time in doing field-work, while the clerk of the state board of education takes charge of the voluminous office-work. The clerk is practically the assistant superintendent of public instruction; and he too is making flying trips to educational rallies every few evenings.

Board of Examiners.—In the summer of 1905 the state board of education created a "board of examiners and inspectors" as directed by acts of the General Assemblies of 1903 and 1904.[1] The duties of this board were to make out all examination questions and grade all papers, and to act as lieutenants of the superintendent of public instruction for the general betterment of the public school system. Five young enthusiastic and energetic men were selected, and they took up their duties that fall with practically the unanimous approval of the educators of the State.

Formerly there had been in the State more than a hundred standards for teachers. The examination questions had been prepared by the state board of education, but the division superintendents had conducted the examinations and had graded the papers. Much partiality had been shown, not by failing to pass those who deserved to pass, but by granting permits after a sham oral examination or no examination at all. In fact, the salaries were so extremely low and competent teachers so scarce that the superintendents would set low standards in order to supply their schools. It was difficult for an efficient teacher to receive a salary commensurate with his or her worth when other teachers held certificates which indicated the same preparation. When the first examination questions were sent by

[1] Acts, 1902–03–04, c. 509; 1904, c. 101.

the examiners to the division superintendents, sealed, and the answers were returned, sixty per cent. of those examined failed to pass. This proper standard, however, could not be maintained, and a number of "emergency certificates" had to be granted. But this exhibition of the deficiency of public school teachers had its influence in the establishment of three additional state normal schools.

When the next General Assembly met in 1906, there was a sentiment hostile to the new board because of its cost (about $15,000 per annum), because central inspectors were interfering with local inaction, and because many deficient teachers had lost their certificates or feared to lose them. The House of Delegates passed a joint resolution, with only one dissenting vote, to abolish the board of examiners and inspectors. In the senate committee nearly all of the college presidents and other educators of the State pleaded for the retention of the board. Mrs. Dashiell and Mrs. Munford, two public-spirited ladies of Richmond, made telling speeches for its retention. The senate committee reported the resolution with an adverse recommendation, and it did not pass. Between 1906 and 1908 the name "inspector" was dropped, the body being called merely a board of examiners. In the next session of the General Assembly (1908) concurrent resolutions were offered for the same purpose, but a vote was prevented. Between 1908 and 1910 the board of education made one member of the board of examiners a "supervisor of rural schools," but in 1910 a joint resolution again appeared, and was defeated in the Senate after a hard fight on the part of the educators of the State. In the summer of 1911 the state board of education abolished the board of examiners, and in the future, examination papers will be examined by assistants in the office of the superintendent of public instruction. Field-work will be continued by the supervisor of rural schools, the supervisor of colored schools, and two agents paid by the Peabody Fund; by the superintendent of public instruction; from time to time by the secretary of the board of education, and

the editor of the Virginia School Journal; and perhaps by others employed by the state board. It is a policy of the General Assembly to grant conditional aid to schools, and unless this aid is followed by the appointment of supervisors or inspectors this wise plan will miscarry. Many educators believe that the field agents should be given districts, that they may become acquainted with a particular section of the state; but the prevailing opinion is that they should be under the close supervision of the superintendent of public instruction.

Division Superintendents.—In 1870, when the General Assembly was drafting a law for a public school system, the House of Delegates thought that division superintendents should serve for several counties, especially where the counties were small in area or population. The Senate favored a superintendent for each county or city, and this view prevailed.[1] The same General Assembly provided that the salary of superintendents should be paid by the State, and should be based on population. It was not to exceed $15 for each thousand of population, and $350 was to be the maximum salary. The next year the city councils were allowed to supplement the salaries of division superintendents.[2] In 1874 the "Bourbons" manifested a disposition to abolish the office.[3] What arguments they used the author does not know.

In 1877 the General Assembly increased the salary from $15 a thousand of population to $30 a thousand for the first ten thousand, and made $200 the minimum salary; yet a county was not allowed to supplement the state salary. In 1908 the salary paid by the State was increased from $30 to $40 for the first ten thousand of population, with $25 additional for each thousand between ten and thirty thousand, and $15 additional for each thousand above thirty thousand; and the county was for the first time permitted to supplement the superintendent's state salary.[4] With this increase

[1] Richmond Whig, June 29, 1870.
[2] Acts, 1869–70, c. 259; 1870, c. 308.
[3] Richmond Whig, February 19, 1874.
[4] Acts, 1908, c. 292.

the average salary of county superintendents was only $514 per annum; and of the one hundred county superintendents only eight received as much as $900 per annum.[1]

Thus it is seen that, since the superintendency of Dr. Ruffner (1870–1882) no real progress has been made in the amount of salary, and therefore in the personnel, of division superintendents for counties. Considering the increased average standard of living in Virginia as the State gradually recovered from the necessary economy caused by the losses of war, and considering the recent universal depreciation of money values, the superintendents were remunerated better in 1878 than in 1908.

At this stage the General Assembly passed a law which allowed the state board of education to combine into larger divisions such counties as would not raise the salaries of its superintendents to a minimum of $900.[2] The constitution of 1902 bestowed upon the board the power of combining counties; but knowing the opposition which would develop against this departure from a custom forty years old, the board prudently obtained the support of the General Assembly. Hence, at one stroke, by means of threats to combine counties under one superintendent, the county superintendents' salaries were raised from an average of $514 to an average of $980 per annum.[3] In doing this, however, twenty-eight counties, nearly all small ones,[4] and two cities were combined into fifteen divisions, thereby reducing the number of county superintendents from one hundred to eighty-seven.

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[1] Virginia Journal of Education, June, 1909, p. 23.

[2] Acts, 1908, c. 292.

[3] Virginia Journal of Education, June, 1909, p. 23. These salaries were distributed as follows: ten received $1500 or more; twenty-eight received more than $1000 and less than $1500; twenty-six received more than $900 and less than $1000; twenty-three received less than $900. Since 1909 many salaries have been further increased.

[4] In Virginia thirty-three of the one hundred counties have (1910) less than 10,000 inhabitants. Excepting West Virginia, in all the remaining North Atlantic States there are only four counties with as few as 10,000 population. It would very likely be wise to combine these small East Virginia counties for all administrative purposes.

The guarantee of better salaries brought forward a number of superior men in 1909 when the superintendents were elected for the accustomed four-year term.[1] Many of the old incumbents had been in office for years, and were of estimable moral character; a number were Civil War veterans; and others were fortified by family and church relations. To replace these by young, more energetic, and more progressive men required a real interest in the betterment of schools. The state board met and elected those who had few or no competitors, and adjourned for a week. During this week the local politicians were busy. One would plead for his candidate because it would bring party harmony in a certain county; another would show that the dismissal of a war veteran would mean the loss of the county to the party; and where it was proposed to import a superintendent or to combine two counties a storm invariably arose.

When the second meeting convened, the board knew that it must "make progress slowly"; that totally to disregard influential and, in many cases, clean party men would mean a set-back to education by the next General Assembly, which was to meet the following winter. In many cases a compromise was made. In one case the election was on condition that the superintendent get an office assistant, the office work having been unsatisfactorily performed; in another, that a certain habit be discontinued; in another, that the one elected resign in two years if not giving satisfaction; in another, one who was a good administrator but knew no pedagogy agreed to employ an assistant to look after the pedagogical side; and another pledged himself to keep out of politics, having been too aggressive in support of the minority faction. In several cases members of the board acceded against their better judgment where a fellow-member wished to save a close personal friend. In several cases inefficients were retained for another four years be-

[1] Previous to this there had been little competition. In 1901 sixty-five places were uncontested and eighty-one were filled by reappointment (Richmond Times, May 15, 1901).

cause it was thought heartless to remove one who had made school work a part of his very life.

Among the hundred and three superintendents chosen, fifty were college graduates; about twenty more had attended college; and about thirty had never been in college. Of the seventeen superintendents above sixty years of age only four were college graduates. Of the forty-two above fifty, nineteen had never been to college. Of the forty-two under forty, all but four had attended college; but eight of the thirty-eight who had attended college were not graduates. Sixty-seven of the superintendents had taught school more or less; seven were farmers; six, lawyers; and four, politicians. Of the superintendents in office in 1910 about fifty have no other occupation, which is more than twice as many of this class as ever before; more than three-fourths make it their primary occupation. Though data are not available for a detailed comparison with former superintendents, the present personnel is beyond comparison superior to any former personnel, but yet is far from the ideal. A sufficient number of educated, progressive, energetic superintendents will not be obtained until the minimum salary is $1,500.

To some this proposed increase in salary may sound extravagant. But when we consider that the salary of a rural mail carrier, who needs only an elementary school education, is $1,000, it is ludicrous to expect efficient division superintendents at that figure, about that sum being now the average salary of county superintendents. When the matter is viewed in another way, we find that the superintendents now do not spend on an average of more than two thirds of their time in school work. If the salary were $1,500, with the condition that the incumbent engage in no other business, the cost of service would be no more than at present, but the service would be much better. Half of the time of a competent man is not worth half so much as his whole time. A superintendent should have his undivided thought on his work. He should be able to attend state and national educa-

tional conferences, and to inspect the work of other States. The law making $1,500 the minimum salary could allow the state board of education to combine counties not paying that amount. With this arrangement a first-class superintendent could afford to keep a stenographer who could do the multifarious routine work, such as making out reports, thereby allowing him to devote his entire time to visiting schools, planning rallies, and organizing extension work.

In 1909 the state board attempted for the first time to transfer superintendents from one county to another. The move met with such general opposition that it was successful in only six cases, all of which, however, have since proved the wisdom of the board. In fact, the school board of Alexandria County, which had four local candidates, petitioned for an experienced school man, promising to raise the salary from $240 to $1,200. The board sent the principal of the Danville school, whose salary had been $1,500. At the end of one year the Alexandria County Board increased his salary as superintendent to $1,800 and office rent.

In February, 1910, before the result of these few transfers could be determined, the House of Delegates passed a bill by a vote of 70 to 18 providing that only a citizen and a qualified voter of a division might be elected superintendent.[1] In the Senate the bill was reported from the finance committee by Senator Keezel, with an adverse recommendation, and it did not pass. It is interesting to speculate how this bill would have been reported had not Senator Keezel become intimately acquainted with the plans of the state board of education the preceding summer. The superintendent from Senator Keezel's county had been practically defeated for reelection because his efficiency had been impaired by age, though once he had been one of the best superintendents in the State. Senator Keezel, possibly the most influential member of the Senate, appeared before the board in behalf of this veteran superintendent, who was also a

[1] House Bill 85.

veteran soldier. On that occasion he is said to have used his influence against importing a superintendent into his county. The senator was successful. Had he not been heard, would the bill have been reported adversely? This well illustrates a practical difficulty constantly facing the state board; and the people of the State need to have patience if the board seems to "make progress slowly."[1]

Many counties feel that the importation of an outsider is a reflection upon themselves. But when it is considered that a first-class county superintendent should have the administrative ability of a college president and the pedagogical knowledge of a professor of pedagogy, it would certainly be a surprising coincidence if such men could be found distributed as the Virginia counties are distributed. Nowhere else has administration been so successful as in Germany; and there even a mayor (burgermeister) of a city is called from a small city to a larger one, when he has succeeded in the small city. If a young man knows that success in a small county will place him in line for the superintendency of a larger and wealthier county, he will give his best to the smaller county that he may compete for the superintendency of a larger. The word "compete" is used advisedly, for the custom of promoting officials by transferring is competition; the custom of confining one to his own county is monopoly of the worst sort.

Since 1871 the city councils of the larger cities have supplemented the salaries paid the superintendents by the State, and in 1910 the average salaries of superintendents in cities of more than 10,000 inhabitants was $1,853; the maximum was $2,850, the minimum, $1,200. Cities of less than 10,000 inhabitants are in practice either annexed to a county or superintended by the principal of the high school.

An important amendment to the superintendents' salary laws, enacted in 1910, allowed county or city school boards to supplement the salaries of superintendents from local

[1] This speculation is no reflection upon Senator Keezel. His service to the State is universally appreciated.

funds. The county supervisors are notoriously adverse to raising salaries. This amendment further provides that the county supervisors or the city council may not change a superintendent's salary during the term for which he is elected, though the school board may.[1] This is an excellent provision. Supervisors or councilmen, for retrenchment or for political reasons, may not injure the school system, but the school board is free to reward a deserving superintendent. And there is little danger that the school board will be extravagant in its rewards.

District Trustees.—Each of the five hundred and eleven school districts of the State has a board of three trustees. The county trustee electoral boards annually elect one trustee for each district of their respective counties for a term of three years; these trustees serve without pay, excepting the clerks of the district boards, who, according to law, "may be allowed, out of the district fund, an amount not exceeding three dollars for each teacher." The trusteeship in Virginia has never been of sufficient honor to attract a great number of progressive, educated men, and for this reason the need of well-paid division superintendents is felt the more. Some of the progressive councils of small towns have overcome the difficulty by paying the chairman of the school board a sum in excess of the "three dollars for each teacher." For instance, Woodstock, a town of fourteen hundred inhabitants, has wonderfully improved its public schools by paying the clerk of its school board $100 annually. In this case the clerk is both efficient and interested. Of course, in this plan, as in any other plan where the incumbent devotes only a portion of his time to the work, there is danger of the clerkship's becoming a sinecure.

Teachers.—Although the public school system was unpopular in Virginia when it was founded in 1870, a great many cultured men and women became public school teachers from necessity. But as prosperity slowly returned, and as teachers' salaries did not increase proportionately, this

[1] Acts, 1910, c. 108.

class of young people were attracted to more remunerative professions or vocations. Certificates were easy to obtain, and until 1906 trustees were not prohibited from employing relatives. In 1909, after certification had been made uniform by the board of examiners, the 10,124 outstanding certificates were distributed as follows:[1]

	White.	Colored.	Total.
Collegiate	473	26	499
Professional	617	157	774
Special	185	10	195
First grade	3,670	946	4,616
Second grade	1,532	336	1,868
Third grade	325	215	540
Emergency	956	676	1,632

From the above it can be seen that of more than 10,000 teachers only 499 held collegiate certificates and only 774 held professional certificates. This inferior preparation was noted by the state board of education, and the General Assembly of that year provided for the establishment of three new normal schools for whites. Two of these are now in operation, one at Harrisonburg and one at Fredericksburg. The third will open at Radford, probably in the fall of 1912. A second normal school for the colored is much needed. In 1870 practically all of the colored schools were taught by white teachers. Today practically all of the colored schools are taught by colored teachers; and of the 2,366 colored teachers only 183 have collegiate or professional certificates, while 676 are teaching on emergency certificates which are practically no certificates at all. Moreover, even with these normal schools the need is not solved. Unless the State uses its school funds as conditional aid to the localities and thereby forces up the salaries of professionally certificated teachers to a level with those paid in other states, these teachers educated by Virginia will flow out as the state cadets from the Virginia Military Institute have been doing for years. Most of the

[1] Report of Superintendent of Public Instruction, 1908–09, p. 438.

states bordering on Virginia pay their teachers higher salaries.

In 1909 the average annual salary for teachers, classified according to the character of the certificate, was as follows:[1]

	White.	Colored.
Collegiate	$596	$198
Professional	450	246
First grade	272	221
Second grade	190	155
Third grade	147	135
Emergency	147	111

Consolidation and Transportation.—Until the recent revival of education in Virginia one-room schools continued to multiply. Since 1905 much success has been attained in consolidating rural schools into buildings with two, three, four, or more rooms. To facilitate this consolidation free transportation is being supplied in many localities. In 1905 nineteen wagons were used to haul pupils; in 1910 one hundred and seventy-one were used. These are wagons of all types, the best being a four-horse "kid car" which hauls fifty children. In some instances where a consolidation places several families an unreasonable distance from the school a patron is paid to haul his own and his neighbors' children. Where the tax rate is not sufficient for public transportation and the pupils ride or drive individually, the attendance is apt to fall off in the spring; but when sufficient interest is aroused to bring about consolidation, the patrons are realizing that it is cheaper to pay taxes for a two-horse team than to send individually ten or twenty teams.

Augusta County has had more experience with transportation than any other county, having run from fifteen to twenty wagons for five years. During this period the number of school-houses has been reduced by 26 and the number of teachers by 7; and though the school population is less than it was five years ago, the enrollment and daily attendance are much greater, and the number studying higher

[1] School Report, 1908–09.

branches has increased from 140 to 300. The monthly cost of running a wagon an average of three miles is $32.50. The daily cost per pupil is 7 cents.

High Schools.—It was clearly recognized in 1906 that the University of Virginia and the colleges could not fulfill their entire purpose until the wide gap between the graded school and the college should be filled. There were in that year only ten four-year public free high schools in the State, though there were 44 so-called high schools. From 1906 until 1910, as a result of state conditional aid and propagandism by the state department of education, the number of four-year public free high schools has increased from 10 to 83. The number of teachers has increased from 146 to 837; of these 537 devote their entire time to teaching in the high schools, while 300 teach for a part of the time in the grades.[1]

In 1908 the General Assembly provided for the support, by the State, of a department of agriculture and domestic economy in one high school in each congressional district.[2] The idea was twofold; first, by granting the $3,000 per annum, the district was compelled to provide a new, suitable building and a sufficient corps of teachers for the grades; second, the school was intended as an example to neighboring districts. These schools are equipped with a tract of land, thirteen acres being the average amount, a small stable, a team, and in some cases a small amount of thoroughbred stock. In some the principal works for a while each day with the pupils in the field; in others, the work is done by hired labor, the principal simply demonstrating to the pupils. The more earnest principals remain at the school during the summer to look after the demonstration plots. At various times the patrons are invited to attend lectures and demonstrations, the fathers in agriculture, the mothers in practical cooking and other household work.

The conception of these schools is excellent, and the

[1] Payne, Five Years of High School Progress in Virginia.
[2] Acts, 1908, c. 284.

experiment should become a permanent but improved system. First, the agricultural departments need to be brought under the supervision of the state agricultural college at Blacksburg. Second, instead of supporting the entire high school and in some cases a part of the graded school, the fund should be conditioned upon its use for the agricultural and domestic science departments. To enforce this latter condition there should be a high school visitor. Practically all of the rural high schools of the State are receiving conditional state aid (and most, if not all, of the state gifts to education should be conditional), and it is a lax business policy not to furnish the state superintendent of public instruction with a lieutenant to enforce the conditions attached to gifts of the General Assembly. This visitor could carry many valuable ideas from a high school in one part of the State to a high school in another. Still better, he could bring in ideas from other States, for he should be a specialist and informed as to progress in matters relating to high schools.

This same suggestion applies to the twenty-four high school normal training departments established by an act of 1908.[1] The clerk of the state board of education visited these departments in 1911, but he is too busy to visit systematically. The normal teachers of these departments train any high school pupil desiring the course, and in the spring conduct special classes for country school teachers. Some of the more enthusiastic and energetic teachers also visit surrounding schools during certain days of the week, where they do model teaching for half a day at each school.

When Superintendent Eggleston assumed office, he mentioned the need of "forty league boots" for the Virginia educational system. For the past four years she has been wearing them; but the following comparison will show that she must continue to wear them: "As the total population and the school population of Wisconsin are only a little more than that of Virginia, a comparison of the high school

[1] Acts, 1908, c. 67.

facilities of the two states furnishes the best statement of what Virginia should approach in this respect. The chief difference consists in the fact that the resources of Wisconsin are adequate to her educational needs and those of Virginia under the present system of taxation are not. Nevertheless in industrial, social, political and other intellectual enterprises, the Virginian must compete with the citizen of Wisconsin, so that it behooves Virginia to recognize the standard to be attained as rapidly as her funds will admit."

"The school year of 1908–09 for Wisconsin is here compared with that of 1909–10 of Virginia:

Number of four-year high schools in Wisconsin, 261.
Number of four-year high schools in Virginia, 83.
Number of high school teachers in the four-year high schools of Wisconsin, 1,377.
Number of high school teachers in the four-year high schools of Virginia, 341.
Total number of teachers in all grades of high schools of Virginia (1909–10), 837.
Total enrollment in four-year high schools of Wisconsin, 30,110.
Total enrollment in four-year high schools of Virginia, 6,968.
Total enrollment in *all* grades of high schools of Virginia, (1909–10), 12,400."[1]

Compulsory Education.—Attempted legislation on compulsory education has always been thwarted by delegates from the "black belt" of the State. In the Constitutional Convention of 1902 the committee on schools reported a section favoring compulsory education; but when amended by its opponents it was far worse than if no mention of the subject had been made. Many of its advocates preferred eliminating the section, thereby leaving the General Assembly free to legislate as it should see fit, while others sug-

[1] Payne, Five Years of High School Progress in Virginia.

gested that the courts might not uphold such a law unless specifically allowed by the constitution. The resulting provision was as follows: "The general assembly may, in its discretion, provide for compulsory education of children between the ages of eight and twelve years, except such as are weak in body or mind, or can read and write, or are attending private schools, or are excused for cause by the district trustees."[1]

Practically, this provision is a prohibition of compulsory education. On its face it seems to allow the General Assembly to compel children to attend until they learn to read and write—an extremely low standard; but even this may be ignored in any locality where the local trustees are adverse to the principle, by excusing children on a fictitious ground. For example, all negro children may be excused on the ground that their parents are unable to support them.

The General Assembly in 1908 passed a local option law applying to counties, cities, and towns. This law permits the localities to compel attendance for twelve weeks in any one year. In 1910 the county of Allegheny, which has a very small negro population, voted in favor of compulsory education. Rockingham County, including Harrisonburg, followed, as did the city of Lynchburg with a large negro population. Some counties claim that they are too poor to educate those who voluntarily attend. In northern and western Virginia this economic argument certainly cannot be advanced. The resources are excellent and the negro population is small. In the whole State about 35 per cent. of enrolled pupils are absent from school. This does not reduce expense; therefore it represents a direct loss of approximately 35 per cent. of $4,000,000 annually spent on public schools, or $1,200,000. Enforced compulsory education would prevent a large part of this loss. Of course the injury done the pupils as a result of irregular attendance is far more important than the money loss.

A great stimulus to education would result from distribut-

[1] Constitution, 1902, Art. IX, Sec. 138.

ing state funds according to actual attendance instead of according to school population between the ages of seven and twenty years. This change, however, would require a constitutional amendment.[1] Children under fourteen years of age are not allowed to work in factories or stores. Certainly having them in school is preferable to having them idle as well as ignorant.

Text-Books.—Free text-books have never been furnished by the State, but the local school boards have always furnished books to needy children.[2] The interest has centered around the selection of text-books. Though the constitution of 1869 said that the state board "shall provide for the uniformity of text books," this was construed to mean uniform within each school; and accordingly the state board issued a double list from which local boards were allowed to select. In 1874 a triple list was issued; in 1878 a multiple list, from which the county and city boards could select; and in 1882 each division superintendent was directed to summon from three to five teachers who, with himself, should recommend to the county or city board suitable books from the state multiple list. In 1888 a single list was prescribed by the state board under the influence of Superintendent Massey; but the localities were not required to adopt the single list at once,—that is, as long as they retained their existing lists. In 1890 a return was made to the multiple list.

In 1904 the General Assembly, by a joint resolution, advised the state board of education to adopt a single list; but this recommendation was not followed, Governor Montague alone favoring that plan. The state board of education, instead of adopting a single list, directed the county and city school boards to appoint three teachers and three members of their respective boards; these persons, with the division superintendent, recommended books for

[1] See discussion in section on School Finances, pp. 54–55.

[2] In 1908–09, 3,354 white children and 1,457 colored children were supplied.

their counties or cities to the state board, which reserved the right to accept or reject such lists.

These books were to be furnished by the publishers at a uniform price agreed upon by the state board. Each high school was permitted to select from a multiple list. As this list was to stand for four years, a campaign was at once begun by the book publishers. Mr. Eggleston, the present superintendent of public instruction, says that the publishers put the cost of this campaign at $200,000. Local attorneys were employed by the respective concerns. Every indirect, and in many cases direct, form of bribery is said to have been used. Ex-Governor Montague deplored the corrupting effect of such a campaign.

In 1905, when Mr. Eggleston was campaigning for the state superintendency, he said that the Virginia School Register for public school teachers could be published for 18 cents, and that the teachers of the State were being charged 75 cents for it. The state board of education called a meeting and asked Mr. Eggleston to substantiate his statement. He did so by proving that the second clerk in the department of public instruction and a principal of a Richmond school were receiving 50 cents royalty on each copy, the printer retaining 25 cents for printing, packing, and postage. No one was entitled to a royalty, as it was the duty of the superintendent of public instruction to prepare the register. The superintendent, a Civil War veteran, was innocent, but was careless. The second clerk, at this time a candidate for state superintendent of public instruction, was summarily removed from office; and the election of Mr. Eggleston was practically assured.

In 1906 a legislative committee, of which Speaker R. E. Byrd of the House was chairman, showed that Virginia was paying for her books more than any other State in the Union except Montana and Utah, and that by a single list the State could save 25 per cent. or $50,000 annually. In 1908 a single list was adopted for primary and grammar grades to be in effect until 1912 and thereafter for periods

of four years. For high schools a single list was adopted in 1910 to be in effect until 1914. In a few cases different high school books have been adopted for cities and counties. The selling price is stamped upon all books, and the publishing house pays the local merchant a small commission for handling them. Until the division superintendents and county teachers become generally better trained, the selection of books by them will not be preferable to selections made by the state board, composed of six educators of the highest order, besides the two highest state officials. Then why not save the 25 per cent. or $50,000 annually?

Although unnecessary changes of books have been made from time to time, we can find no suspicion of actual corrupt conduct on the part of any members of the state boards, except against one superintendent of public instruction, and this charge was never proved. Of course indirect influences have been exerted, and some officials have been made instruments. Some inferior books have been selected because they were written or printed within the State. Members of the state board have received unsought political aid from agents or attorneys of book companies, for these local representatives usually pick their man during the campaign. Occasionally the attorney for the company is a state senator or United States congressman with much "push and pull." Under the multiple system where the selection is made by local and less experienced boards, the above influences press with more weight. Birthday presents and "hard cash" of the corporations possessing the most capital, but not necessarily the best books, can here be most effectively and corruptly used.

Libraries.—The Virginia State Library was opened in 1829 in the Capitol at Richmond, but in the year 1895 it was moved to the Library Building. Until the Constitutional Convention of 1902 the secretary of the Commonwealth was ex-officio librarian, with, however, an assistant known as state librarian; and the control of the library was vested in a joint committee of the General Assembly. From 1829

until 1904 the interest in the library did not increase, if interest can be measured by the support given by the General Assemblies, for the appropriations continued to average approximately $5,000 per annum.[1] According to a statement furnished the United States Bureau of Education for its 1900 report, there were 96,000 volumes in the library. According to the 1904 report of the state librarian there were only 50,000 volumes, including pamphlets. The truth is, nobody knew how many books there were in the library previous to 1904. There was no card catalogue.

The Constitutional Convention of 1902 provided for the reorganization of the library. Now the state board of education appoints a board of five directors, who serve without compensation other than for actual expenses. The members of this board are elected, one annually, for a term of five years. The first board, selected in 1903, appointed in the same year the first librarian other than the secretary of the Commonwealth. His work was begun with much enthusiasm and with the hearty cooperation of the library board. A card catalogue was begun; interlibrary loans were inaugurated; and a system of traveling libraries was worked out. In 1907, after a legislative investigation of certain charges against him, he resigned.

His successor, the present incumbent, is administering the affairs of the institution well. Eighty-five thousand volumes, including pamphlets, are being carefully analyzed and catalogued according to the Congressional Library system. The archives are likewise being catalogued and printed as funds permit. Legislative reference lists are prepared for legislators and other state officials upon request, and often in advance of the sessions of the General Assembly. References are cheerfully furnished to debating societies. Ten thousand volumes, divided into two hundred and six libraries, are kept in constant circulation among schools and literary clubs. These libraries are carried gratis by the transportation companies of the State. The library is open

[1] Report of State Librarian, 1904, p. 11.

to the public, and books are lent out upon a permit from any state official, or upon a deposit of two dollars. Students doing research work are given all possible help and every reasonable privilege.

There is a Voluntary Library Association of Virginia which is advocating state aid for the much needed extension work. This work might be carried on through a special commission, but why not utilize the State Library, which is already well organized, and form a system of libraries instead of independent chaotic groups?

The State Law Library until 1902 was under the control of the State Library; but since that time it has been under the control of the supreme court of appeals. Another independent library arrangement has resulted from an act passed by the General Assembly of 1908, by which the State, through the state board of education, offers $10 toward a library for any public school whose patrons will raise $15. To this $25 the district school board is obliged to add $15 and a book-case. The $40 worth of books are selected from a list prescribed by the state board of education.

Politics and the Schools.—When the public school system was established, practically all white Virginians were Democrats. In 1881 the coalition of Readjuster Democrats and Republicans carried the State, and the victors took the school spoils from state superintendent down to district trustees. The boards of visitors for state schools of higher education were declared vacant by the General Assembly, and Readjusters were appointed to fill their places.[1] The changes on these boards did not, however, to any considerable extent affect the faculties, though they did remove a number of administrative officers.

Since this one term of office, Democrats have controlled the State, and the administration of schools has been strictly by Democrats. Today the eight members of the state board of education, including the state superintendent of public instruction, the two supervisors, and the hundred and four

[1] Acts, 1881–82, c. 201; 1882, c. 18; 1882, c. 46.

division superintendents are all Democrats,[1] with one or two possible exceptions among the division superintendents. Of the one hundred visitors of the higher or special state schools ninety-five are Democrats, and three of the five Republicans are colored members of the board for Hampton Normal and Industrial Institute, a non-state school to which the State transfers one third of the Federal appropriation for the teaching of agricultural and mechanical arts.

The district trustees are elected by the county electoral boards, composed of the division superintendent, the commonwealth-attorney, and a non-office-holder appointed by the circuit judge. At least a majority of the members of this board are practically certain to be Democratic, and in some cases their trust is abused by the appointment as trustees of insignificant henchmen who are flattered by the office. This practice, however, is not general, and there are a great many Republican trustees. As the personnel of the division superintendents improves, the greater will be their influence in selecting competent trustees.

In certificating teachers the state examiners have never been accused of partiality. After receiving a certificate a position is secured through the local trustees, who are seldom influenced in their selection of teachers by party politics, although, until prohibited by an act of the General Assembly of 1906,[2] the employment of relatives was a common practice. In 1910, as a further sanction to this law, it was provided that if a board of trustees selects a teacher who is without a proper certificate, or one who is a brother, sister, wife, son, or daughter of any member of the board, the member is responsible for the salary.[3]

Finances.—The constitution of 1869 provided that the interest on the Literary Fund, a capitation tax of $1, and a general property tax of not less than 1 nor more than 5

[1] The appointments of division superintendents by the state board of education must be confirmed by a Democratic senate, for which reason the state board hesitate to appoint a Republican.

[2] Acts, 1906, c. 293.

[3] Acts, 1910, c. 338.

mills on the dollar should be apportioned among the public free school districts according to the number of children between the ages of five and twenty-one. Either the county or the school district was permitted to supplement this state allotment by a local tax not to exceed 5 mills. The next year the General Assembly enacted the constitutional requirement placing the minimum state school rate at one mill. This has remained the rate, but since 1882 the General Assembly has added an annual lump appropriation from the general state funds. At first this lump appropriation was in consideration of money diverted from the school funds; but when this was replaced, the appropriations continued, and have recently increased much in amount.

In 1871 a vote was taken in every county of the State, except Warwick County, to determine whether additional sums for paying teachers should be raised by taxation. Funds were voted in seventy-three counties and not voted in twenty-five; cities did not vote. But in no county did the local funds exceed the expected state funds.[1] In fact, Dr. Ruffner advised that the local rate be limited to one mill, for fear that a higher rate might create too much opposition on the part of the property owners.[2]

Not only was one mill, the minimum allowed by the constitution, assessed by the State, but a part of this was for a decade diverted from its proper channels. For several years the delinquent school taxes, when finally paid, were diverted. In 1872–1873 this one mill tax was paying to the schools $250,000 less than in 1870–1871. When the auditor's attention was called to this misapplication of funds, his reply was that interest on the public debt caused all departments to suffer, and that the state officers, criminal charges, and support to the asylums and the penitentiary must be paid, and therefore the schools must suffer most. In 1871 the governor vetoed a bill compelling the auditor to pay to schools the income from the one mill tax, on the ground that

[1] Report of the Superintendent of Public Instruction, 1871, p. 13.
[2] Report of the Commissioner of Education, 1880, p. 326.

paying debt was more sacred than educating children, though both were proper. On July 31, 1878, indebtedness to teachers was $244,871.[1] That fall very few rural schools opened, the governor being unable to borrow $200,000 to relieve the situation. By the end of this session a total of $1,544,765 had been diverted from the public school fund,[2] In 1879 the Henkel bill prevented any future diversion of the school fund, and the amount due the fund was gradually restored.

The teachers receiving miserably low salaries were often compelled to sell their warrants at a discount. This had become so common that when the delay was no longer necessary, some treasurers would delay paying that they might profit by buying warrants at a discount. In 1887 a statute was passed imposing a fine or jail sentence upon any county officer who purchased county or corporation warrants or school claims;[3] and in 1894 an act provided that any treasurer failing to pay a warrant when he had funds might be deprived of handling the same by the local school boards.[4] Not until the past decade have teachers all over the State been promptly paid; and in fact in 1910 six counties were in arrears in the pay of teachers to the extent of from $500 to $3,000. This present shortage is due to building new school-houses without raising the tax rate sufficiently for the much needed improvement.

The available principal of the Literary Fund has increased from $1,596,069 in 1871 to $2,308,300 in 1910.[5] The one dollar of the capitation tax has remained for the state school fund, and the collection of the same is made surer by a provision of the constitution of 1902 which limits the right of franchise to such as have paid their capitation taxes for the three preceding years.[6] The General Assembly of 1884 appropriated annually the sum of $10,000 from this fund

[1] Governor's Message, Senate Journal.
[2] Senate Journal, 1879–80, Doc. No. 12.
[3] Acts, 1887–88, c. 13.
[4] Acts, 1893–94, c. 639.
[5] Report of Second Auditor.
[6] Constitution of 1902, Art. 2, Sec. 18, 20.

for the Farmville State Normal. The second auditor, through whom this fund had to be drawn, refused to pay, claiming it to be unconstitutional to expend the Literary Fund for schools other than "public free schools." The Virginia court of appeals sustained the second auditor on the ground that "public free schools" applied only to elementary or graded schools.[1] The constitution of 1902 limited the use of the interest on the Literary Fund, the capitation tax, and the one mill property tax to "primary and grammar grades." The state conditional aid to high schools is in addition to the above.

Since the first election of 1871 the necessary amount of county and district funds has been recommended to the county board of supervisors by the division superintendent, representing the county board of trustees. If the supervisors refuse to levy a tax at the rate recommended, the county board of school trustees may demand that the rate be submitted to the people of the county or of any district. By an act of 1908[2] the General Assembly has allowed county school rates to vary from 1 to 4 mills and district rates from 1 to 4 mills, provided the total of county and district rates does not exceed 5 mills. Another opportunity to supplement the school tax is given the sub-district, which may, by the majority of freeholders, have the supervisors add to their tax rates, provided the total county, district, and sub-district rates do not exceed 5 mills. In cities and towns which form separate school districts the councils may determine the rate, provided it does not exceed 5 mills; or the council may make an appropriation in lieu of such a levy. When the council does this, the amount of the appropriation does not seem to be limited; at any rate some towns have appropriated for public schools more than a 5 mill levy would have yielded.

In 1906 the county board was given power to apportion county funds among districts according to its best judgment;

[1] State Female Normal School *v.* The Auditors, 79 Virginia Reports, p. 233.
[2] Acts, 1908, c. 210.

but no district which runs any school therein less than four months may receive an appropriation.[1] This was intended to allow discrimination against negroes, but counties with compulsory education may avail themselves of this provision to distribute county funds according to actual attendance. In other words, those counties that wish more stringent provisions for compulsory education than those offered by the state laws can by means of this provision make the trustees of the respective districts bestir themselves. The county board may compel district boards to pay expenses of trustees in attending county board meetings, but the sum may not exceed $10 for any one district.

In 1908 an act was passed to pension deserving public school teachers[2] who had taught for twenty-five years, or twenty years if mental or physical infirmity or age had rendered one inefficient for service. In 1910 this was amended;[3] and now pensions are given to men who have taught for thirty years and have reached the age of fifty-eight, and to women who have taught for thirty years and have reached the age of fifty. If the pension is sought because of mental or physical disability, the applicant may have taught only twenty years, but in this event the application must be approved both by the state board of education and by the state board of health. The amount of the pension is one half of the salary received at the time of retirement, provided no teacher receive more than $400 annual pension; principals, however, may receive $500. By the 1910 amendment the pension is based on the average salary received during the five years just preceding retirement.

The funds for pensions are obtained by deducting one per cent. from the current salary of the teachers plus an annual appropriation from the State of $5,000 and the income from a small permanent endowment fund.[4] This permanent endowment fund is accumulated by deducting " from the first

[1] Acts, 1906, c. 248.
[2] Acts, 1908, c. 313.
[3] Acts, 1910, c. 97.
[4] In June, 1911, the permanent fund was $49,266.

year's pension an amount equal to thirty per centum of the average annual salary earned by such person [the pensioner] during the last five years he was a teacher in this State less the amounts already contributed to the pension fund by such person retired." When the local school board enters into a contract with a teacher, he must agree to the deduction of the one per cent. of his salary; and this is deducted every month. Since 1910 the state board, to facilitate collection, has deducted from the state funds distributed to each county one per cent. of the amount paid the teachers of that county the previous year; if salaries in a county are increased, one per cent. of this increase is deducted the following year. The pensions are paid quarterly by the second auditor. If at any time the funds should prove insufficient, the amount on hand must be distributed pro rata.

Since 1908 296 persons have been pensioned, of whom 11 have died and 14 have resumed teaching. In 1910 the receipts and expenditures of the fund about balanced. It is estimated that the list of 271 pensioners (239 whites, 32 colored) will increase to about 400 in five years, and there remain. It is also estimated that the one per cent. of the teachers' salaries will amount to $40,000. The State has practically committed itself to the appropriation of $5,000 per annum, making the receipts $45,000. It is estimated that $60,000 will be required to pay the pensions. Therefore unless the State increases its appropriation or some change is made, the pensioner will in the future receive only about 75 per cent. of his nominal pension as provided by the pro rata clause.[1]

The state board asked the General Assembly for this pension measure. They knew that it would be unpopular among the large class whose intentions are to teach only temporarily, and, indeed, the average length of service is only about six years; but they knew that the State could not afford a straight pension. It has enabled the local trustees to rid themselves of inefficient veteran teachers in

[1] Virginia Journal of Education, June, 1911, p. 593.

an honorable manner. The one per cent. deducted from the salary is not enough to deter makeshift teachers, many of whom do good service; but the prospect of a pension will keep in the State professional teachers who are offered somewhat better salaries elsewhere.

By an act of the General Assembly, passed in 1906 and amended in 1908,[1] an excellent use has been made of part of the principal of the Literary Fund. As a result of this act this fund, which had been invested in state bonds bearing 3 per cent. interest, is being converted into cash by the state board of education to the extent of $100,000 per annum; and this fund is then lent to district school boards for new school-houses at the rate of 4 per cent. for sums of less than $3,000, and 5 per cent. on the amount in excess of $3,000. The maximum amount lent on one building is $10,000, and only 50 per cent. of the total cost may be loaned. The Literary Fund receives fifteen notes from the district trustees, which must be paid annually with interest. A lien is taken on the property, and the building must be insured by the trustees. The plans for the building must be approved by the state board, and the money may be borrowed without a vote on the part of the patrons, which would be required in case of a bond issue. The additional 50 per cent. can usually be paid either from current revenue or by a current loan without a bond issue. This power placed in the hands of the trustees has resulted in wonderful improvement in the way of much needed buildings.[2] Most districts had formerly paid 6 per cent. interest; this was true especially in rural districts, which now pay only 4 per cent. as they usually borrow less than $3,000. At the same time the Literary Fund has a safe investment. This loan plan was suggested by one of the state examiners.

In 1906 there were only 10 four-year public free high schools in the State. In the 44 so-called high schools $102,480 was spent for support, $45,000 for buildings. The

[1] Acts, 1906, c. 252; 1908, c. 83.
[2] See table on page 57.

General Assembly of that year responded to a request of the department of education by appropriating a subsidy of $50,000 to encourage the establishment of high schools. This was apportioned among the school districts of the State in sums not exceeding $400, provided the districts raised an amount not less than that contributed by the State. This money was distributed according to requirements specified by the state board. The chief requirements of the board were a high school building and a prescribed local fund for teachers' salaries.

In 1908 the state subsidy was increased to $100,000 plus $15,000 for normal training departments to be located in about 20 selected high schools and $20,000 for agricultural and manual training departments in 10 high schools.[1] As a result of this conditional state aid the local school funds for support of high schools have increased from $102,480 in 1906 to $320,403 in 1910; and the sum spent on improvements has increased from $45,000 in 1906 to $502,000 in 1910. Encouraged by this showing, the General Assembly in 1910 appropriated $25,000 for rural consolidated school buildings, to be distributed conditionally at the discretion of the state board.

A great stimulus to better attendance or compulsory attendance would result from distributing state school funds according to actual attendance instead of according to school population. When the present method of distributing state funds according to population of school age originated in 1870, the idea was thereby simply to compel the localities to be taxed. For a large portion of school taxes to come through state channels is peculiar to the South, and was necessary until local interest could be aroused in a public school system. Since 1870 taxable values have been concentrated in cities and progressive counties; hence the present distribution in many sections represents charity on the part of the more progressive communities. That the

[1] The last item was increased in 1910 to $30,000; and for 1911 the additional sum of $25,000 for permanent improvements was added.

wealthy should be taxed according to ability to pay is proper; but that the struggling property owner who lives in a wealthy community should be taxed for a wealthy property owner in a poor community is improper. Some counties have also taken unfair advantage of this method of collecting and redistributing.[1] So the State can to-day justify its method only upon the basis of charity; and charity should not be indiscriminate, but to those who help themselves. "In some cases," said Governor Swanson in his message of 1908, "the increased state aid to primary schools resulted in a decreased local rate equal to that given by the State. The State should not permit state generosity to be responded to by local parsimony." Why not distribute all state school funds conditionally? First, no school district should receive any state aid until that district has raised by local taxation a prescribed amount for every child of school age within the district. This amount should be such as would not oppress the less wealthy districts. Second, the distribution should be made on the basis of actual attendance. This basis would encourage both regular voluntary, or "compulsory," attendance and the lengthening of the school term. But a distribution on the basis of attendance should be in some inverse proportion to the density of population, as it is much easier for urban districts to have a large attendance than for rural districts.

An incentive fund played an important part in the establishment of graded schools in Virginia. Reference is here made to the Peabody Fund. In 1867 George Peabody, then of London, gave to Southern education $3,500,000 in stocks and bonds. Of this sum $1,500,000 of Mississippi and Florida state bonds were afterwards repudiated, leaving an available fund of $2,000,000. For the distribution of the interest of this fund the board, composed largely of Northern men, sent Dr. Sears. He made Staunton, Virginia, his headquarters, and immediately after arriving addressed the

[1] This condition results from the fact that cities are obliged to assess property at nearly its full value to hold down the nominal tax rate; and State taxes are assessed on this same valuation.

Constitutional Convention. The convention ordered ten thousand copies of this address printed. Dr. Sears was much pleased with the appreciation with which his address met, and for the following ten years Virginia received the lion's share of the fund, $214,000. This was distributed to graded free schools with an enrollment of one hundred, on condition that the district pay at least twice the amount given from the Peabody Fund. Often much more than double the amount was required.

From 1877 to the present time Virginia has received about $60,000 in two-hundred dollar scholarships to the Peabody Normal School at Nashville, Tennessee, which institution was endowed in 1910 with $1,000,000 of the fund. Since 1880 Virginia has received annually from the fund about $5,000 for the encouragement of normal courses at the Farmville and Hampton Schools and for summer normal schools; hence, in all, Virginia has received more than $400,000 from this fund. But this fund of $400,000 has been worth ten times that amount because it was used as an incentive fund. To-day an educational commission which is preparing an elaborate report on the better systematization of education in Virginia is also partly sustained by aid from this fund. The boys' farm demonstration movement is likewise receiving aid from it; and the supervisor of rural schools and the supervisor of colored schools are paid from it. It should be observed that this fund has always been used as an incentive. First, it was used as an incentive to establish schools; next, to prepare teachers for these schools; now, to improve and extend the operation of the schools.

In the following table the most encouraging feature is the increase in local funds during the present decade. In the northeastern States of the Union, where public schools were local before they were state institutions, practically the whole school fund is raised by local taxes. In the Northwest the public school funds were gifts of public lands; but to-day this is supplemented by local taxes. The systems were forced upon the South as the result of the Civil War,

and for this reason they have been working out from the States. The best symptom of real interest is the increase of local rates.

GROWTH OF EXPENDITURES SINCE 1871.

Year.	State funds.	County and district funds.	Other funds (local).[1]	Teachers' monthly salary.		Value of school property owned by districts.
				Males.	Females.	
1871	$ 362,000	$ 330,332	—	$32.36	$26.33	$ 189,680
1875	488,490	473,977	—	33.52	28.71	757,181
1880	596,629	490,039	—	29.20	24.65	1,177,544
1885	844,475	606,421	—	31.00	26.88	1,819,256
1890	851,467	705,429	$31,245	31.69	26.61	2,235,085
1895	974,351	805,025	44,910	32.82	26.95	2,982,828
1900	1,015,538	926,993	70,203	32.47	26.18	3,536,293
1905	1,128,262	1,214,973	88,866	36.86	28.11	4,297,625
1910	1,584,933	2,767,302	465,269	47.31	35.83	8,555,343

Schools for the Colored.—The following section of the constitution of 1869 was a guarantee of education for the negro: "The general assembly shall provide by law, at its first session under this constitution, a uniform system of public free schools, and for its gradual *equal* (italics mine), and full introduction into all the counties of the State by the year eighteen hundred and seventy-six, or as much earlier as practicable."[2]

On January 26, 1870, an act of Congress was approved which admitted the State of Virginia to representation in the Congress of the United States on certain conditions. The following condition among others was complied with: "The Constitution of Virginia shall never be so amended or changed as to deprive any citizen of the United States, of the school rights and privileges secured by the constitution of said state."[3] The educational article of the constitution of Virginia of 1869 contained one other section which was meant primarily for the protection of the negro, namely, that "Each city and county shall be held accountable for the

[1] Gifts and supplemental tuition paid by patrons for a prolonged term or for higher courses.
[2] Art. 8, Sec. 3.
[3] U. S. Statutes at Large, XVI, 62, 63.

destruction of school property that may take place within its limits by incendiaries or open violence."[1] This last mentioned fear was probably unfounded. At any rate no buildings are reported to have been burnt by incendiaries.

In the Constitutional Convention the twenty-four negro members had insisted upon the coeducation of the races; but, whatever the conviction of the "carpet-baggers" might have been, they clearly foresaw that the mixture of the races would make inoperative the whole system.[2] The right to compel colored children to attend separate schools was soon judicially upheld, and in 1900 it was further decided that district school boards might determine, without interference by the Federal court, to which race pupils belonged, provided the parents of the pupils were given an appeal to some superior school officer, such as a division superintendent.[3]

Dr. Ruffner, the first superintendent of public instruction, believed in the education of the negro, and began his administration by impartially enrolling white and colored. In 1882 he was superseded by a Readjuster; and, as the Readjuster victory was due to the colored vote, the negro received even better treatment than under Superintendent Ruffner. The Readjuster party (1879–1883) made the improvement of public schools, especially those for the colored, a campaign issue; and for this reason the so-called "Bourbons" (conservative Democrats), who had never been strongly in favor of a public school system, became loud in their praise of public schools. The Democratic platform, drafted in 1883 at the state convention in Lynchburg, advocated colored teachers and trustees for colored schools; and in 1885 free text-books for all children were promised by the Democratic party. When the General Assembly convened, however, the promise was found to be "impracticable at that time except as to colored teachers." By 1886 the Democrats were back in power; and until the last half

[1] Art. 8, Sec. II.
[2] Debates.
[3] 98 Virginia Reports, 499; 36 S. E. 529.

decade the educational conditions of the colored were not much improved. Superintendent J. D. Eggleston and the last three governors, however, have taken a more liberal-minded view, and the table below will show that from the present educational campaign the negroes, as well as the whites, have profited. The law of 1906 which allows the county school boards to apportion county funds among the districts according to the best judgment of the board was prompted by anti-negro sentiment; but too much stress must not be laid on this point, as this phase was not emphasized when the measure was debated.

In 1910 the average salary per month for teachers was as follows: white male, $52.15; white female, $37.54; colored male, $31.21; colored female, $27.82. A still better comparison is the following statement: the annual cost of teaching each white child in actual attendance was $12.84; the cost for each colored child was $5.60.

Though it is impossible to show exactly what portion of public school expenses are borne by the colored, the following table will show approximately what portion they contribute and how much is spent upon them:

Sources of State Revenue for 1909.	Paid by: White.	Colored.
Realty tax	$1,327,268	$ 60,397[1]
Personalty tax	518.732	18,701
Capitation tax	326.591	75,980
Income tax	109,940	24
Other taxes, licenses, etc.	3,716,857	37.168[2]
Total state revenue	$5,999,388	$192,270
Percentage of state revenue	97	3

[1] This item and the three succeeding ones are obtained by subtracting delinquent taxes for 1909, as reported by the state auditor (Annual Report, 1910), from the assessment of 1909 (Annual Report, 1909), where the items are reported separately for the two races. The only considerable delinquent taxes that will be paid later are delinquent realty taxes amounting to $42,993 for whites and $7,855 for colored.

[2] These items are not reported separately for the races, it being assumed that the whites pay practically all. The observations of those by whom it can be best approximated and my own observations place the percentage, paid by the colored, of license taxes, corporation franchise taxes, charter fees, insurance premium taxes, inheritance taxes, and so on, which make up these amounts, at one per cent. However, since some of these items are partly indirect, the negro indirectly pays more than 1 per cent. thereof.

3 per cent. of $1,584,933 (total state expenditures for public schools) ..... $ 47,548
4 per cent of $3,232,571 (total local expenditures for public schools) ..... 129,308[1]
Amount contributed to public free schools by the colored..$176,858
Amount spent on public free schools for the colored, about 500,000[2]

GROWTH OF COLORED SCHOOLS.

Year.	Enumeration. Ages from 5 to 21.	Enrollment.	Daily attendance.	Percentage of attendance on enumeration.	Percentage of attendance on enrollment.	Months taught.	Teachers employed.	Percentage of whom were colored.
1871	164,019	38,554	23,452	14.2	60.8		706	70
1875	202,640	54,941	29,871	14 7	54.3		1,064	50
1880	240,980	68,600	38,764	16.0	56.3		1,256	62
1885	265,249	109,108	60,845	22.9	55 7		1,917	86
1890	275,388	122,059	63,317	22.9	51.8		2,153	91
1895	268,503	120,453	64,700	24.0	53.7		2,243	92
1900	265,258	119,898	66,549	25.0	55.5		2,335	93
1905	214,152[3]	110,059	62,621	29.1	56.8		2,233	97
1910	217,525[3]	119,657	73,155	33.6	61.1	5.99[4]	2,393	99

II. HIGHER EDUCATION.

William and Mary College.—On July 31, 1619, the first General Assembly of Virginia petitioned the London Company to send, "When they shall think it most convenient, workmen of all sorts for the erection of the university and college." A hundred persons, including farmers to till the ground, were sent. The Indian massacre of 1622 caused a check to and a temporary cessation of the ambitious plans. In the year 1660 the General Assembly again considered the

[1] Here is attributed to the colored the payment of 4 per cent. of local school taxes because the latter are derived principally from a property tax which is based upon the same valuation as the state property tax; and of this the colored pay 4 per cent.

[2] The only school expenditures kept separate are the salaries of teachers. For colored teachers $409,711 was spent during the session of 1909–1910. Of the total expenditures for both races, for all purposes, the cost of teachers was 79 per cent. Therefore, as $409,711 is 79 per cent. of $518,621, we might say that this figure represents the amount spent on the colored schools. But because the accommodations for the colored are much inferior to those for the whites, it is only safe to say that the negro receives for public free schools less than $500,000, and pays in taxes, directly, about $176,856.

[3] Between 7 and 20 years.

[4] White schools ran 7.37 months.

establishment of a college. Sir William Berkeley and others subscribed to the fund; but the colony was in a restive state, and the plan was not to materialize for thirty years.

In 1691 Rev. James Blair, of the Church of England, was elected agent for the college by the General Assembly of Virginia. Two years later he secured from England a charter for "William and Mary College." The king and queen, from their private purse, gave £2,000 toward the new enterprise. The English government gave 20,000 acres of land, one penny on every pound of tobacco exported from Maryland and Virginia, and all fees or profits arising from the office of surveyor-general. The same year an export duty on skins and furs was levied for the support of the college. In 1718 £1,000 were appropriated by the General Assembly for the education of "ingenuous scholars, natives of this colony." In 1726 the General Assembly appropriated £200 per annum for twenty-one years out of a tax of one penny a gallon on liquors. The proceeds of a tax on peddlers was likewise set aside for the purpose in 1759.

In 1779 Thomas Jefferson and George Wythe, who had been selected to revise the colonial laws into a code suitable to the needs of a new State, recommended that the office of surveyor-general remain a part of the college, and that the fees arising from the office be retained by the college as state aid. This recommendation was enacted into law by the General Assembly. The idea was to make it ultimately a state university; but when the University of Virginia was established at Charlottesville in 1818 this act was repealed, and the separation of the University and the State was complete.

At the close of the Revolutionary War the twenty thousand acres of land owned in different parts of the State were gradually disposed of, and the proceeds, amounting to about $150,000, became endowment. During the Civil War most of this endowment was lost by investment in Confederate bonds. At this time also the main building was burned by Federal soldiers, and from 1865 to 1881 the

college was maintained only by a financial struggle; from 1881 to 1888 it was closed.[1]

Relations of the State with the college were renewed in 1888. From that time until 1906 the State granted a sum annually to its normal department for men. In the latter year the property, including a small endowment, was transferred to the State; and the college is now administered by a board of ten annual visitors who are appointed, five every two years for a period of four years, by the governor of the State. As many state students as there are representatives in the House of Delegates may be elected by the board of visitors upon the recommendation of the division superintendent of education from the respective districts of the delegates. These students are exempted from tuition fees, and receive board, light, fuel, and laundry for $12 a month. As a matter of practice, any student living within the State may avail himself of these privileges by applying to the president of the college. State students must sign a pledge to teach in the public schools of the State for a period of two years. The very small percentage of state students who fail to fulfill this pledge are not legally proceeded against, it being thought inexpedient. About 50 per cent. of the students are pursuing college courses; the other half pursue courses of high school grade. About half of those enrolled are pursuing the teachers' course which covers thoroughly the high school grades and the equivalent of freshman and sophomore college courses. The degrees of Bachelor of Arts and Master of Arts are also given. The state appropriation for 1911 was $40,000 for support and $15,000 for improvements.

University of Virginia.—In the year 1818, through the influence of Thomas Jefferson, the General Assembly appropriated from the Literary Fund the sum of $15,000 annually for the establishment of the University at Charlottesville, a

[1] For the facts in the above four paragraphs the writer is indebted to the recent interesting book on Williamsburg by Lyon G. Tyler, and also to the interesting Contributions to the Study of History by H. B. Adams.

healthful, centrally located town near the home of this great patron of education.[1] From 1818 to 1825 all of this sum was used for the erection of buildings. In addition to this, three $60,000 loans were obtained from the Literary Fund by acts of the General Assembly. In 1824 this debt of $180,000 was cancelled.[2] In fact, this was a means by which the promoters built more extensively than the General Assembly would have agreed to when the loans were made. An additional sum was raised by private subscriptions, Jefferson, Madison, and Monroe being among the contributors.

In 1825 the University opened with a plant which had cost about $400,000 without encumbrances, and with a $15,000 grant from the Literary Fund.[3] After 1869 this sum was paid from the common state budget, as the use of the income of the Literary Fund had been restricted to the common schools by the constitution of that year.[4] In 1876 the appropriation was increased to $30,000; in 1884 it was increased to $40,000 on condition that students from the State be charged no tuition; and in 1906 it was raised to $75,000 on condition that the university fee for state students be reduced from $40 to $10. The appropriation in 1911 was $90,000.[5]

Until 1904 the government of the University was different from that of any other university in the world. The administration was vested in nine visitors appointed by the governor of the State, at first for one year, afterwards for four years. The visitors with a rector elected from among themselves met annually at the University, and decided such questions as are ordinarily decided by a president. Subject to this general direction of the board of visitors, the affairs of the institution were administered directly by the faculty

[1] Acts, 1817, c. 2.
[2] Acts, 1824, c. 7.
[3] Niles' Register, March 4, 1826.
[4] Constitution, 1869, Art. VIII, Sec. 8.
[5] This included $10,000 for the support of the hospital and $10,000 for interest and a sinking fund on a $200,000 funded building debt which pays 4 per cent. interest. This debt was contracted for new buildings after the fire in 1896. The University, however, has an endowment fund of $1,394,025.

and its chairman, the latter being elected by the faculty for a one-year term, though he was often reelected. The chairman directly discharged the duties usually devolving upon a president, but also had secretarial duties under the general direction of the board of visitors.

Jefferson had copied this system from European schools, but since Virginia had no minister of education it worked quite differently from its models. The system broke down because the board of visitors could not perform the many duties of a twentieth century president; because the chairman of the faculty, who was also a teacher, lacked the time for his duties, even if there was to be found a teacher who also had preeminent administrative ability; also because a consistent administrative policy was impossible when it was dependent upon the views of a faculty or board whose personnel was frequently changing.

In 1903 the General Assembly authorized the board of visitors to elect a president. The following year Edwin A. Alderman, formerly president of Tulane University, was elected first president of the University, the change being brought about long after it was needed but without friction. The term of office for the president and members of the faculty is dependent upon good behavior, a vote of two thirds of the board being necessary for removal. It has been Dr. Alderman's policy to refer all matters pertaining to courses of study and kindred subjects to the faculty much as was done under the old system, and he has always abided by their decision. The leadership of a progressive president has already shown great results. The fourteen unit entrance requirement has been established and enforced; the law school has lengthened its course from two to three years; the medical school has been much improved; the enrollment has grown; the endowment has more than doubled; and the annual grant has been increased. The interest in the summer school has greatly increased, the attendance in 1911 being 1325, the greater number of whom were in the normal department.

Virginia Military Institute.—The Virginia Military Institute was founded in the year 1839. The state arsenal in Lexington had formerly been protected by a body of paid soldiers, but it was proposed that it be guarded by young men who might study at the same time. Out of this proposal grew the Virginia Military Institute, a strictly scientific military college, known as the "West Point of the South."[1] West Point discipline over students attending largely at their own expense has occasionally become a problem. The classes are closely organized according to years; and on two occasions the form of insubordination has been to break barracks on New Year's eve for a pyrotechnic display from the roof. In 1905 the insubordination was in the form of an ultimatum, stating that the class would resign unless there were a decided change, by an appointed day, in the food. In January, 1911, because certain cadet officers were considered over-zealous in their discipline, the third class (sophomore), to annoy these officers, threw loud explosives from barracks.[2]

In 1899 the first class (senior) was suspended, but reinstalled a month later. The insubordination of 1905 resulted only in the dismissal of nine cadets. In 1907 the class was retained upon very hard conditions. In 1911 the third class (sophomore), numbering eighty-odd, was dismissed almost to a man and not reinstated. The precedents set in 1899, 1905, and 1907 were hurtful, and the support given the superintendent of the school by the board of visitors in 1911 is much to be commended. Had the class of 1899 been

[1] The minimum entrance requirements are ten units. As an example of the military and technical training received, we read that at Fort Leavenworth in 1908 four hundred aspirants for military honors took the preliminary examination for the post of second lieutenant of the U. S. Army. Only thirty-six passed. Seven of them were graduates of this school, although only eight cadets from the Virginia Military Institute took the examination (Richmond Times Dispatch, January 16, 1909).

[2] This organized insubordination has occurred in 1880, 1899, 1905, 1907, and 1911.

summarily dismissed it is most probable that the insubordination of later years would have been avoided.[1]

The board of visitors, who are appointed by the governor, have always admitted as state cadets, with free board and tuition, at least fifty young men between sixteen and twenty-five years of age; one from each senatorial district, and eleven at large. The number of applicants is about 50 per cent. greater than the number admitted. For several years past the board has admitted all cadets from Virginia free from tuition. The saving to a "state cadet" is now $235 per annum or $940 for the four years. In consideration of this the state cadet, after graduation, or even after two years of residence, must teach for two years in a Virginia school; or else he must pay in lieu thereof $400 without interest in four annual installments. It has been proposed that those who serve two years in the state militia or pursue engineering in the State should be exempted from the payment of this four hundred dollars. In 1880 a law was passed by the General Assembly of Virginia compelling the superintendent of the school to proceed legally against any state cadet not fulfilling the agreement. The words of this law were underscored throughout, which would seem to indicate that the author drafted it with an intense feeling that the State was being defrauded by some cadets. At present there are few who do not fulfill their obligations, and it is not thought advisable to proceed against them.[2]

At present there seems to be little justification for this expenditure on account of state cadets. In 1909, after the system had been in operation for seventy years, there were only nineteen graduates of this institution teaching or acting as principals in the public schools of the State. It would

[1] A great part of the class expelled in 1911 were exceptional in scholarship and conduct. The large majority were involved to shield the few who are insubordinate by nature. If one fails to act with his class he is to a certain extent ostracised; so it results that a large majority of exemplary cadets are ruled by a small minority of insubordinates.

[2] The state annuity for 1911 was $40,000.

seem that a better plan would be to lend state cadets money for board, uniforms, and books (tuition being free to all from Virginia), without interest and without indorsement, payable one hundred dollars annually after graduation. The names of such as do not pay their annual notes should be published in the annual report of the school unless the cadet is excused by the board of visitors for good reason, such as sickness. By thus using the state cadet appropriation a permanent loan fund would accumulate which in a comparatively short time would make the school independent of other patronage. This plan would assist in discipline, and would extend the opportunity of an education to a much greater number; and an opportunity is all that any young man should ask of the State. The wisdom of this last suggestion, it is but fair to say, is questioned by the superintendent of the Institute.

Schools for the Deaf and Blind.—The Virginia School for Deaf and Blind was established at Staunton the same year as the Virginia Military Institute, 1839. This institution is strictly a school, none being retained who cannot learn. Industrial arts, typewriting, music, and other occupations are taught the blind. This institution has always been for whites only, but in 1909 the Virginia School for the Colored Deaf and Blind was established at Newport News. These schools are free to all Virginians. The grant in 1911 for the support of the former was $50,000; for the latter, $15,000, plus $8,500 for equipment.

Virginia Polytechnic Institute.—In 1862 the Congress of the United States appropriated public lands, or land-script, to the several States in proportion to their representation in Congress, for the establishment of departments of agriculture and mechanical arts. The conditions of the gift were that the students take military training; that the land-script be sold and the proceeds be invested in safe stocks yielding not less than 5 per cent.; that any losses of principal be replaced by the State; that no part of the principal be in-

vested in buildings.[1] After the Civil War a further condition was imposed, requiring a just portion of the fund to be devoted to the colored. The University of Virginia showed very little interest in having this department attached to itself, and the Virginia Military Institute had not sufficient land in its immediate locality. But in the southwestern section of the State the legislators and a few progressive persons bestirred themselves, and offered the Olin Institute buildings and grounds with a $20,000 bonus from the county for an additional building; and in 1872 the Agricultural and Mechanical College of Virginia opened at Blacksburg, an inaccessible village in a fertile section of Montgomery County.

The General Assembly ordered the state board of education to sell the land-script and to invest the proceeds in Virginia bonds issued since the adjustment of 1871. In 1877 the board of education was directed to turn over all bonds resulting from the sale of the "script" to the second auditor, who was to cancel the same and enter them as registered bonds. On this $516,624, 6 per cent. interest, or $30,988 per annum, has always been allowed. By acts of Congress passed in 1890 and 1907 lump appropriations were made for schools of this type, which in 1913 will aggregate $75,000 per annum. But of this $105,988 annuity one third must go to Hampton Normal and Industrial Institute for the colored race, a non-state school which gives excellent normal and agricultural courses.[2]

By acts of Congress in 1887 and 1906, $30,000 per annum has been granted each state for agricultural experimentation.[3] In 1888 the General Assembly of Virginia made an experimental station a part of the Agricultural and

[1] Act of July 2, 1862, ch. 130, 12 Stat. L.

[2] The governor appoints visitors to this school, but the superintendent is selected by a non-state board. This school, which has done so much for the colored of the State and the South, is supported by Northern philanthropy. It has had two noble superintendents.

[3] This Virginia Experimental Station is under the control of a committee of the same board of visitors that controls the school.

Mechanical College of Virginia. To this $30,000 the state has added $5000 for the publication and circulation of bulletins to be sent to all newspapers of the State and to all farmers who apply. In 1910 the State granted the school $60,000 for support in addition to the above Federal funds.[1] The board of visitors is composed of the president of the board of agriculture, the superintendent of public instruction, and eight men appointed by the governor of the State from farmers, mechanics, and graduates of the school.

A number of students equal to four times the number of members of the House of Delegates, or about four hundred, apportioned in the same manner, have the privilege of attending the school without charge for tuition, or use of laboratories and public buildings. According to law, students should be appointed by the public school trustees of the delegate's district; but in practice any student residing in the State can avail himself of these privileges by applying to the president of the college. The president is making an earnest effort to raise the entrance requirements, with gradual success. The minimum requirements are now from eight to ten units, though any farmer may enter the six weeks' practical course offered each winter.

State Normal Schools.—The Virginia Normal and Industrial Institute (colored), for males and females, was established at Petersburg in 1882, while the Readjuster party was in control of the State. The school fared best while this party was in power, but has always received an annual grant, which is now $20,000. Students are admitted on the same conditions as at the Virginia Polytechnic Institute. When it was established and during its early days colored men were on the board of visitors, but these have been replaced by a most excellent board of whites who are in full sympathy with the education of the colored. The school is quite well managed by a colored superintendent.

[1] In addition to this the State appropriated $6750 to the school for interest and a sinking fund on a building debt of $115,000; $6000 for a school of mines; and $5000 for crop experimentation.

The State Female Normal School at Farmville was opened in 1884. Until 1909 this was the only state school of higher or special training admitting white women. According to law, each county and city is entitled to free tuition and room and board at a very low figure for one student, provided each county or city have in the school, free from tuition, as many students as it has delegates in the General Assembly. Each state student must give evidence of her intention to teach for two years in the schools of the State. In practice, any young woman from Virginia can avail herself of these privileges. The entrance requirements at the Farmville Normal School have of necessity been very low. Previous to 1909, students could enter from the grades; in 1910 the policy was to admit those who had exhausted the public school facilities at their homes; in 1911 the prerequisite to entrance was one year in a high school. The requirements for graduation are a complete high school course plus two years of professional training.

A kindergarten and graded school, composed of several hundred town children, are well taught by advanced students. High school girls of Farmville also attend this school by paying a nominal tuition. It would seem to the writer that only those taking strictly normal work should be admitted for less than private school rates of tuition, as there is no reason why the State should totally support the high school of any locality. Also, it is an injustice to the boys of the community, as the arrangement has prevented the proper development of a city high school. This school is developing a very good kindergarten training department, and it would seem that the other state normal schools, for the present at least, should not attempt to develop this department, as it would be wasteful duplication.

The Harrisonburg Normal and Industrial School was opened in 1909. It is for young women, but men are admitted to the classes during one summer term. Practically any young woman from Virginia desiring to teach can enter here on the same conditions as at Farmville, except that two

years of high school preparation are required. The course consists of a four-year normal course with emphasis upon domestic science, household manual training, and gardening. A somewhat unique feature of this school is the system of four terms. The school is open eleven weeks during the summer, so that by taking short vacations it is possible to save one year in completing the full course; and teachers from short term country schools can annually take two of the four terms. The system shows progress and is working excellently.

There is no training-school directly connected with the normal school, but all seniors get experience in the Harrisonburg Graded School, which is one of the best in the State. The Harrisonburg High School also, unlike that at Farmville, was one of the very best when the State Normal School was established; therefore high school girls from the town do not attend the Normal School. As Harrisonburg has two graded schools for whites it would seem well if one could be gradually turned over to advanced normal students. Patrons are apt to think that their children are being experimented upon, but in fact children are better taught in a well-conducted training school than in any other, as the teachers are under the constant supervision and direction of pedagogical experts.

The Fredericksburg Normal and Industrial School was opened in 1911. It is similar to the Harrisonburg Normal School except that it has not the summer session and that its only entrance requirement is that an applicant shall have exhausted the public school facilities offered in his home town. The Radford Normal and Industrial Institute is expected to open in 1912, and this school will be somewhat similar to the Harrisonburg and Fredericksburg Normal Schools. It seems that until women are admitted at the University of Virginia one of the state normal schools should have a department for training high school teachers, requiring a full high school course as a prerequisite to

entrance. This would not take the place of a full college course, but would be a step in the proper direction.

In 1911 the above named female normal schools for whites received from the State a total of $100,000 for support and $150,000 for permanent improvements. The students are expected to pay a sufficient amount to cover the cost of maintaining the mess-hall and paying for laundry, light, and heat. For these items the Farmville and Fredericksburg Normal Schools charge $15 a month; the school at Harrisonburg charges $14. William and Mary College has been charging only $12, according to the letter of the state law. But to do this the mess-hall fund had to be supplemented from the state annuity. All of the state normal schools are controlled by boards of visitors appointed by the governor of the State; and each of these boards has selected a practical, enthusiastic school man as president. Another inexpensive but efficient state normal school is needed for the colored somewhere in the vicinity of Lynchburg. There is no greater defect in the administration of schools in Virginia than that of having one third of the population taught by teachers the large majority of whom are in no sense prepared for the work.

The normal departments in twenty-four high schools have been described under the head of high schools. In addition to all the normal schools mentioned there have been recently started fifteen one-month state summer normal schools conducted throughout the State, with an attendance of more than three thousand, in addition to the thirteen hundred at the University Summer Normal School. Each of these is in charge of a conductor appointed by the state superintendent of public instruction, who also selects the places for holding the schools. These summer normal schools are supported by an appropriation from the state school fund, supplemented by additional sums from the cities and counties in which the schools are conducted.

The recent growth of normal schools in Virginia is one of the most striking improvements of the Virginia public school

system; but unless the much needed legislation which established these schools is supplemented by additional legislation which will raise the salaries of teachers, the State will find itself repeating the mistake of the past when it spent large sums on colleges and provided no public free high schools to prepare pupils for the colleges. The result was that an unduly large proportion of the college students were from other states. Unless salaries are in some manner raised, those whom the State will train will go elsewhere to teach on better salaries. They can be held in the State by a minimum salary law applying to all teachers holding collegiate or professional certificates. Two objections may be raised to this. First, some will object to applying the minimum salary law to colored teachers. The reply is that there is no greater waste of school funds than the employment of inefficient teachers even if they can be had at low salaries. A professional teacher, white or colored, is cheap at any reasonable price. Another objection is that a minimum salary for teachers holding professional certificates would cause trustees to accept teachers without professional certificates. The writer does not believe this; but if the minimum salary law should have this effect, all schools of a certain standard could be required, under penalty of forfeiting state aid, to employ teachers with collegiate or professional certificates.

Other State Aid.—The Medical College of Virginia receives an annual grant of $5,000 from the State, though it is not a state school. To obviate the constitutional prohibition against supporting non-state schools, a board of visitors is appointed for the school. In addition to the support given the above institution and the state schools already mentioned, the State annually gives indirectly $63,914 to three state and seventeen non-state schools.[1] In 1902 an act of the General Assembly allowed "schools and colleges" holding Virginia state bonds to continue receiving the original rate of 6 per cent. interest as they had always done, though

[1] Report of the Second Auditor, 1910.

all other bonds had been refunded at 3 per cent. in 1892. If these bonds held by schools produced only 3 per cent., the rate paid on all other state bonds, the State would pay $63,914 less interest on the state debt; therefore the State practically appropriates this amount to these schools.[1] The constitution of 1902 prohibits the State, county, or city from appropriating to a non-public school, but makes a specific exception in favor of this indirect appropriation.[2]

In 1911 the State spent on these permanent state schools of higher or normal education for all purposes between $600,000 and $700,000. In addition to this, these schools, excluding those for the deaf and blind and the normal schools, may each draw from the state treasury annually a sum equal to 1 per cent. of its annuity; this money is used as a permanent loan fund for deserving scholars, who receive sums not exceeding $100 each for any one session upon which they pay 4 per cent. interest.[3]

Discussion.—The Virginia state schools of higher education lack both coordination and subordination. Their work is not coordinate, does not properly fit together, because there is nobody to make it fit together. When there were only a few state schools, and comparatively few departments of government to be administered, the governor had some opportunity to determine school policy through the boards he appointed, if he were inclined to do so. Today this is impossible for a busy governor; and if education, which consumes nearly one half of the State's revenue,[4] is

[1] In this calculation we have taken into consideration that the Federal act giving the "land-script fund" to the states for agricultural and mechanical colleges requires the payment of at least 5 per cent. interest. That is, this $63,914 includes $5181 or 1 per cent. of the $516,624 in the land-script fund, the difference between 5 per cent. which the State is obliged to pay and 6 per cent. which it does pay.

[2] Constitution, 1902, Art. 9, Sec. 142.

[3] Acts, 1908, c. 284.

[4] In 1909 46 per cent. of the state revenue was spent on education, including state money spent on buildings and improvements. This figure applies only to state revenues. Through local taxation a sum almost as large was raised for public schools (Mill Tax Report of the Virginia Education Commission, p. 7).

ever to be permanently systematized and administered according to economic principles, a commissioner of education, appointed by the governor, with a salary which will attract talent and experience, is essential. No system can perform its purpose without a single head; yet state education in Virginia has ten heads, no one of which has the promotion of state schools as its prime interest. Reference is made to the nine boards for state schools and the state board of education for primary and secondary education. As a result, three state schools offer courses in engineering, half of the state schools are retarding the development of high schools by robbing them of pupils who could as well pursue high school work at home; school supplies are purchased separately by the schools which could be had more cheaply if bought in larger quantities. Examples could be multiplied.

In regard to the engineering courses at three schools, it has been pointed out that the Virginia Military Institute is primarily to develop health and character rather than to offer the specialized course of the average college; that the Virginia Polytechnic Institute is a school for practical engineering; that the University of Virginia emphasizes theoretical graduate courses. Yet it seems that at least two of these schools could have been combined to the economic advantage of the State. It would seem that the shops at the Polytechnic Institute would be helpful at the University; and that the advanced theory at the University would be inspiring at the Polytechnic Institute. At least the existing four female normal schools for whites are needed, but unless these schools are coordinated by a commissioner of education a loss will result. Instead of delegating kindergarten work to one, manual and domestic arts to another, and a department for high school teachers to the third, each will naturally endeavor to develop all three.

The existence of five state normal schools whose entrance requirements vary from no high school work to two years of high school work results in the State's paying for high school work which should be supported by the localities; and

this will be done by the localities, at a moderate cost to the State, if the latter appropriates conditionally toward the support of high schools. In fact the University of Virginia is the only state school which requires a full high school course as a prerequisite to entrance. The Military Institute and the Polytechnic Institute are both striving for this goal; but each knows that its attendance will fall off when it raises the standard, which would make a bad showing in the eyes of the public. A strong commissioner of education could set this standard with immunity to himself. Of course non-state colleges might continue robbing high schools, but this would not be at state expense; and there are constitutional means by which this could be prevented if it were the business of any one man to have such laws enacted and enforced.

There is a considerable sentiment in favor of state provision for the collegiate and university education of women. It is a fact that a large majority of high school graduates are girls, and that the number of women teaching in our high schools is becoming larger every year. At present the State cannot afford an additional school plant; but if a normal course for men were offered at the University, William and Mary College might be turned over to women. Here both an advanced normal course and a course leading to the degree of Bachelor of Arts could be offered; but for the courses leading to the degree of Master of Arts or Doctor of Philosophy there should be no objection to admitting women at the University.

The Virginia Education Commission has recently issued an interesting tentative report[1] on a proposed mill tax for the educational "system" of the State. The report recommends that for the support of elementary schools, high schools, normal schools, and institutions of higher instruction there be set aside from the annual revenues of the State a sum equivalent to two and one third mills on the taxable

[1] This report was prepared by the secretary of the commission, Charles G. Maphis, who has given much helpful data to the writer for the preparation of this section.

property of Virginia from which the school revenue is now derived, which would be in lieu of the present school tax and all the regular annual appropriations for maintenance heretofore made for this purpose from the state treasury, except the capitation tax and the proceeds of the Literary Fund.

The report shows that sixteen States have adopted this method of support for one or more of their educational institutions, and twenty-one out of eighty-three universities and other institutions of higher education are supported in whole or in part by a mill tax. The arguments advanced for the mill tax are that it permits a fixed policy; that revenues keep a proper pace with wealth; that it provides staple support in times of financial depression; that it prevents undignified lobbying at the legislature by college presidents; that it saves time and annoyance to legislators and prevents "log-rolling" and "wire pulling"; and that it adds to the self-respect of school men. The Education Commission will make a report to the biennial session of the General Assembly of 1912, but expects to continue its work for an additional two years in its efforts to bring about greater coordination in the school system of Virginia.

CHAPTER II.

THE ELECTORATE AND ELECTIONS.

The Electorate.—Even in colonial days suffrage was more extensive in Virginia than in England, but as late as 1824 Jefferson estimated that a majority of freemen in Virginia were excluded from the franchise. From 1776 to 1850 there was a light property qualification; and from 1850 to 1869 every white male citizen of the Commonwealth twenty-one years of age, who had been a resident of the State for two years and of the county or city for twelve months, could vote. The constitution of 1869 extended the suffrage to every male citizen of the United States twenty-one years of age, thereby including negroes; and reduced the period of residence to one year in the State and three months in the county or city.

From 1877 to 1882, however, the payment of a one dollar capitation tax was made a prerequisite to voting.[1] There were two motives for this capitation tax; first, to produce revenue;[2] and second, to restrict the negro vote. The restriction upon both the white and the colored vote, and especially upon the latter, would have been much greater than it was had the voter been left to pay his own tax. But during this period the Republicans and Readjusters were making successful attacks upon the Democrats; and since the former were receiving more assistance from Federal office-holders and the national political fund, they could afford to pay delinquent capitation taxes of the negroes with

[1] The amendment was finally approved by Acts, 1876–77, c. 271; repealed by Acts, 1881–82, c. 78, which authorized the governor to proclaim it repealed upon a vote of the majority in the November election. From 1872 to 1877 no child could attend a public school whose father, if alive, a resident, and not a pauper, had not paid the last capitation tax assessed against him (Acts, 1871–72; 1876–77, c. 38).

[2] See Capitation Tax in chapter on Finances.

more ease than the Democrats could pay those of the delinquent whites; and thus, when the amendment for the repeal of this prerequisite to voting was submitted, the Democrats seemed to have made very little opposition. In some cases the county treasurer would hand over a batch of receipts for capitation taxes which had never been paid. Other treasurers with more of the mercenary spirit would furnish the receipts on condition that the politician would pay for such as he used. This tax could be paid as late as the night before the election. This prerequisite to voting was abolished in 1882, while the Readjusters and Republicans were in power.

By the end of the nineteenth century the negroes generally realized that they could not be elected to office; and in the thirty-odd counties where negroes were in the majority it was almost as well known that they could not elect the man of their choice. The election machinery was in the hands of the whites, and if the negroes actually cast the majority of ballots for one of their own race, he was "counted out" by the judges of election. But they continued to be irresponsible tools, usually in the hands of the more corrupt candidates. This was especially shown in liquor local option elections.

The fraudulent control of elections became a habit, and it was used to a considerable extent against whites as well as against negroes. The condition was most unsatisfactory, and when it was observed that other Southern States had practically eliminated the negro vote by legal means, the demand for a reformed electorate in Virginia became the most influential plea for a constitutional convention. When the Constitutional Convention of 1901–1902 met, it considered the question of suffrage, from time to time, for more than twelve months. The majority of delegates from the black belt desired to disfranchise practically all negroes, while those from the northern and western sections of the State desired to save all whites.[1] The result was a com-

[1] The Democratic state convention which had proposed that a constitutional convention would be called had made a party pledge that no white man should be disfranchised.

promise; but the franchise was much restricted by the requirements of longer residence, a capitation tax as a prerequisite, and an educational test.

However, by a special "white carry-all" permanent registration to extend through 1902 and 1903, the following male citizens of the United States, twenty-one years of age, who had resided in the State two years and in the county, city, or town for one year, were allowed to register upon the permanent roll:

"First. A person who, prior to the adoption of this Constitution, served in time of war in the army or navy of the United States, of the Confederate States, or any state of the United States or of the Confederate States; or,

Second. A son of any such person; or,

Third. A person who owns property, upon which, for the year next preceding that in which he offers to register, state taxes aggregating at least one dollar have been paid; or,

Fourth. A person able to read any section of this Constitution submitted to him by the officers of registration and to give a reasonable explanation of the same; or, if unable to read such section, able to understand and give a reasonable explanation thereof when read to him by the officers."

Since the first of January, 1904, every citizen of the United States, twenty-one years of age, two years resident in the State, and one year resident in the county, city, or town, has registered or may register, provided:

"First. That he has personally paid the proper officer all state poll taxes assessed or assessable against him, under this or the former Constitution, for the three years next preceding that in which he offers to register; or, if he come of age at such time that no poll tax shall have been assessable against him for the year preceding the year in which he offers

to register, has paid one dollar and fifty cents, in satisfaction of the first year's poll tax assessable against him; and,

Second. That unless physically unable, he makes application to register in his own handwriting, without aid, suggestion, or memorandum, in the presence of the registration officers, stating thereon his name, age, date and place of birth, residence and occupation at the time and for the two years next preceding, and whether he has previously voted, and, if so, the state, county, and precinct in which he voted last; and,

Third. That he answer on oath any and all questions effecting his qualifications as an elector, submitted to him by the officers of registration, which questions, and his answers thereto, shall be reduced to writing, certified by the said officers, and preserved as a part of their official records."[1]

Every person, except veterans of the Civil War, must "personally pay[2] at least six months prior to the election,[3]

[1] The following classes, somewhat more extensive than in previous constitutions, are excluded from suffrage: idiots, insane, paupers; persons convicted of crime and disqualified before the adoption of the constitution; persons convicted after the adoption of the new constitution, of treason, felony, bribery, petit larceny, obtaining money or property on false pretenses, embezzlement, forgery, or perjury; duelists and their assistants; Federal soldiers and marines unless citizens of the State previous to being stationed therein; inmates of a charitable institution; students in an institution of learning. That is, a student is not regarded as having either gained or lost a residence, as to the right of suffrage, by reason of his location or sojourn in such institution.

[2] In Tilton v. Harmon (109 Va., 503) "personally pay" is construed to mean that it may be paid by check, or it may be "paid with the citizen's money sent to the treasurer by a member of his family, by his clerk, or other duly authorized agent, and perhaps there are other ways by which the money could be paid to the treasurer."

[3] An Act of 1908 (c. 73) has been held constitutional which provides that in a special or local option election held between January 1 and the second Tuesday in June any person may vote who has paid his capitation taxes six months before the second Tuesday in June; and between the second Tuesday in June and December 31 any person may vote who is entitled to vote in the general election on the Tuesday after the first Monday in November.

all state poll taxes assessed or assessable against him . . . during the three years next preceding that in which he offers to vote."

Registration.—The registration and election machinery has been in the hands of the courts or the General Assembly. Previous to 1884 a registrar for each precinct was appointed by the county or city judge. The three judges of election for each precinct were likewise appointed by the county judge, but the clerks of election were selected by the judges of election. Since 1884, county and city electoral boards,[1] composed of three members, have appointed registrars,[2] judges of election, and clerks of election.

The registrars sit twice a year to register new voters, but one may be registered at any time during the year. Five days before each sitting, and also on the day of election, the registrar must post at the place of voting a list of persons registered. Separate registration books for whites and negroes are furnished by the secretary of the Commonwealth. The county or city clerk of the court must keep for inspection a list of registered voters; and he must keep a separate list of those who registered before 1904, as these persons are entitled to certain privileges.[3]

Five months before each regular election the county treasurer must send to the clerk of the circuit court of the county or clerk of the corporation court of the city, a list of electors who have paid their capitation taxes[4] not later

[1] From 1884 until 1894 these electoral boards were selected every two years, and from 1894 until 1904 every four years, by a joint resolution of the General Assembly. Since 1904 the electoral boards have been appointed, one each year for three years, by the circuit or corporation court.

[2] Special registrars were appointed by the Constitutional Convention of 1902 for the special registration of 1902 and 1903.

[3] The permanent lists can always be found, but registrars have been careless in returning lists of those who have registered since 1903, for which reason the only way to learn the total registration of the State would be through several thousand registrars. The number of poll-taxes paid is some indication; but veterans are not required to pay a poll-tax as a prerequisite to voting, and illiterate negroes who have acquired a small piece of realty since 1903 are compelled to pay poll-taxes though they cannot vote.

[4] This tax is $1.50 annually.

than six months prior to such election for the three years next preceding the year in which such election is held. The clerk has the sheriff post the list at each precinct, and upon election day furnishes a list to a judge of election at each precinct. He also sends the list to the state auditor, who holds the treasurer responsible for all capitation taxes reported.

Elections.—Since the Civil War, elections have been conducted by three judges of election and two clerks of election. In 1873, when they were appointed by county or city court judges, the General Assembly provided that "whenever it is practicable to do so," one of the three judges should be of the most numerous minority party.[1] In 1884, when the appointment was transferred from the court judges to the electoral boards, a fine of from one hundred to five hundred dollars was made the penalty for not giving minority representation; but such neglect did not make the election void.[2] The law of 1904 provides for minority representation "so far as possible," and imposes a fine of from one hundred to five hundred dollars for a non-observance of this provision.

Previous to the constitution of 1869, voting in Virginia was always in that "straight-forward honorable viva voce manner of the good old days." The introduction of the negro into politics made the dependent class of voters in the majority, and a secret ballot was the natural and proper result. Hence, from 1869 to 1894 a ballot was handed to the judges of election through a window and deposited in a ballot-box which had been opened and locked in the presence of the voters at the beginning of the election. A corrupt judge of election had an excellent opportunity to deposit several ballots from the same voter.

In 1894 the Australian Ballot Law,[3] which was urged by M. L. Walton, made the ballots official. Previous to this any written or printed ballot could be used. Under this new

[1] Acts, 1872–73, c. 200.
[2] Acts, 1884, c. 158.
[3] Acts, 1893–94, c. 746.

law, the essentials of which still exist, candidates for state and national offices notify the secretary of the Commonwealth of their candidacy; those for local offices notify the county or corporation clerk of the court. These names are then furnished the secretary of the county or city electoral board, who has them printed upon the ballots. While they are being printed he must be present; and both he and the printer must take oath, under heavy penalty, that the ballots have been secretly prepared. The electoral board then stamps upon the back of each ballot an official seal of the board's own design; wraps into separate sealed packages for each precinct twice as many tickets as there are registered voters; and forwards the same to a judge of election at each precinct, who must open the package in the presence of the other judges and the clerks of election.

The electoral board also provides a sufficient number of booths at each precinct, forty feet away from outside parties, to allow each voter two and a half minutes in the booth for the secret preparation of the ticket which a judge of election hands him when he enters. This law was construed to prohibit a party emblem upon the ballot; and the constitution of 1902 specifically prohibits it. The voter draws a line at least three fourths of the way through the name of the candidate he opposes; and by improperly marking only a part of the ballot, the remainder is valid. A ballot may not be carried outside the polls.[1] Until 1904 a voter who was physically or educationally unable to mark his ballot could be assisted by one of the judges of election selected by the other judges for the purpose.[2] Every one who has registered since January 1, 1904, must "prepare and deposit

[1] The constitution of 1902 grants the use of voting machines, provided they allow the elector to vote secretly. None have as yet been used.

[2] The original measure provided for a special constable appointed by the electoral board to give this assistance, but Mr. Walton, the author of the bill, did not want a special constable. The provision for this officer was a concession to machine Democrats who wanted their electoral boards to name a constable of the dominant party. The office was dropped by the next General Assembly because of the unnecessary cost.

his ballot without aid unless physically unable"; but one who registered previous to 1904 may, for any reason whatever, "be aided in the preparation of his ballot by such officer of election as he himself may designate."

This privilege granted the old electorate is being much abused in some sections. For instance, in the 1910 election, in the ninth district where as much as fifty dollars was paid for a single vote, the seller would be required to call a specified judge of election to mark his ballot. This judge of election would signal to the purchaser whether "the goods had been delivered" before the payment was made. This privileged class of voters, however, is gradually becoming extinct.

After the ballots are counted in the presence of two electors from each party, they are strung, sealed, and, with a poll book, delivered to the court clerk of the county or city to be kept unbroken for twelve months. The second day after the election the vote for the county or city is canvassed by the clerk of the court with three other persons, who have acted as judges of election and have also been commissioned by the circuit or corporation judge for this additional function. When state or national offices are involved, the results are forwarded under seal to the secretary of the Commonwealth, and he, with the governor, attorney-general, and auditor, as a board of examiners, issue certificates of election.

This Walton Law, a modification of the Australian Ballot Law, is a great improvement upon the old system. Before this reform, voters would be made drunk the night before an election, locked up until morning, and then driven to the polls and voted. However, in Scott County in 1900 the county electoral board had the ticket printed in such a confused manner that an enormous number of tickets had to be thrown out.[1] The electoral board was Democratic; the majority of votes were to be Republican. More recent legislation has made such ballots illegal. While the ballot

[1] Richmond Times, November 24, 1900.

should be perfectly simple to vote, the arrangement of names of candidates should be made to rotate in some irregular manner. For two reasons this should be done; first, it would prevent the use of a stencil by illiterate voters who, by hook or crook, have been registered since 1904; and second, it would remove the unfair advantage of appearing first on the ballot. The ballots should also be numbered, that the judges can be certain that the same ballot is returned which has been taken into the booth. By losing one vote it is possible for the first voter of a corrupt clique to deposit a fake ballot, and bring a true ballot from the polls. By thus having the start of one ballot, the ballots of any number of voters can be prepared on the outside. These two precautions, namely, the rotation of the names of candidates[1] and the numbering of the ballots, could be taken by any electoral board without any general legislation.

- *Corrupt Practices Act.*—"No candidates . . . shall expend, pay, promise, loan, or become pecuniarily liable in any way for any money or other valuable thing to influence voters on his behalf, or permit the same to be so used, with his knowledge and consent, by his friends or adherents in any election, primary or nominating convention: provided, however, that no expenditure made by any candidate or his adherents and friends for the purpose of printing or advertising in some newspapers, or in securing suitable halls for public speaking at a reasonable price, shall be deemed illegal." Nor shall any other person do the same for a candidate under a penalty, for the candidate or other party, of not more than one thousand dollars or twelve months in jail.[2] "No witness giving evidence in any prosecution or other proceeding under this act shall be ever proceeded against for any offense against this act or against the other election laws committed by him at or in connection with the same election, primary or convention."[3]

[1] An unduly long ballot tends to defeat the purpose of democracy. Subordinate officers should be appointed, thereby making more prominent the election of a few officers in whom responsibility is centered.

[2] Acts, 1902–3–4, c. 98. Vote-selling or vote-buying is a crime penalized by permanent disfranchisement.

[3] Acts, 1908, c. 315.

After every primary or election a candidate must file, under oath, with the officer or board empowered by law to issue a certificate of election, a detailed statement of expenditures incurred because of his candidacy. Failure to file such a statement within thirty days subjects the candidate to a fine of not more than five thousand dollars; and no commission or certificate of election may be issued until such a statement is filed.

Primary Elections.—Previous to 1903 all candidates for state offices had been nominated by a state convention of delegates chosen by county or city conventions, county officers being nominated by county conventions; but in either case the party electors first met at a primary mass-meeting for each precinct. It was in these precinct meetings that muscle counted for more than merit, and a doubly strong voice frequently counted for two votes. These meetings were often held during working hours for the convenience of the idle; and if an employer of a large number of men could be induced to give half holiday on full pay, the primary was carried triumphantly.

The Democratic gubernatorial convention of 1901 made it mandatory upon the state committee to provide and execute a plan of primary for the nomination of all state officers, including United States senators. In the first primary, in 1903, viva voce voting was employed. This was especially objectionable in voting for local officers, since one often hesitated to express himself in regard to neighbors; and the vote was very light. Of course, the greatest objection to viva voce voting is the probability of intimidation and the facility for vote-buying, as the purchaser can then be sure that the agreement has been performed. Since this first primary the Australian system of secret voting has been employed, and only those whites qualified to vote at the general election are allowed to participate in the Democratic primary. The pledge required of those taking part in the primary, namely, that they will support the party nominee, keeps away some, though in most precincts the oath is not

administered, but implied. This pledge is most inconsistent with independent voting, Democracy, and good government. If a corrupt candidate, whom a voter cannot conscientiously support, enters the primary, the voter is in honor bound not to vote in that primary; and he thereby assists the corrupt candidate by his absence. The test should be whether he voted for the party candidate at the last regular state or national election. When it comes to fraudulent participation in a primary, those guarding the primary can best determine the right of the voter to participate by what he has done in the past, and not by what he intends to do in the future.

In the primary a plurality of the votes actually cast secures the nomination. In practice the number of candidates entering the primary for any one office has usually been two, which is principally due to the fact that the candidates have to bear the cost of the primary in addition to the heavy cost of the campaign. The first Democratic state primary cost $9,800, which was assessed upon the candidates as follows: three candidates for governor were assessed $1,500 each, and two for the United States Senate were assessed the same. The candidates for the remaining six state offices were assessed from $100 to $500 each. In 1911 the four candidates for the two seats in the United States Senate were assessed $3,000 each. Though this amount is inconsiderable as compared with the cost of a well-organized campaign, and though it has a tendency to reduce the number of candidates, it seems that the primary should become a part of the state election machinery, and that the expenses of it should be borne by either the county or the State. The primary has been given statutory recognition,[1] but practically a free hand has been left to the political party.

[1] The constitution of 1902 permits the General Assembly to provide for an official primary; but this has not been done. However, Acts, 1902–3–4, c. 587, provides that, "All laws intended to secure the regularity and purity of general and local elections, and to prevent and punish any corrupt practices in connection therewith, and the penalties and punishments now or hereafter prescribed by law for such offenses, shall, so far as they may be applicable, apply to all primary elections, whether the same be held under any statute law of this State or under a plan provided by some political party."

The Republican party continues to observe the convention plan. The Democratic state committee, in providing for a state primary, has not provided for obligatory county primaries; but most of the Democratic county committees have provided for county primaries similar to the State primary.

Discussion of the Present System.—The wholesale disfranchisement provided for by the constitution of 1902 was necessary.[1] The governor of the State in his message of 1898 referred to instances where one third or one half of the Australian ballots were thrown out because of the illiterate electorate, and this was true even when all who were not too proud could seek the assistance of a judge of election. As a remedy the governor suggested an emblem ballot; but the General Assembly wisely ignored his suggestion. Is it surprising that a reform candidate cannot be elected in cities where the balance of power is in the hands of electors whose utmost discretion is shown in the choice between an elephant and a jackass? Or, illustrated in another way, is it not a reductio ad absurdum when voters who can neither read nor write have the balance of power to decide who is the most capable educator for the state superintendent of public instruction?

Next, as to the methods of disfranchisement. Under the temporary registration of 1902–1903 the unconditional admission of war veterans and their sons, the so-called "grandfather clause," was a means of marching the army of whites through the fortification of the fourteenth amendment to the Federal Constitution. However, it was not without justification. One who has spent four of the best

[1] By some the convention was criticized for not submitting the constitution to the people. Had it submitted it according to precedents it would have submitted it to the new electorate; and this electorate would have ratified it overwhelmingly. Three times in the history of the State, the suffrage was extended by constitutional conventions, and each time it was ratified by the votes of the new enlarged electorate. The Democratic party, in convention, had promised to submit the new constitution, hence it committed a breach of party faith; but the constitutional convention was not bound by the pledge of any party convention, and could not have been legally bound even by an act of the General Assembly.

years of his life in the army of a State unable to pension him deserves tolerance, and many sons are now deficient in education or property because their fathers sacrificed their lives to the State and the boys had to support the war-stricken family.

The clause requiring residence for two years is good. The majority of transient voters are of that worthless class which a "ward-heeler" can use for his purpose; and those who will improve the electorate need to live in a community before learning the comparative merits of candidates. The payment of a dollar and a half annual capitation tax for the three years preceding the election, as a prerequisite to voting is an excellent provision;[1] and especially good is the requirement that it be paid six months in advance of the regular election. For revenue there is little if any justice in such a tax; but the amount is nominal for those who have sufficient intelligence and frugality to deserve a ballot. These capitation taxes are not paid by politicians to as great an extent as would be expected, and for three reasons; first, such payment is illegal; second, nominations for office are not usually made six months before election; and third, a voter who will allow his tax to be paid in consideration of his vote is not infrequently three years in arrears, and the amount to be paid is thus more considerable.

The weakness of the plan is that most elections in a one-party state are determined at the primary. In fact, in a number of counties in which an actual election contest with an opposing party will decide, the primary is held more than six months in advance of the election, so that the capitation tax requirement may be evaded. This scheme has only recently been used; and it not only enables the political parties to qualify the class which the Constitutional Convention endeavored to eliminate, but it practically forces a party organization to pay the poll-taxes of a large indifferent class who would not actually sell their votes. This encumbers

[1] In the constitutional convention this section was carried by 57 to 16.

candidates with a heavy expense, and works to the advantage of a machine candidate or one who is already in office. as a candidate without means will hesitate to incur the heavy cost. This new and dangerous scheme should be checked at once by legalizing the primary and appointing dates for all primaries less than six months before the election. The saloon element has been active in paying the capitation taxes for its retainers previous to liquor local option elections. Some people hold the view that this poll-tax prerequisite injures the electorate instead of improving it. They show how professional politicians, especially in cities, look after the taxes of those who can be influenced, while many honest voters through carelessness allow the time for paying the poll-taxes to lapse. To some extent this is true. The condition should be met by requiring treasurers to notify, by a postal card, those who have not paid the poll-tax one week prior to the final date upon which the payment will qualify for voting.

The exacting of an educational test for registration is legislation in the right direction; but the provision as drafted was not favored by a strong minority of the Constitutional Convention because it placed too much discretion in the hands of the registrars. Delegates from the "black belt" claimed that a straight automatic reading and writing test would soon exclude no negroes, and that the mere acquisition of a knowledge to read and write would not make the negroes proper voters. This is true, but the requirements should be higher, and should be fairly administered to all.

Since the State has committed itself to an educational test, the questions should be uniform and the grading of the answers uniform. A few practical questions such as are now considered proper to ask orally should be prepared semi-annually for the whole State by some person or persons agreed upon by the chairmen of the two leading political parties. These questions, sealed, should be sent to a registrar for each precinct, and all over the State, on the same

day they should be answered in writing by all persons who register conditionally. The examinations could be given on Saturdays in schoolhouses, and each party could be permitted to have watchers. In the presence of these watchers the answers could be sealed and returned to the State examiner agreed upon by the two party chairmen. This examiner, with assistants, could grade the papers and issue certificates on printed postal cards. These certificates could be mailed to the persons entitled thereto, and a list of such might be sent to the county or city clerk of the court for permanent filing and public inspection. The registrar from this list might place upon his permanent list all who have been successful. Since this test qualifies one for life, the registrations at any one time would not be numerous or the cost an item worth considering. The fact of having an actual, fair test as a prerequisite to voting would make the study of the government of Virginia a study of vital interest to every seventh grade grammar school boy who is now required to take a course in civil government; and a deserving young man who has been unable to reach the seventh grade could easily learn the elements of government during evening hours.

As an alternative to the educational test there might be added a property test, that is, to allow to vote those who have paid a specified state property tax for three years past. Under the general registration of 1902–1903 a person could register who owned property upon which, for the year next preceding that in which he offered to register, state taxes aggregating at least one dollar had been paid.[1] In Washington District, Norfolk County, nearly one hundred negro men had their assessments raised sufficiently to register under this provision.[2] The machine was in the hands of the Democrats, but the minority faction of Democrats was accused of being in sympathy with the Republicans; and the

[1] The state rate was 40 cents on the hundred, hence the possession of property valued at $250 was necessary.

[2] Article by W. S. Copeland, Richmond Times Dispatch, January 1, 1904.

commissioner of revenue who assessed the negroes belonged to this faction.

In the spring of 1905 the editor of the Lynchburg News collected registration data which showed that of the 147,000 negroes qualified to vote under the old regime only 21,000 had registered under the new. Of the 301,000 whites under the old regime, 276,000 had registered.[1] During the registration of 1902–1903 one registrar expressed the sentiment of many others when he said that the only reason why all the whites of his precinct were not registered was the fact that they were too "bull-headed" to try. In many other cases negroes were asked questions concerning the constitution which the registrar himself could not have answered. But now, under the pressure of local option elections, many of the worst element of negroes and whites are being admitted. At present, owing to an overlooked defect in the statute law, there is no way of getting rid of the names improperly put upon the registration books from fifteen days before the regular registration day in May until the next regular registration day before the November election. That is, only twice a year, fifteen days before each registration day, can improper registration be tested. Hence, for special and local option elections, a registrar can admit practically whom he pleases.

The requirement that an applicant for registration register, "in his own handwriting, without aid, suggestion, or memorandum," has never been uniformly administered. In some instances a printed form is used. Others have not allowed even this assistance; and in Lynchburg, in 1910, all of the registrars except one registered applicants after an oral examination, as they had done since the new registration law went into effect. The one registrar used typewritten forms containing the questions to be answered. In Anderson v. Craddock, decided by the corporation court of Lynchburg on March 6, 1911, Judge Christian held that the oral examination was certainly improper, and that it was a

[1] Richmond Times Dispatch, April 1, 1905.

question whether the registrar who used typewritten forms had not given illegal assistance. He urged, however, that the Constitutional Convention of 1902 had intended to disfranchise the negro by giving the registrars extreme discretion, and that the registrars had conformed with the intent though not with the letter of the law.[1] The court upheld the election in the following words:

"I am satisfied that the Court has not the jurisdiction to declare void the election of December 9, 1910, simply because the registrars were grossly negligent in the performance of their duties. It would be making the innocent and qualified voters, so far as the record shows, suffer the derelictions of incompetent registrars, which is contrary to my sense of justice. The remedy for this negligence is easy for the Legislature, and in its absence should not be usurped by the courts at the cost of the citizen."

In the decision of the same year rendered by Judge McLemore of the corporation court of Suffolk it was held that a registrar may not register one who has not made application; that all constitutional requirements were mandatory, and unless they were obeyed, the voter whose name was placed upon the books by the registrar acquired no privilege as a result. The act of the registrar was void.

In liquor local option contested elections an appeal may not be taken to the court of appeals. But a registrar will certainly be on the safe side if he furnishes the applicant a copy of the law and allows the applicant to make application to register in his own handwriting; and also allows the applicant to write all questions asked him, as well as the answers thereto. A registrar should be allowed to use typewritten questions, but whether he may the courts have not decided.

[1] See Debates of the Constitutional Convention of 1902, pp. 3076–7. When the state-wide issue occurs, which is practically certain to happen at no distant date, the only way to avoid the flooding of the electorate with undesirable negroes is to permit to vote only those electors who were qualified voters at a set time previous to the time when the enabling act is passed.

CHAPTER III.

CHARITIES AND CORRECTIONS.

I. State Hospitals for the Insane.

Growth.—Two years before the Revolutionary War the first Virginia asylum for the reception of insane persons was formally opened at Williamsburg.[1] In 1828 the second asylum, known as the Western Lunatic Asylum, was opened at Staunton with accommodations for 16 men and 16 women. The asylum at Williamsburg thereupon became known as the Eastern Asylum. At the close of the Civil War the Freedman's Bureau established an asylum for sick and indigent freedmen near Richmond. Upon the discontinuance of this bureau, the inmates of this asylum other than the insane were sent to county almshouses, the insane necessarily being retained. To meet this emergency the General Assembly of 1870 established in the same temporary buildings an institution for the colored, known as the Central Lunatic Asylum.[2] Fifteen years ago the colored insane were moved to their new permanent Central Lunatic Asylum near Petersburg. The Southwestern Asylum was opened at Marion in the year 1887 because the other asylums were overcrowded. In 1894 the name was changed from "insane asylums" to "hospitals for the insane."

The Epileptic Colony, near Lynchburg, was opened in 1911 for several hundred patients from the other asylums, which were again crowded. A tract of land was given to the Western Hospital by Mr. Murkland in appreciation of kind treatment tendered his son at that hospital. The special

[1] This is said to be the first in America.

[2] In the days of slavery masters took charge of the few cases of insanity among their slaves. They were occasionally sent to the Eastern Asylum as pay patients.

board of the Western Hospital was permitted to sell this tract and purchase a more suitable one in the same county.[1] In 1910[2] the colony was made independent of the Western Hospital, and was placed upon the same basis as the other hospitals. One argument advanced in favor of the colony was that it could be made nearly self-sustaining. The fulfillment of this prediction remains to be seen. The same was predicted in regard to the state farm for convicts.

Since ante-bellum days a judge had had authority to place an insane person permanently in the keeping of a fit caretaker, who received the same compensation that the jailer would have received; but this privilege was abused, and it has recently been practically discontinued. The jailer's pay has been not more than 50 cents a day, at the discretion of the judge, for food and attention. The annual report of the Central Asylum for 1879 states that the 110 colored insane then in jails cost the State $1 a day, including clothing and medical attention, while at the asylum the cost was only 55 cents a day for everything, including transportation. Until quite recently there has been scarcely a year since the Civil War when all insane could be provided for in the asylums. Conditions gradually grew worse from the date of the war until 1882, when the State appropriated $44,060 for the care of insane in jails, which meant an average of one in every jail in the State throughout the year. Since 1882 conditions have slowly improved.[3] Since the creation of a commissioner of hospitals for the insane no patients have been kept in jails for any length of time, and in 1910 the cost of those temporarily lodged in jails or with individuals was only $2,751.

[1] Acts, 1908, c. 195.
[2] Acts, 1910, c. 31.
[3] The superintendents of the Western Asylum state in their annual reports that in 1873 there were 300 white insane outside of asylums; in 1874, 291 insane in seventy-nine counties; in 1876, 155 applications rejected at the Western Asylum; in 1890, from 200 to 300 white insane unprovided for. In 1886 the amusement hall at the Eastern Asylum was converted into female dormitories. The superintendent of the Southwestern Asylum stated in 1894 that over 100 white insane were not provided for; and in 1899 he stated that for want of accommodations some died in jails.

The number of hospital inmates has increased constantly and very rapidly. In 1860 when the population of the State (including West Virginia) was 1,596,318, there were 672 in the asylums who cost the State $90,000 for "support and maintenance." In 1910 when the population was 2,061,612, there were 3,996[1] in the asylums who cost the State for "support and maintenance" $479,967.[2]

Control.—The control of the asylums has always been lodged in separate boards of directors for each asylum. Until 1884 these boards were appointed by the governor for three-year terms. At that time the Readjuster party declared the offices of directors vacant and provided that the board of public works should appoint.[3] Two years later the Democrats provided for the appointment, by the governor, of three each year for a term of three years. This continued until the Constitutional Convention in 1902. Until 1902 a superintendent for each asylum had been elected by the respective boards of directors for two year terms, though in consideration of good behavior he was reelected except when the Readjusters made a "clean sweep." From 1900 until 1902 the presidents of the boards of directors and the superintendents of the asylums met annually to systematize the administration.

The constitution of 1902 completely changed the organization. It provides for a board of directors for each "hospital for the insane," to be appointed for six years by the governor, one director being appointed every two years. There is also a general board for the control and management of all the state hospitals for the insane, which is composed of the directors of the respective special boards. The general board is subject to such regulations as the General

[1] Eastern, 790; Central (colored), 1448; Western, 1079; Southwestern, 670.

[2] The figures for 1860 do not include the cost of conveyance, while those for 1910 do. This, however, is not a considerable item. Neither include cost of buildings. In 1860 $21,000 additional was paid by patients: $5000 at the Eastern, $16.000 at the Western (Documents, 1859–60, Doc. No. 19). In 1910 nothing was thus paid.

[3] Acts, 1883–84, c. 117, 118.

Assembly prescribes, but has full power and control over the special boards of directors and over all of the officers and employees of the several hospitals. The general board appoints a superintendent for each hospital for a term of four years, though the appointment is practically during good behavior. The special boards of three appoint all other resident officers for four years, subject to the approval of the general board. The superintendent appoints all other employees, and may dismiss the same with the approval of the special board.[1]

A commissioner of state hospitals is appointed by the governor for a term of four years. He is ex-officio chairman of the general board which meets quarterly at the hospitals, once a year at each hospital, and of the special boards which meet monthly. He is responsible for the proper disbursement of all money, and maintains a uniform system of keeping records and accounts of money received and disbursed; and at least once in six months he must examine the validity of bonds given by banks where hospital appropriations are deposited. He visits the hospitals monthly or bimonthly, usually the former, to audit accounts and to inspect. He notifies sheriffs if certain hospitals are full. The salary is $2,000 plus $500 for traveling expenses. In 1906 a bill was introduced in the Senate providing that the commissioner be an alienist who should receive a sufficient salary to enable him to devote his whole time to the work. As the matter stands, the commissioner is not supposed to be an alienist; and the present incumbent is a lawyer.

Commitment.—From 1874 until 1900 the insane were committed by three justices of the peace. This was essentially the method of the old English vagrant act of colonial days. In 1884 a legislative committee reported[2] that the privilege of committing the colored to the Central Asylum that they might receive state support was much abused by certain localities. The superintendent of the asylum testified that

[1] Constitution of 1902, Art. XI, sec. 149–151.
[2] Senate Journal, 1883–84, Doc. No. 33.

fifty to seventy-five imbeciles or idiots, who could properly be cared for at an almshouse at half cost, were in the asylum, though they could not possibly be benefited. From 1870 to 1886 any three directors of an asylum could reject a patient whom they considered an idiot or merely a pauper; but few were rejected. Again, in 1896, a joint committee said:[1] "We would call attention to the fact that in other states separate hospitals are provided for idiots and weak-minded patients. Some of these classes are in our hospitals, but the promptings of humanity compels us to permit them to remain instead of returning them to their homes to be confined in the jails and poorhouses of their respective counties."

Since 1900[2] a suspect has been brought before one justice of the peace or judge. The official summons two physicians, in no way interested, who act upon oath. If the two disagree, a third may be called in. Since 1886 the asylums have had no authority to reject any person committed by the justices, or more recently by the single justice. To reject persons committed would result in endless dissatisfaction. That many are sent to the hospitals for the insane who should be cared for in almshouses[3] no one doubts. For instance, who believes that in 1910 80 per cent. more persons, according to population, became insane in the counties[4] in which the four hospitals are situated than in the state at large? Yet 80 per cent. more were committed from these counties. This excess of admissions from these counties has always existed. The only way to check it is to have the counties and cities pay for the support of those committed from them.

Until 1908 a patient was committed at his own expense if he possessed a certain amount of property. The administration of this provision has always resulted in much injus-

[1] House Journal, 1895–96, Doc. No. 5.
[2] Acts, 1899–00, c. 933.
[3] In most of the counties the almshouse is a miserable asylum. The small counties should combine so that enough able-bodied persons could be had to work a large farm to feed the imbeciles, who could be more cheaply and comfortably cared for if so grouped.
[4] Towns or cities in such counties are included.

tice. In 1891 out of 600 patients at the Western Asylum only 35 were pay patients; and at the Central Asylum there has never been a pay patient. Collections were badly made. In 1906 an agent was appointed to collect back claims; and in 1908 the General Assembly provided that in the future no one should be required to pay.

Management.—In 1910 the cost per capita for maintenance was $157.59 at the Eastern Hospital; $126.93 at the Southwestern; $121.62 at the Western; and $105.69 at the Central. These figures are a good index to the management of the hospitals during the past forty years. At the Eastern Hospital in the early eighties a politician was made superintendent. He turned out all the male staff and attendants except members of the Readjuster party, and used the farm vehicles for political purposes.[1] In 1884 one meeting was actually broken up by several drunken members of the board.[2] The following year the main building burned because there was no night attendant. About 1905 a general disturbance arose between the board and the superintendent because the latter had a barrel of whiskey moved from the steward's room to that of the pharmacist. An investigation was made; and though the superintendent was justified in having the whiskey moved to a place of safer keeping, it developed, according to a special accountant's report in 1906, that there was an annual bill for one or two thousand cigars at $85 per thousand; that the beef contract had not been granted to the lowest bidder; that there were no night attendants; and that no cash discounts were secured, which had caused the State to lose $10,000 since 1899. The special accountant did not find any evidence of graft, but found the steward, the superintendent, the special board, and the commissioner of state hospitals at fault as far as ordinary efficiency was concerned.

This inefficiency for a long period naturally did not keep the asylum abreast with the times, and the present super-

[1] Senate Journal, 1883–84, Doc. No. 32.
[2] Senate Journal, 1885–86, Doc. No. 43.

intendent took charge of the most poorly equipped plant in the State. The asylum is three quarters of a mile from the railroad, which means an annual cost of $1,000 for hauling coal. The inmates seemed to think farm-work degrading, for which reason the farm was not increased in size or made valuable either for diversion or financial profit. There is no cold storage and ice plant. Flour and beef are higher than at the Western or the Southwestern Hospitals, as are the larger fruits.

The Western Hospital is well located on a fertile farm at the edge of a prosperous town, and immediately at the junction of two railroads. Coal does not have to be hauled. There is a cold storage and ice plant and a large reservoir dug from the top of a hill just back of the plant by the inmates. Flour can be purchased from a mill in sight of the hospital; and the best grade of cattle are purchased and killed in the institution's own abattoir. Each year about 4,000 pounds of blood from this abattoir fatten a number of hogs. In 1910 there were gathered from the farm 400 bushels of peaches, 11,000 pounds of grapes, and several hundred barrels of apples; and 6,600 gallons of fruit were put up for winter. In fact the farm produced a profit of $16,586. This hospital seems always to have been very well managed.

The Central Hospital (colored) is deserving of especial mention. When the original building was erected, some lax administration on the part of the board was discovered by an investigation committee; but during recent years this has been the best administered hospital in the State. The organization is almost perfect, every detail being daily brought to the attention of the superintendent. For 1910 the farm showed a profit of $11,175. When additional farming land was needed, the superintendent saw an opportunity to buy an adjoining farm at a bargain. He bought it, and stated to the next General Assembly that he had made what he considered a good bargain. If they did not want the farm, he would keep it. The General Assembly made an appro-

priation for it. If he had simply asked for an appropriation for a farm, it is doubtful whether he would have received it for years, and when he did, a "public price" would have been placed on all adjoining land. That the per capita cost is least at this hospital is partly due to the fact that the colored attendants cost less, and that colored patients are accustomed to less attention than white patients. But the accommodations are little, if at all, inferior to those for the whites. For this saving to the State the superintendent is mainly responsible.

Treatment.—As far as freedom from physical restraint, clean and fairly comfortable quarters, and sufficient food are concerned, the writer could observe nothing deserving unfavorable criticism in the three hospitals which he visited. The superintendents of the hospitals are also physicians for the hospitals, and seem to be competent medical men. The superintendent of the Central Hospital, Dr. William Francis Drewry, especially, keeps in the closest touch with the latest treatment, and has himself contributed much, from his own observations and experiments, to the literature on the treatment of insanity. The Central Hospital was the first hospital for the insane in the South to segregate a tuberculosis colony. Dr. Drewry also colonized the epileptics some time before the white epileptics were moved to the epileptic colony. All of the hospitals are now endeavoring to colonize the different forms of insanity, but are limited because of the additional expense involved in the movement. In 1911 all of the white criminal insane were transferred to the Southwestern Hospital, where a new building was erected for them.[1]

Five physicians in chief cannot attend 3,996 patients in addition to superintending the institution; and the assistant physicians are practically always inexperienced men because the salaries are not sufficient to hold the incumbents for long periods. In fact the so-called "hospitals for the insane" are hardly more than asylums for safe keeping. If for no other

[1] Even those awaiting trial may be sent here.

motive than economy the State should certainly spend more money on physicians who are specialists in nervous diseases. The number of insane and hence the cost of caring for them are increasing so rapidly that it would certainly seem a wise policy to spend more money in an effort to cure these patients when it is costing annually $479,967 to care for them.

II. Soldiers' Home.

Near Richmond a Soldiers' Home with twenty-seven acres of ground[1] was bought, paid for, and equipped in 1884 by the Robert E. Lee Camp of Richmond Confederate Veterans. Other camps added cottages. By an act approved March 3, 1892, the State accepted the property from the Robert E. Lee Camp, but possession was not to be given until 1914. In consideration of this gift the State agreed to appropriate annually for the following twenty-two years the sum of $150 for the support of each inmate of the Home, unless the number should fall below fifty, in which event $200 per capita was to be paid. The whole amount, however, was not to exceed $30,000 in any one year. The State has, of its own accord, exceeded this amount.[2] The Home has been conducted by a board composed of thirty, twenty-seven selected by the Robert E. Lee Camp and three state officials. The residents in the fashionable section of the city of Richmond are building on all sides of the Home, and in 1914 the property will be worth approximately half a million dollars.

III. Penitentiary.

Management.—Virginia's first state penitentiary for solitary confinement was built in 1797.[3] The plan for a semicircular building was proposed by Jefferson, and the building, with additions, still stands in the center of the prison

[1] The General Assembly has recently given six acres of this tract to the Confederate Memorial Association for a Battle Abbey.

[2] In 1910 the appropriation was $46,666. In addition to this the State appropriated $369,373 for pensions to Confederate soldiers throughout the State.

[3] Acts, 1796, c. 2, sec. 17.

grounds in Richmond. The institution has always been controlled by five directors, except from 1867 until 1903 when the number was only three. Until 1903 the governor appointed the directors annually; since that time the five have been appointed by the governor for five years. Since 1871 the board has met weekly; and since 1903 the law has required them to meet monthly at the state farm, though in practice they meet at irregular intervals. They have received a monthly report from the superintendent and another from the general agent, until the latter office was abolished; and they make a quarterly report to the governor. Until 1903 the superintendent was elected for two years by a joint session of the General Assembly; since 1903 he has been chosen by the board of directors for four years. Until the manufacturing operations conducted by the State were discontinued in 1880 he directed these operations in addition to his duties as prison warden.

Until the eighties a general agent and storekeeper was elected every two years by the General Assembly in joint session. This official purchased provisions for the prisoners and all raw materials for the manufacturing enterprises. The raw materials were manufactured under the supervision of the superintendent; but at the end of the week the finished products were returned to the general agent and storekeeper, who sold them at the prices set by the directors. He had to give surety, but was not responsible for credit given to parties designated by the directors. For selling the products he received 8 per cent. commission until 1876; 6 per cent. commission from then until 1878; and 5 per cent. commission from 1878 until 1884; though on products sold at auction his commission was only 2½ per cent. The office was lucrative, and for six years the superintendent recommended its abolishment. It was abolished in 1884 upon the recommendation of the board of directors; and the duties, much reduced by the withdrawal of the State from manufacturing enterprises, have since been performed by the superintendent.

Conveying of Prisoners.—The cost of conveying prisoners from the county or city jails has always been considered a part of the cost of the penitentiary to the State. The superintendents in their annual reports have frequently, in "showing how much they have earned for the State," excluded this item; but it should be included, because if the central penitentiary system did not exist, this cost would not be incurred. Before 1873 the sheriff and guard received a fixed sum per mile for conveying prisoners, besides expenses. In 1873 the General Assembly made a rate of $3 a day for the sheriff, with the payment of necessary expenses for himself, prisoner, and a guard if the court ordered the latter. In 1878 the railroad commissioner was directed to enter into two-year contracts with transportation companies for the transportation of criminals and lunatics. The approval of the governor was necessary, and the rate was not to exceed 2 cents per mile for each person. The commissioner was to prescribe routes. The county clerk furnished the sheriff with a certificate for his trip to the penitentiary; the state auditor furnished him with a certificate for his journey home; and these certificates were turned into the auditor's office at specified times by the transportation companies. Since 1896 the superintendent has sent a penitentiary guard for the prisoner, but the county sheriff may be required to deliver the prisoner to a railroad station.

When county sheriffs delivered prisoners to the penitentiary, the sheriff's bill usually included several days of sight-seeing in Richmond for himself and one or more guards. The governor of the State called attention to this condition in 1877 when the asylums for the insane were changing their methods of conveyance. In his message of 1892 the governor pointed out the fact that it had cost $10,689 to bring 438 prisoners to the state penitentiary. He further showed that between 1873 and 1877, it had cost the State $16,877 to bring 337 insane persons to the Eastern Asylum under the care of local officers, while from 1886 to 1890 the same number were brought for $2,593 by guards

from the asylum. But in spite of this showing no action was taken for six years. In 1895 two ordinary prisoners were delivered from a county in southwest Virginia, for which service a bill for $210 was presented. This excessive charge brought about a reform. In the session of the General Assembly of 1896 the superintendent of the penitentiary had a bill introduced which provided that he should send a guard for the prisoners. Even in the face of all of these facts the reform caused a storm of opposition. Blind conservatism, sheriffs who had been getting graft, and those who opposed any surrender of government functions to central officers stood in the way, but the measure passed. The cost fell off one half. In 1895, the last year under the old method, it cost $12,780 to bring 574 prisoners; in 1910 it cost $5244 to bring 692 prisoners. Railroad fare was the same for both years, and all other items cost from one third to one half more in the latter year.

Living Conditions.—The records of the penitentiary were destroyed at the evacuation of Richmond in 1865, but in 1871 there were 828 inmates. For economic reasons few slaves had been sent to the penitentiary; but since the war the number of negro prisoners has constantly increased,[1] and today of the 2027 prisoners in the penitentiary, at the state farm, and on public roads, 1681 are negroes. As a result of this increase of convictions the penitentiary has always been crowded. Since 1892 the insane prisoners have been moved to the asylums for the insane. In 1894 there were 1200 male prisoners in 200 cells,[2] so the superintendent was allowed to use the earnings of the institution to purchase a $16,000 farm on the James River. To this farm several hundred convicts were moved, especially the physically disabled, many of whom were consumptives. This gave very little relief. Governor Charles T. O'Ferrall in his message of 1898[3] said: "The penitentiary is a disgrace and reproach to the State. Prior to the late war the number of

[1] In 1910, however, less were sentenced than in 1909.
[2] Acts, 1893–94, c. 62.
[3] Senate Journal, 1897–98.

convicts confined in the prison never exceeded, I am informed, three hundred, while now about thirteen hundred are crowded into it (very slightly enlarged), in many instances almost as thick as cattle in a railroad car, where in all seasons, particularly in winter, they breathe the fetid and poisonous air, and in summer pant for breath when locked up for the night." The management was not at fault.

The Richmond Times for January 13, 1901, stated that during the previous night three cells, taken at random, which contained 7422 cubic feet of air, held 45 men. This is 165 cubic feet of air per man when scientists prescribe 1000 cubic feet per man. The sanitation was horrible: bucket sewerage, oil lamps, and single windows covered by bunks In justification of the management the Times, three days later, said: "There is a regular merry-go-round of whitewashing and scrubbing and cleaning, but the vermin in the hundred year-old walls laugh to scorn the whitewash brush and the scrubbing brush. They have learned too well that he who fights and runs away will live to fight another day." None of these strictures apply to the women's building, which was a modern structure. The same year the surgeon of the penitentiary reported the death rate for the penitentiary and state farm at 31.68 per 1000 in spite of the fact that many who would die if left were pardoned upon his recommendation. Considering the fact that there were no infants and few very old people, that convicts are usually hardened, and that all are forcedly temperate, this rate was very high.

No improvement was made until the Constitutional Convention of 1902 made fundamental provisions for increased revenue. Since then a new prison building has been added with the most modern method of ventilation and with a lavatory in each cell. Each cell accommodates two prisoners. With 548 convicts in state road camps and 292 at the state farm, the remaining 1182 are reasonably well quartered in the penitentiary. In 1910 the death rate

among those in the penitentiary and at the state farm was 22 per 1000; in the road camps 13 per 1000; or among all state convicts 19 per 1000. There is no mess-hall. As the convicts file by the rations booth they are served rations which they carry to their cells to eat. There they may supplement the prison diet with such food as they have purchased with money earned by exceeding the allotted task at the shoe factory. Since 1878 the superintendent has been allowed to task convicts. In 1909 the prisoners in the penitentiary earned about $30,000 for themselves, or an average of nearly $30 a man.

Little Effort to Reform Inmates.—The inmates are taught no trade except in the shoe factory; and as this training prepares them only for factory work, it is of little value to the negroes, since shoe factories in Virginia restrict employment to whites. There is no night school in which the illiterate are taught to read and write; nor is good reading matter furnished for those who can read. There has never been a chaplain, but on Sunday mornings and afternoons volunteers from the city of Richmond hold services in a hall which accommodates one half of the inmates. Since 1878 four days have been deducted from the sentence for each month that the prisoner has not been submitted to punishment. This applies likewise to the road force, including convicts from jails.

Since 1898, upon the recommendation of the board of directors, the governor is empowered to grant a conditional pardon to any convict who has served half of his term with good behavior. By an act of 1903 good behavior during the last two years was all that was required. Since 1904 the board of directors have used their discretion in paroling, on condition, the convicts who have served half their time, even if they have broken rules. Even life prisoners may be paroled if they have served ten or fifteen years. Since 1906 the board have required satisfactory assurance that the paroled prisoner will not become a subject of private or public charity. Virginia is the only state with a parole

system and no parole officer. The superintendent of the penitentiary has not had time to keep in touch with those paroled, and therefore exact information as to the working of the system is not available.

In 1908 an electric chair was installed. The previous year a large negro being hanged at Farmville twice broke the rope, and a demand for electrocution was at once voiced by the press. The next General Assembly made an appropriation for the chair, and provided that all felons to be executed should be brought to the penitentiary as soon as convicted. They are executed by the superintendent or by an assistant who receives no extra compensation. Only a few witnesses are admitted, and newspapers are not allowed to publish the details of the execution, only the mere fact being noted; though in fact they do publish details.[1]

Employment.—The Richmond Whig for 1870[2] said: "This institution from its foundation has ever been a serious burden upon the State treasury. When six hundred able-bodied laborers make a loss there must be something wrong somewhere." The same year the governor of the State was authorized to hire convicts, whose terms of service did not exceed ten years, for suitable public work outside of a town. In his message of the following winter he deplored a penitentiary loss of $70,000 to the State. For the next decade the governor furnished convicts to railroads, canals, and quarries, and to counties for road making. The counties accepted few. The conditions varied. The aim was to make the convicts self-sustaining, but this was not accomplished. The convicts were not well cared for and the mortality was great. During the years 1879 and 1880 seventy-seven escaped from the camps; and the camps continued to be an expense to the State. From the close of the Civil War until 1880 manufacturing by the State had not made the penitentiary self-sustaining. As a matter purely of dollars and cents, this incurred a heavier cost to the State

[1] Acts, 1908, c. 398.
[2] February 19, 1870. See also for January 9, 1871.

than the system of leasing the prisoners to outside contractors. The inmates were learning trades, however, and were better treated than those leased outside of the penitentiary. But unfortunately the times were so out of joint economically and politically during this period that no valuable lesson can be drawn.

In 1880 the boot and shoe factory was turned over to Davis and Company, a Massachusetts firm; the barrel factory to a Richmond gentleman; and the other two branches of manufacture were discontinued. The barrel factory was later succeeded by a tobacco factory, which was run until 1897; since that time the shoe factory alone has been run inside the penitentiary. This simple method of leasing the convicts for inside work proved more satisfactory and profitable than either manufacturing by the State or hiring to outside public works, and hence the former was discontinued in 1880 and the latter gradually.

The governor in his message of 1894 said: "The ablest hands have been hired to railroads, but no bonds were taken for the payment of their hire; the statute did not require it, and much money was lost because of this failure. The State clothed, fed, guarded and supplied the convicts with medical attention and medicines, and took in return the worthless bonds or naked promises of the various companies, which have never been redeemed." Though counties could have convicts at the actual cost of supporting and guarding them, they did not use any considerable number at any time until recently. For instance, the governor mentioned the fact that only fifty were used by counties in 1893.

In 1898 the penitentiary board contracted with the Davis Boot and Shoe Company to furnish them at least one thousand hands for fifteen years at 42 cents a working day for men, and 35 cents for women. The factory buildings within the walls are furnished by the State, and all costs of support and guarding are borne by the State. The board has been criticized for this contract. But by this system of indoor contract work, at approximately the above prices, the

penitentiary, during the panic decade from 1888 to 1898, had made for the State $105,510, besides paying for the state farm. As far as can be learned, in every decade in its history, under other systems, it had been an expense to the State. Counties would not use the convicts, and the State at that time did not have sufficient revenue to work them on roads, and therefore the penitentiary board had to act. The only question is whether they could have contracted for a shorter term.

According to the state auditor's annual reports, the penitentiary, at least since the Civil War, was never self-sustaining (except during the year 1882) until the year 1889. During the decade from 1889 to 1898 inclusive the profit to the State was $105,510 plus a $16,000 farm as mentioned above. From 1899 to 1903 inclusive, $89,600 of profits was paid the State. The Constitutional Convention of 1902 separated the management of the penitentiary and the state farm; but since the farm is largely a hospital for the penitentiary, the profit or loss of the two must be considered jointly and separately. Considered jointly, they have cost the State for support $144,780 in excess of income. Considered separately the penitentiary has made a profit of $28,391, the Farm has shown a loss of $173,171 since 1903.[1]

Since the contract was made in 1898 the general level of prices has changed to the disadvantage of the penitentiary. Wholesale prices in March, 1910, were 33.8 per cent. higher than the average prices for the ten years from 1890 until 1899.[2] Had prices not so changed, instead of a combined deficit at the penitentiary and farm in 1910 of $32,702 there would have been a profit. If the contract with the shoe people is renewed in 1913 by the board of directors, which has full authority, the term of years need not be so long, as the buildings, machinery, and trained labor are

[1] In 1910 the penitentiary showed a loss of $5182; the farm, $27,520. In all the above profits and losses the item of new buildings has not been included. These have cost the State at least $276,827 since the Civil War.

[2] Bulletin of the United States Bureau of Labor, No. 87, March, 1910.

already in place. Also the wages received for the work of the convicts should be at least one third more than at present. The counties should be furnished as many convicts as they will use on the roads; but long-term prisoners should be worked within the walls.

State Farm.—When a farm was purchased on the James River in 1894, it was thought that this could be made a self-sustaining asylum for those physically weak, if the nine hundred acres were worked by able-bodied men. But disappointment has resulted. Guarding the prisoners in the fields is expensive, and the farm did not lend itself to intensive trucking. The annual report of the superintendent of the farm is regularly a history of spring freshets and fall droughts.

Until 1899 the farm was supervised by the superintendent of the penitentiary. From 1899 until 1903 a manager was appointed by the governor, but he was under the control of the superintendent of the penitentiary. The Constitutional Convention thought it best to locate the responsibility, and since 1903 an independent superintendent of the farm has been elected for a term of four years by the board of directors of the penitentiary and state farm. In addition to farming, the convicts have worked a quarry and have crushed stone for sale. Like the former state-managed enterprises, this has not been an unqualified success. In 1910 out of an average prison population on the farm of 287, not more than 75 were able to work.

Convict Road Force.—In 1906 an act provided that a prisoner convicted of felony and sentenced for two years or less might be sentenced to "hard labor on public roads," and turned over to the superintendent of the penitentiary, to be kept as a member of the state convict road force. In 1908 this provision was extended to include all prisoners sentenced for five years or less. The state highway commissioner, who fills a new office created in 1906, makes requisition on the superintendent of the penitentiary for so many convicts sentenced to hard labor; but the convicts

are still guarded, fed, and clothed by the superintendent of the penitentiary.[1] In 1910 the total cost per convict to the State, including transportation,[2] was 66 cents per day. Medical attendance must be furnished by the county in which the force is working. In 1911 the state appropriation for the maintenance of this convict force was $70,000. These convicts are furnished free to counties provided the work done is permanent and is done under the supervision of the state highway commissioner. The commissioner appoints an engineer for the work, who receives not more than $1,200 a year. The labor of the convicts, estimated at $1 a day, must not exceed 40 per cent. of the total cost of the road to the county or locality.

In Virginia the minimum sentence in the penitentiary is one year,[3] but in the road camps jail convicts are also used. While a prisoner is in jail awaiting trial he is permitted to work in one of the camps. If he is afterwards convicted, he gets credit for the time he has worked; if he is declared innocent, he receives 50 cents a day for the work done.[4] After conviction, all except short-term prisoners are expected to be sent to road forces; but on September 30, 1910, there were 1,636 idle persons in the jails of the State. It is profitable to hold them, as the State pays the jailer for their board. If the cities and counties were required to pay jail board, more of the idle prisoners would be in the state convict camps, where the prisoners are excellently provided for and kept in good health. In 1911 there were thirteen of these camps, in 1910 there were fourteen. The convicts in these fourteen camps worked for a total number of 149,729 ten-hour days at a cost to the State of about 66 cents a day per capita. There was an average of 49 men

[1] The state highway commissioner may demand that the superintendent of the penitentiary dismiss any guard on the road force who is insubordinate to the engineer's orders.

[2] The railroads of the State have voluntarily hauled gangs of road convicts free; but when only a few convicts are transported, free transportation is not applied for.

[3] There is one dead-letter law providing for a six months' penitentiary sentence in case of fraudulent voting.

[4] This law is not enforced.

to a camp. For this work 467 prisoners were taken from the jails and 420 from the penitentiary.[1]

In addition to the $70,000 to support convict forces, the State in 1911 appropriated $200,000 from the general fund, plus approximately $38,088 automobile tax, as a conditional gift to road building. Counties which have not applied for a convict road force have this fund distributed among them, according to population, for permanent road building, on condition that the county apply for it and appropriate a like amount to be spent under the direction of the state road commissioner. Only seven of the seventy-seven counties entitled to the gift rejected it, and the $200,000 plus approximately $38,088 was distributed among the seventy according to population.

The law in regard to convict labor and that in regard to money aid are separate laws. The first law is very defective. First, it provides that the convicts sentenced to hard labor on roads may not be worked inside the penitentiary. As a result of this provision, when the convict fund did not hold out during the winter of 1910–1911, a number of convicts were being fed in the penitentiary who could not be worked until several counties agreed to support them for their labor. Again, to work convicts economically they must be in large gangs, and for this reason about fifty are sent to the small as well as the large county. The two laws should be combined. The convict force fund ($70,000 in 1911), the state aid fund ($200,000 in 1911), the automobile tax fund (approximately $38,088 in 1911), and all convicts sentenced to hard labor on roads should constitute a total to be distributed on the same conditions that now apply to the state aid fund. The fund should be distributed according to population. One day of convict labor should be in lieu of a certain amount of money; and until all convicts are engaged, that is, contracted for, no money should be distributed. The value of convict labor could be determined by competitive bidding on the part of counties.

[1] Report of the State Board of Charities and Corrections, 1910.

That is, the convict labor could be furnished to the highest bidders as long as any road convicts remain.

IV. Reformatories.

The "Prison Association of Virginia" was incorporated in 1890 with thirteen members, though any one may become a member by paying a nominal fee. The object of the association is the improvement of the government, discipline, and management of all prisons in the State; the amelioration of the condition of prisoners; the encouragement and aid of discharged convicts, and the commitment to the association of such youthful and petty criminals as the State may see fit. In 1894 the association built a reformatory at Laurel, near Richmond, partly with state aid, but principally by private subscriptions. Since 1896 the institution has received from the State 25 cents a day for board, and now receives $10 per annum for clothes, for each minor committed to it by a judge or local magistrate.[1] Since 1904 all minors have been sentenced on indefinite terms. The superintendent, who is selected by the Prison Association, prescribes a conditional sentence, as directed by the association, according to the offense. By good behavior this term can be shortened; by bad behavior it is prolonged. However, the Prison Association or the governor of the State may parole a boy at any time on condition of good behavior. The secretary of the state board of charities and corrections keeps track of those paroled. During the year 1910 the average age of those committed was thirteen and three tenths years. Of the commitments 54 were for incorrigibility; 4 for misdemeanor; 42 for larceny; 49 for felonies. On March 1, 1911, there were 211 names on the rolls.

This institution is far preferable to the state penitentiary, which still receives part of the youthful offenders of the State, but is hardly deserving the name "reformatory." In fact it is called "Laurel School." The boys go to school for

[1] In 1910 and 1911 this was supplemented by $10,500 per annum. The state school board contributes $1000 per annum for teachers.

three hours a day, but have no study period at night. During half of each day they work on the farm, make cement brick, or work in a so-called tailor shop where they make rough clothing for their own wear. They are not taught a trade. As the institution no longer receives material aid from the Prison Association, it should be taken over by the State and placed under the board of charities and corrections. This statement does not indicate an intention to underestimate the noble work done by the Prison Association when the State was in need. It is simply pointing out a need that the Prison Association realizes as well as the writer.

In 1900 a "Negro Reformatory Association of Virginia" was incorporated which has done for the negro boys what the Prison Association of Virginia has done for the whites. The State pays 25 cents a day for the support of not more than 150 boys. This reformatory has a larger farm, has had enthusiastic superintendents, and has been more successful than that for the whites; and this result has been accomplished with meager support from the State. In 1910 a reformatory for white girls was established at Cady, and it now has about 25 inmates.

Board of Charities and Corrections.—The General Assembly of 1908[1] established a board of charities and corrections, composed of five unpaid members appointed by the governor, one annually, for terms of five years. The board met eleven times in 1910. The duties of the board are strictly visitorial and advisory, without executive powers. The board elected Rev. Joseph T. Mastin executive secretary over sixteen applicants, though he had not applied for the position. His duties are to visit state, county, city, and private eleemosynary, charitable, or correctional institutions at least once a year. The secretary spends most of his time visiting, leaving the office in charge of an efficient assistant secretary. He has an assistant visitor who devotes most of his time to visiting the homes in which children are placed

[1] Acts, 1908, c. 276.

by orphanage societies. The members of the board assign themselves state institutions to visit twice a year. Local visiting boards are also appointed for each institution. Plans for jails, almshouses, or reformatories must be submitted to the secretary for suggestions. The work is worth much more than the annual appropriation of $5000. The powers of the board should be extended, and the work of the several reformatory associations should be centralized in this board.

CHAPTER IV.

PUBLIC HEALTH.

Early Health Laws.—A department of public health was not established in Virginia until 1908. The part played by the State in relation to public health is, however, worth relating. As early as 1777 a person with smallpox or other contagious disease was to leave the road as another approached, and, like the lepers of old, cry "Unclean, unclean;" in other words, warn the one who approached.[1] In 1814 the governor of the State was authorized to appoint a vaccine agent in the city of Richmond who should furnish vaccine free by mail to any citizen of the State; and for this purpose $600 per annum was appropriated.[2] The office of vaccine agent was abolished in 1821,[3] but was revived in 1832.[4] From this time until 1890, when the office was finally abolished, vaccine was distributed free, at a cost to the State never exceeding $750 per annum.

In 1853 provision was made for the registration of births and deaths.[5] The commissioners of the revenue, who made an annual assessment of property, were allowed ten cents for every birth or death reported. The nature of the birth and the cause of the death were reported, and physicians were required to keep a record of deaths from which the commissioners might check. This was repealed in 1898, since which time neither births or deaths have been registered.

From 1860 until 1882 any overseer of the poor might cause any person to be vaccinated at the expense of the county.[6] Since 1882 the common council of the city or town

[1] Acts, 1777, c. 5.
[2] Acts, 1813–14, c. 14.
[3] Acts, 1820–21, c. 8.
[4] Acts, 1832, c. 25.
[5] Acts, 1852–53, c. 25.
[6] Code, 1860, c. 86, s. 15.

and the county board of supervisors have had authority to compel all persons to be vaccinated, paying for such as are unable to pay.[1] In 1894 the General Assembly enacted that no pupils should be admitted to public free schools unless they had been vaccinated, "provided that this provision may be suspended in whole or in part by the school board of any city or of any district."[2] Two thirds of the school children are today (1909) not vaccinated.[3]

Board of Health.—In 1872 a state board of health and vital statistics was created, which consisted of seven physicians appointed by the governor of the State for a term of four years. They held quarterly meetings in Richmond. The duties were: to communicate with local boards of health, with hospitals, asylums, and public institutions; make sanitary investigations and inquiries respecting the causes of disease; and devise a scheme whereby medical and vital statistics might be obtained. They were specifically authorized to report as to the effect of intoxicating liquor as a beverage upon the industry, happiness, health, and lives of the citizens of the State.[4] A proviso which made this law appear more like a dream, declared: "Provided that the board of health shall not in any way be a charge upon the State." In 1896 the board was given power to adopt such rules and regulations and issue such orders as might be necessary to prevent the spread of contagious and infectious diseases; and an appropriation of $2000 per annum was made to pay the salary of a permanent secretary to reside in Richmond, a per diem of $4 for members of the board while attending meetings, and incidentals.[5]

Four years later the Medical Society of Virginia was allowed to nominate the members of the state board, from whom the governor continued to appoint.[6] The same act created county boards of health. The judge of each county

[1] Acts, 1881–82, c. 166.
[2] Acts, 1893–94, c. 843.
[3] Annual Report, Health Commissioner, 1909.
[4] Acts, 1871–72, c. 91.
[5] Acts, 1895–96, c. 612.
[6] Acts, 1899–1900, c. 1146.

or corporation was to appoint biennially three physicians, recommended by the County Medical Association, if such a society existed; and these three with the clerk of the court and the chairman of the board of supervisors composed the local board of health. The board was given power to compel vaccination and quarantine, and was obliged to report monthly to the state board. The secretary of the local board was health officer of the city, town, or county. If such boards were not appointed, the state board could appoint agents to be paid by the local government.

While this state board was slowly evolving, six other boards which are concerned with public health have come into existence. The board of medical examiners was created in 1884,[1] the board of pharmacy and also the board of dentistry in 1886,[2] the board of embalmers in 1894,[3] and the board of examiners of graduate nurses in 1903.[4] All of these boards are nominated by the respective professional societies, and are appointed by the governor of the State. They are no expense to the state treasury, as each is supported by examination or license fees, including nominal annual registration fees; and no person may practice one of the above professions without satisfying the conditions of the proper board and keeping up his annual registration. In 1910 the General Assembly, upon a recommendation of the State Dental Association, passed an act requiring all future candidates for the profession of dentistry also to pass an examination for the practice of medicine.[5] There is also a board of plumbers consisting of four in each city of more than eight thousand inhabitants. The members are appointed by the city council, and the inspectors are paid by the city, though each plumber must pass a practical examination and pay an annual registration fee of fifty cents.[6] This last

[1] Acts, 1883–84, c. 48.
[2] Acts, 1885–86, c. 223; c. 364.
[3] Acts, 1893–94, c. 625.
[4] Acts, 1902–03–04, c. 191.
[5] Acts, 1910, c. 178.
[6] Acts, 1901–2.

provision is a scheme on the part of labor unions to exclude "scabs," especially negro "scabs."

Since 1877 there has been a board of quarantine commissioners for Elizabeth River and its branches, composed of seven physicians, appointed by the governor of the State for two years without pay. The board appoints one or more assistants who examine all incoming vessels. The assistants are paid from a fee of $7 on each vessel inspected.[1] Since 1898 they have also had power to inspect railroad trains when there is suspicion of contagious diseases.[2]

During the last two decades a number of public health measures have been enacted without provision for any state officer to enforce them. In 1892 a fine was enacted for the pollution of water used for the supply of cities and towns.[3] The same year it was made unlawful to make, sell, or serve oleomargarine,[4] but this law was modified to the extent that the product must always be labeled oleomargarine, even by a poster in hotels or restaurants where it is served. Another law the same year required the railroad agent, when a corpse is to be transported, to take a certificate from the undertaker and the local health officer or physician testifying as to the nature of the disease from which the patient died and the precautions taken.[5] Since 1904 the consent of the state board is required before transportation in certain cases of contagious diseases.[6] The same General Assembly appropriated $2000 for free treatment of the eyes of the poor of the state in a Richmond charitable hospital. A county physician and county judge had to testify to the needs of the applicant.[7] This appropriation was not continued. In 1896 it was provided that animals dying of contagious diseases must be buried or burnt; and if this was not done by the owner, the justice of the peace could have the same done at

[1] Acts, 1876–77, c. 114.
[2] Acts, 1897–98, c. 538.
[3] Acts, 1891–92, c. 460.
[4] Acts, 1891–92, c. 526.
[5] Acts, 1891–92, c. 578.
[6] Acts, 1902–03–04, c. 607.
[7] Acts, 1891–92, c. 608.

the expense of the owner.[1] In 1898 an act providing for a fine of from $20 to $200 and the forfeiture of the candy was enacted against the manufacturer of candy adulterated with terra alba, barytes, talc, or other deleterious substances.[2] In 1906 it was made a fineable offense to expectorate in public places or on the sidewalk.[3] In 1908 peanut cleaning establishments and cotton factories were required to furnish each employee with a mouth sponge at cost.[4]

In 1900 the board of agriculture was authorized to enforce the pure food laws, and to accept all Federal classifications and make additional ones.[5] In 1903 $2000 was appropriated to enforce the pure food law.[6] In 1908 it was provided that the sheriff, superintendent, or other person in charge of any prison, almshouse, hospital, or other institution deriving the whole or a part of its support from the state must have any person suspected of consumption examined; the patient must be segregated within forty-eight hours, the room occupied by the patient must be fumigated, and the state board notified of the case.[7]

Department of Public Health.—In 1908 the General Assembly created a department of public health with an annual appropriation of $40,000, and a new state board of health superseded the old one. The present board consists of twelve men who must be members of the State Medical Society. The governor appoints three annually to serve for four years, and one must live in each congressional district, with two additional ones from the city of Richmond. "The board may adopt by-laws for their government and make such rules and regulations not inconsistent with the law as they may deem proper."

The governor also appoints a commissioner at a salary of $3500 for a term of four years who acts as the executive

[1] Acts, 1895–96, c. 327.
[2] Acts, 1897–98, c. 56.
[3] Acts, 1906, c. 302.
[4] Acts, 1908, c. 228.
[5] Acts, 1899, 1900, c. 655.
[6] Acts, 1902–03–04, c. 87.
[7] Acts, 1908, c. 41.

officer of the state board. The health commissioner with the approval of the state board appoints assistants. At present the department is organized into seven bureaus, as follows: administration, rural sanitation, Catawba Sanatorium, laboratory, education and publicity, inspections, and sanitary engineering. Each bureau is in charge of a salaried head who is responsible for the work of his bureau. The members of the board receive a per diem of $8 while actually engaged in the work of the board, with mileage. The board maintains laboratories in Richmond for the free examination of clinical material submitted by members of the medical profession of the State, and for research in and study of infectious diseases, epidemics, and methods of preventing and curing diseases. The board is also directed to locate sanatoriums for the treatment of tuberculosis, where state patients may be treated at the minimum expense.[1]

The department was organized in the summer of 1908. Owing to the limited powers of the board of health and the health commissioner it was thought best to begin with an educational campaign. Since then the Virginia Health Bulletin has been issued monthly in editions of ten thousand or more copies; and these are distributed free to the public health officers, physicians, preachers, and teachers, and in some cases to every name on the poll books of districts where there is an infectious disease. The bulletins deal with prevalent diseases and sanitary measures in general. A number of circulars on "Bedside care of Infectious Diseases" were sent to each physician to distribute where needed. A bound volume of these health bulletins is sent with each state circulating library.

Hundreds of lectures, usually illustrated, have been given by the commissioner and assistant commissioner. The method by which the bureau of education and publicity utilizes the newspapers of the State is so suggestive to propagandists that we shall quote a passage from the 1910 Annual Report of the Commissioner of Health: "We have several canons for the publication of weekly news. These are, first,

[1] Acts, 1908, c. 361.

let the items be *news*. They must, of course, carry strong health teachings, if they accomplish our purposes, but they must be couched in such form as to give them a real news value. Second, the news must be so sent that it can be printed simultaneously everywhere in the State, without preference for any locality or any paper. Third, the news must reach the weekly papers in time to be of service to them. Fourth, the news, when it leaves this office must be 'ready for the hook,' that is, it must be in such newspaper form as to require no editorial revision of any sort.

"The bureau conforms to these requirements in a manner which is at least simple. The director of the bureau, himself a former newspaper man, selects from the news of the department and from our exchanges those items which appeal to him as possessing a news as well as an educational value. These are prepared with great care, and are supplied with 'set heads' which are in general use among the newspapers of the State. These heads are accompanied by 'guide lines,' so that the city telegraph editor can tell at a glance whether or not he has headline type suited to the heads. As this is the case in at least ninety per cent. of the newspaper offices in the State, the average editor has no delay in revising our copy. Furthermore, a uniform 'release date' for the whole State is attached to every clipping sheet sent out, so that any newspaper can print any item at the proper time, with the assurance that no other paper has 'scooped' it. To meet any possible need, we supply a number of small news items every week which have no release date, are concise in form and can be used as fillers by a busy editor.

"The director is glad to report that this system is working admirably, and from the exchanges which come to this office, he is safe in saying that at least 200 health items are printed weekly in the State by practically all of the daily and weekly papers. We attach great importance to the value of these items since they are far more widely read than any bulletins we might issue, no matter how large the editions.

Indeed, we believe that few persons in the State who read any particular papers, daily or weekly, fail to see, at least once a week, that some dangerous disease can be prevented.

"In this connection the bureau can not too strongly urge upon health departments of other states and health workers generally, the proper use of the newspapers. It is not difficult to ascertain the wants of the press, which are by no means unreasonable, and when these are met, health workers have an ally second to none in point of influence and genuine public service."

In 1910, 1079 free laboratory examinations were made for the physicians of the State for typhoid fever; 1379 for diphtheria; 1586 for tuberculosis; 223 for hookworm; 80 miscellaneous; and 433 specimens of water were analyzed for health officers, physicians, and civil authorities.

The board furnishes diphtheria antitoxin and vaccine virus to health officers at a minimum cost, and fumigating materials, with directions for use, are sent to any individual at a small cost. Under the original arrangement between the department and the manufacturers of diphtheria antitoxin, the reduced rates were not to apply to any persons except those to whom its purchase at the regular retail rates would be a hardship. This is the usual arrangement in other States; but it was found difficult to live up to this agreement, since the antitoxin was dispensed through local boards of health. Accordingly, the manufacturers were induced to remove the restrictions, so that now any one can secured it at the reduced price.[1] The boards of health in many counties order it from the state department and keep it on hand for distribution.[2] The counties furnish it free

[1]

Regular manufacturer's list price.				State price.
1000	Unit	Dose	$2.00	$0.49
2000	"	"	3.50	0.89
3000	"	"	5.00	1.29
5000	"	"	7.50	1.89

[2] It may be exchanged for fresh at the following rates:

1000	Unit	Dose	$0.10
2000	"	"	0.20
3000	"	"	0.30
5000	"	"	0.40

to the poor, at cost to others. The local board, or the doctor who orders it, is responsible for the purchase price. The department reports shipments to the manufacturer, who in turn renders a bill to the local board or doctor at the state rates. In 1910, 18,318,000 units of this antitoxin were distributed, and the quantity will greatly increase as the people learn that the quality is identically the same as that of any other diphtheria antitoxin, since it is standardized by the Federal Government.

This arrangement of the department has made possible the distribution of this antitoxin for nearly $25,000 less than it would have cost the consumers through the former channels of distribution; and since no diphtheria antitoxin is prepared within the State, there was an absolute saving to the people of the State of about $15,000. That is, the 18,318,000 units were purchased through the department for $15,000 less than druggists of the State would have paid for the same amount and quality.[1] The total cost of the health department for 1910, exclusive of the Catawba Tubercular Sanatorium, was only $21,370.

The Catawba Sanatorium for consumptives was established in 1910 near Roanoke, where state patients only are received at $5 a week for board, lodging, nursing, and medical attention. Thirty patients, the present capacity, are now being treated.

In 1910 the General Assembly greatly strengthened the powers of the state board by an act which we must quote in part verbatim: "The State Board of Health shall have the power to make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing for the thorough sanitation and disinfection of all passenger cars, sleeping cars, steam boats and other vehicles of transportation in this state and also of all convict camps, penitentiaries, jails, hotels, schools and other places used by or open to the public; to provide for the care, segre-

[1] Druggists in the State, with a few exceptions, pay the regular list prices, that is, $7.50 for a 5000 Unit Dose, less 25 per cent. discount.

gation and isolation of persons having, or suspected of having, any communicable, contagious or infectious disease; to regulate the method of disposition of garbage or sewerage and any like refuse matter in or near any incorporated town, city, or unincorporated town or village of this State; to provide for the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, and the means for the prevention of contagious diseases, and the publication and distribution of such information as may contribute to the preservation of the public health, and the prevention of disease; to make separate orders and rules to meet any emergency, not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other dangers to the public life and health."[1]

Another law passed in 1910 requires every physician to report all cases of infectious, contagious, communicable disease to the executive officer of the county, city, or town, upon a blank furnished by the state board.[2] Another law of the same session requires the state board to inspect every hotel of the State once a year; this inspection is to be paid for by a fee of twenty-five cents for every room inspected, provided that no hotel shall pay more than ten dollars. The details of inspection are numerous. Sheets must be changed after each guest, and must be ninety-six inches long so as absolutely to prevent the occupant of the bed from coming in contact with the blanket. All rooms must be fumigated twice a year.[3] The inspection was begun in the fall of 1910. The only feature of the inspection law which has caused any considerable complaint is the feature requiring the use of sheets ninety-six inches long, and the requirement that rates be posted in the hotel lobbies. The inspector has refused

[1] Acts, 1910, c. 179.
[2] Acts, 1910, c. 66.
[3] Acts, 1910, c. 229.

to issue certificates until all requirements are complied with, but has not yet prosecuted those who are dilatory in complying, on the ground that some leniency should be shown with reference to details for the first year, in order that the adjustment may come with the least friction.

CHAPTER V.

AGRICULTURE.

Ante-Bellum.—During the ante-bellum days of slavery, legislation was not often resorted to in Virginia as a direct means of promoting or protecting agricultural pursuits. In fact, for more than a decade after the war there was little direct state participation in matters relating to agriculture, such legislation as there was being of the most elementary nature. For instance, in 1870 the General Assembly provided that, "whenever any Spanish, Mexican, Texan, or Indian cattle arrive within this state" during the summer season, the county judge is authorized to appoint a board of cattle inspectors, composed of three "discreet persons," to determine whether such cattle are infected with the Texan or Spanish fever. If the board found the cattle to be infected, it was to have the county sheriff kill the cattle at the expense of the owners. Each member of the board received two dollars for each day he was actually employed. But at the end of the act was a proviso exempting from the act all cattle already in the State.[1]

Department of Agriculture.—In 1877 a "department of agriculture" was created; an appropriation of $5000 per annum was made, the first money appropriated by the State for the direct promotion of agriculture. A commissioner was appointed by the governor for a term of two years, with a salary of $1500 per annum. The commissioner appointed his own clerk and was authorized to appoint a geologist and a chemist. His duties were first, to prepare a geological handbook of the State; second, to analyze soils and samples of each brand of fertilizer sold in the State; third, to prepare in Richmond a cabinet of state minerals; fourth, to examine questions of interest to horticulturalists, fruit growers,

[1] Acts, 1869–70, c. 374.

dairymen, and sheep raisers; fifth, to provide for the distribution of seeds furnished by the Federal Government.[1]

In 1888 a "board of agriculture and immigration" was created. It was composed of one member (whose principal occupation was agriculture), from each of the ten congressional districts of the State, appointed by the governor for four years; and not more than two thirds of the members could be selected from the same political party. The department of agriculture was placed under the control and management of this board. The commissioner of agriculture, as ex-officio member of the board, acted as secretary and treasurer. The board met annually; and the annual appropriation for the department was increased from $5000 to $10,000.[2]

The department of agriculture has never been thoroughly reorganized. When new agricultural functions were undertaken, a new officer was engrafted, or the function was given to another department of government. The constitution of 1902 provides that the commissioner of agriculture shall be elected every four years by the voters of the State. Until 1903 the board met once each year; since 1908 it has met each year three times. One third of its members must be from the minority political party. The revenue for the department has gradually increased, but has been derived mainly from special registration and inspection fees.[3]

Fertilizer Inspection.—In 1871 a law was enacted requiring all packages of fertilizers sold in the State to bear a stamped or printed label, giving the name of the manufacturer, the weight of the contents, and the percentage of chemical constituents. Any person selling fertilizers unlabeled or mislabeled was subject to a fine of $100 for the first offense and $200 for subsequent offenses. One half of the fine was to go to the informer, the other half to the State. Any purchaser of fertilizers improperly labeled

[1] Acts, 1876–77, c. 249.
[2] Acts, 1887–88, c. 433.
[3] The fertilizer tax, $51,661 in 1910, is the entire source of revenue, except an infinitesimal fee from lime.

could recover the purchase price. If bought from one residing outside of the State, the purchaser could proceed by attachment against any property found within the limits of the State.[1] It was easy enough for the manufacturer to stamp certain formulas upon the packages, but unless he was sufficiently honest to do so without a law, there was little incentive, as a result of this act, for him to stamp the correct constituents. How many farmers know how or where to have fertilizer analyzed? And even if they know, the expense of analysis is heavy for small buyers.

In 1873 the governor was authorized to appoint a state assayer and agricultural chemist. He received no salary, but was paid by those availing themselves of his services.[2] This, however, was of little help to the average farmer. This legislation in regard to fertilizers, like all legislation that does not provide for a definite person to carry out its provisions, accomplished little.

An improvement upon the above law was enacted in 1890.[3] A manufacturer or dealer, before offering fertilizer for sale in the State, had to furnish the commissioner of agriculture with a sample of each brand. The commissioner had his chemists analyze the same, and the analyses were published for the benefit of the public. The cost of this was defrayed by a registration fee of $100 for all manufacturers or for dealers handling brands from factories which had not paid this registration fee. There was no guarantee that the sample was a fair one; and this defect was not remedied until 1900, when field inspectors were appointed. However, any person selling fertilizer was obliged, upon the request and in the presence of the purchaser to seal and send a sample of such purchase to the state chemist of the agricultural department, who analyzed it, free of cost, and reported the ingredients to both parties. If the analysis fell 10 per cent. in value below the manufacturer's represented analysis, the purchaser could recover the purchase price; or

[1] Acts, 1870–71, c. 227.
[2] Acts, 1872–73, c. 146.
[3] Acts, 1889–90, c. 105.

if bought on credit, he could refuse to pay. These fees and fines prescribed for certain violations on the part of manufacturers and dealers were considered part of the State's $10,000 appropriation to the department of agriculture. There was still no special officer to enforce the law, though the enactment of the law made it easier for the individual to protect himself.

In 1894 and 1897 the specific fee charged the manufacturers was modified to a fee which bore some relation to the quantity produced. In 1896 the commissioner of agriculture was authorized to seize all fertilizers sold in violation of the law; and should the court having jurisdiction sustain him, they could be sold and the proceeds used by the department of agriculture. The intention of the legislators was good; but since they neither provided funds nor authority to appoint field inspectors they accomplished little.

The new century brought a decided forward step in the adminstration of fertilizer inspection. The law[1] passed in 1900 provided for a field inspector to be appointed by the board of agriculture for each of the ten congressional districts, with a salary of $75 per month and expenses while engaged in the spring and fall. These inspectors draw samples of fertilizers offered for sale, and also draw samples for farmers, when requested. Of the 471 samples drawn by the inspectors the first year 200 fell below the manufacturers' guarantee. The law of 1890 allowing farmers to send samples to the state chemist at the time of purchase remains in force, and if the seller is not present, any justice of the peace or any notary public, upon the payment of 25 cents by the purchaser, may witness that a correct sample is sent. The manufacturers' inspection and license fee was changed to 15 cents a ton. The registration fee was dropped, as samples were no longer analyzed when the name of the brand was registered. This ton tax of 15 cents is administered by means of tags sold by the department of agriculture, one tag being placed on each bag of

[1] Acts, 1899–1900, c. 10.

fertilizer. In 1910 this tax was supplemented by a registration fee of $5 for each brand sold in the State. This is simply a revenue measure advocated by the department, since it is largely dependent upon the fertilizer tax. From September 1, 1910, to August 31, 1911, these five dollar fees yielded $10,675 revenue.

It was enacted in 1908[1] that these tags should be a different color each year, to facilitate inspection; and that common carriers transporting untagged fertilizer should be fined from $25 to $200 for each offense. The act provides also that no fertilizer may be offered which contains less than 11 per cent. of plant food. If it falls between 5 and 10 per cent. below that guaranteed to the commissioner of agriculture or marked on the bag (for the department no longer analyzes the manufacturers' samples), it is the duty of the commissioner of agriculture to assess twice the value of such deficiency against the manufacturer of or dealer in the fertilizer contained in the lot or car from which the sample is drawn; if it is 10 per cent. below he must assess five times the value of the deficiency. The commissioner of agriculture must require the manufacturer, dealer, or agent to make good such assessments to all persons who purchase such fertilizers from the carload from which the sample is drawn. This provision protects the farmer from buying a low-grade article under a high-sounding name, like "Mammoth Grower." Farmers themselves send very few samples; and it was soon found that it was impracticable to learn the names of all the purchasers from a carload which had been found deficient by samples sent in to the department by inspectors.

In 1910, therefore, the department had a bill introduced into the General Assembly allowing the department to collect the penalty when the purchaser could not be located. This measure passed the House, but during the last few days of the session was killed in the Senate by three senators, the rule being that no measure might come to a

[1] Acts, 1908, c. 72.

vote if opposed by three members. Hence the enforcement of this law is impossible, and today the department has many claims which cannot be collected because the purchasers cannot be found.

Since this fertilizer law is being enforced by officers of the State, the whole amount of money paid as penalty should come to the department of agriculture or the State. The only justification for giving the penalty money to the individual purchasers of inferior fertilizer is to induce the purchasers to help enforce the law. They have not done this, and therefore the total receipts for penalty fines should be used for the improved state enforcement of the inspection law. If in 1910 a few among the purchasers of approximately $7,000,000 worth of fertilizers were defrauded, how many must have been defrauded several decades ago when a purchaser's only method of judging a fertilizer was by its smell; when a polecat dragged through a carload added more to its marketable value than a ton of potash.

The most effective weapon in the hands of the department is publicity. The persons on a large mailing list are supplied with a monthly bulletin containing the claimed and the actual analyses of all fertilizers analyzed during the month. When a bad sample is found, a manufacturer will beg with excuses that it be kept off this list, but without avail.

In 1910 agricultural lime was brought under inspection. The manufacturer or, if the manufacturer has not paid, the dealer must pay to the commissioner of agriculture a registration fee of $10 annually for each brand sold in the State. It is inspected by fertilizer inspectors, and purchasers and sellers may jointly send in samples; but the only penalty if the lime falls more than 10 per cent. below the standard guaranteed to the commissioner of agriculture is that the latter officer must prohibit the sale of the lot of lime in the State.

Inspection of Trees.—The first state law dealing specifically with the inspection of trees was passed in 1890.[1] In

[1] Acts, 1889–90, c. 189.

any county where fruit trees were affected by the "yellows" it was the duty of the county judge, upon the request of ten reputable freeholders, to appoint one or more orchard inspectors for one season; but the appointment had to be approved by the board of county supervisors. The inspector was paid by the county $1.50 for each day engaged, provided the maximum cost to the county did not exceed $30 per annum. The commissioner of agriculture, as "chief inspector of orchards," furnished the inspectors with suitable blanks for reports. Trees diseased beyond remedy were destroyed at the expense of the owner.

In 1896 the board of control of the state agricultural experiment station at Blacksburg was authorized to designate a scientific member of the experiment station staff to act as state inspector,[1] but no appropriation was made. In 1898 an appropriation of $1000 was made by the State, and an inspector was sent out to cooperate with locally appointed inspectors. The counties were no longer restricted as to the amount they might appropriate.[2]

By an act of 1900 this same board of control of the agricultural experiment station also became known as the "State Board of Crop Pest Commissioners." It was directed to appoint a state entomologist and pathologist who should succeed to the duties of the inspector as described in the last paragraph. In addition to supervising the inspection of trees, he was to prepare a list of insect pests that might be eradicated, with descriptions of them and the means of eradication. This board was given authority to provide rules and regulations under which the state entomologist and pathologist should proceed to control, eradicate, destroy, and prevent the dissemination of crop pests, and these rules and regulations were to have the effect of law in so far as they conformed to the act and to the general laws of the State and of the United States. The entomologist had to provide for an annual inspection of nurseries and for a

[1] Acts, 1895–96, c. 829.
[2] Acts, 1897–98, c. 567.

guarantee of nursery stock, the railroads not being allowed to deliver stock not properly tagged.

For the carrying out of the above act an inadequate appropriation was made, but in 1903 an annual appropriation of $6000 was made, plus a fee of $20 required from every nurseryman, to be paid to the state auditor of public accounts. This act also provides that when ten freeholders petition the entomologist, he shall in person, or by deputy, visit the section; and if he finds any crop pests, he shall appoint an inspector for the locality, who must be paid by the county.

Seed Inspection.—A seed law, enacted in 1910, has for its object the improvement of the quality of agricultural seeds and the elimination of impurities and of weed seeds. All seeds in packages weighing more than fifty pounds must be labeled, stating the quality of the seed. If the seeds reach a certain standard of purity and germination, they must be labeled "standard"; if not, the kinds and the percentage of impurities must be stated. The commissioner of agriculture has appointed a seed analyst, who tests samples free for farmers and at a cost of fifty cents a sample for dealers. Samples of seeds are drawn all over the State, by the pure food inspectors, to test the accuracy of the label guarantees. The analysis of these samples are published in the monthly fertilizer bulletins.

Protection of Domestic Animals.—The first paragraph of this chapter gives the elementary provisions of the law of 1870 for the protection of cattle. This law remained practically unchanged until 1896, when the protection of cattle was recognized as a central state function. The Federal Government has protected the State so well by quarantine against southern and western infected cattle that the energies of the State have been directed almost exclusively against diseases among its own cattle. This work has been done, since 1896, through the state experiment station at Blacksburg. The development from 1896 to 1908 would not be

instructive, hence we shall briefly describe the law of 1908,[1] which superseded all previous laws.

The board of control of the state experiment station at Blacksburg is to act as a state live stock sanitary board, and its members are empowered to "establish, maintain and enforce such quarantine lines and sanitary rules and regulations as they may deem necessary"; to cooperate with similar boards of other states; to employ a state veterinarian and assistants to enforce their regulations; and to compel railroad corporations to disinfect cattle cars. The expenses of the enforcement of these provisions are paid out of the treasury of the State upon warrants drawn by the chairman of the above board.

A special state quarantine requires the approval of the governor of the state; but a local quarantine restricted to a farm or a county may be declared by a county board of supervisors or by the state veterinarian. If the board of supervisors of any county feels that there is occasion for alarm, the state veterinarian is to be summoned at once. Any expenses resulting from the orders of the state veterinarian are borne by the county, though the state veterinarian receives no fees in addition to his state salary.

Immigration.—Since its creation the board of agriculture has endeavored to advertise the resources of the State for the purpose of encouraging immigration; but never before 1906 was money appropriated directly for the purpose. From 1906 to 1910 inclusive $5000 annually has been appropriated.[2] The first two seasons George W. Koiner, commissioner of agriculture and immigration, made trips to Northern Europe. As Canada had more than three hundred immigration agents in Great Britain who offered free passage to Canada and 160 acres of land, and as immigrants from Southern Europe were not desired, the commissioner changed his policy, and is now advertising in the north central and northwestern States of the Union. Advertise-

[1] Acts, 1908, c. 202.

[2] This appropriation was not made for 1911 because of necessary temporary retrenchment.

ments are placed in farm journals during the season when farmers are snow-bound; and upon inquiry a hand-book, with a map and a description of each county of the State, is sent with answers to specific questions. As a result, the department received during this season about fifty inquiries daily, and about two thousand farmers came to the State last year from Ohio, Michigan, and other States of the Middle West. Most of these had capital and experience, and came because of the climate and the cheap lands of the State. Taxable values are much enhanced by their coming. One farm in King George County, in 1910, produced a 400-acre alfalfa crop worth $85 an acre on land purchased less than five years before for $25 an acre by a gentleman from California.

Experimentation.—In 1886 the following act was passed by the General Assembly of Virginia:[1] "Whereas congress proposes to make an appropriation for the maintenance of agricultural experiment stations at the several agricultural and mechanical colleges of the United States, be it enacted by the general assembly of Virginia, that an agricultural experiment station be and is hereby established at the Virginia Agricultural and Mechanical College at Blacksburg, the same to be maintained by appropriations made by the congress of the United States." The station, which is known as the Virginia Experiment Station or State Experiment Station, has always been supported by the Federal Government, and is now receiving $30,000 annually. The board of visitors for this school is also the board of control for the state experiment station,[2] and in 1888 the board was authorized to establish branch stations.[3]

Beginning with 1906[4] and since that year, $5000 has been

[1] Acts, 1885–86, c. 311.

[2] It must be held in mind that the board of visitors for the Virginia Agricultural and Mechanical College, the board of control of the State Experiment Station, the state live stock sanitary board, and the state board of crop pest commissioners are the same board, though the different phases of their duties are, in practice, carried out by committees.

[3] Acts, 1887–88, c. 284.

[4] Acts, 1906, c. 226.

annually appropriated by the State of Virginia for the purpose of conducting experiment stations and publishing the results.[1] The appropriations are expended as directed by the executive committee of the above board; and experiment stations are now conducted at Appomatox, Axton, Bowling Green, Chatham, Louisa, and Rustsburg. Independent of these stations, the state board of agriculture has established three experiment stations; one at Saxe, Charlotte County, in 1901; a trucking experiment station at Norfolk, in 1907; and another station at Staunton, Augusta County, in 1910. The station at Saxe has been supported by the department of agriculture from the fertilizer tax fund; but for 1910–1911 both the station at Saxe and the station at Staunton are being supported and managed by the state experiment station just as the six stations mentioned above are managed. The Norfolk station is supported by an appropriation of $5000 from the fertilizer tax fund of the department of agriculture and an equal amount from the ordinary funds of the State. The superintendent of the Norfolk station is elected by a board representing the state department of agriculture, the state experiment station, the Norfolk Produce Exchange, and the United States Department of Agriculture. Experiments carried on at this station by the United States Department of Agriculture are paid for by the Federal department.

Teaching and Demonstration.—The Virginia Agricultural and Polytechnic Institute, established in 1872, offers a four-years course in agriculture and a six-weeks winter course to farmers. Beginning with 1910–1911, movable schools of agriculture, lasting from three to ten days, are sent when requested by as many as fifty farmers. The teachers are furnished by the Agricultural and Polytechnic Institute, but $2500 is given by the State for traveling expenses. The State also gives a like amount for extension demonstration work by one man, who instructs individual farmers in all

[1] This $5000 is supplemented by a like amount from the United States Bureau of Plant Industry.

parts of the State who will lay off an experimental plot and follow the demonstrator's directions.

The department of agriculture conducts farmers' institutes. Previous to 1900 the department aimed to hold one institute in each congressional district, but seldom succeeded. Between 1900 and 1910 as many institutes were held as the limited revenues of the department would permit. In 1910 the commissioner of agriculture appointed a director of institutes; and during the months of February, March, and April, 1911, he held twenty-one day institutes away from the railroads and fifty-eight half-day institutes from passenger coaches. Railroad companies furnished the trains free; and the department furnished the lecturers, who are specialists, to address the farmers that collected in the coaches. The Norfolk and Western Company, for example, furnished a train of seven first-class brand-new coaches for two weeks. A similar train will be run in the fall. It is estimated that twenty thousand farmers attended these spring institutes. The institute work is supported by $10,000 appropriated annually: $5000 from the fertilizer tax fund, and the same amount from the general state funds.

The department of public instruction conducts an agricultural and industrial department in a high school of each congressional district at the total cost of $30,000, which is appropriated by the State. This department of public instruction also supervises boys' corn clubs in cooperation with the farm demonstration work of the United States Department of Agriculture. For this the State appropriates $5000.[1]

Pure Food.—In 1898 an oleomargarine law was enacted imposing a fine not exceeding $250 upon any factory, store, hotel, café, or other public eating place which made, sold, or served oleomargarine, or used it in cooking, without

[1] One half of the salary of county demonstrators is paid by the county, the other half by a fund from the General Education Board, slightly supplemented by the State. For 1911 the forty-odd thousand dollars from the General Education Board was distributed conditionally by the United States Department of Agriculture.

posting a sign in a conspicuous place, printed in black letters one inch square on a white background: "We sell oleomargarine here," of "We serve oleomargarine here." No special officer, however, was provided to enforce the law. In 1900 a pure food law,[1] fashioned after the Federal pure food law, included the provision in regard to oleomargarine; and the provisions of this law were to be enforced by the commissioner of agriculture. The commissioner, however, did not have available funds from the fertilizer tax, and a special appropriation was not made until 1903, and then only $2000 per annum.

In 1908 the office of dairy and food commissioner was created. The commissioner is appointed by the governor for four years on a salary of $2500. He is to work with the department of agriculture; and his deputy food commissioner and other assistants are to be appointed jointly by the commissioner of agriculture and the dairy and food commissioner, subject to the confirmation of the board of agriculture. This new commissioner enforces all pure food laws, including the oleomargarine law, dairy product laws, and cattle feed laws. The chemical work is done in the laboratories of the department of agriculture. The office is supported by an annual appropriation of $7500, plus a registration fee of $5 from the proprietor of every skimming station, creamery, cheese factory, condensed milk factory, or milk depot where milk is received from three or more persons, plus a tax of 15 cents a ton on concentrated commercial feeds which are inspected and analyzed for constituents of food value. This last tax is enforced by means of tags like the fertilizer tags described above, and it is collected by this division of the agricultural department. It is claimed that these special inspection taxes are better collected by the department which profits by them than if the auditor should collect the same, since the fertilizer and pure food inspectors in the field can observe and report violations; and these officers are not directly responsible to the state auditor.

[1] Acts, 1899–1900, c. 225.

The pure food inspectors not only send samples of foods to the state chemist of the agricultural department but inspect the premises of such places as restaurants, bakeries, meat markets, and cold storage plants. An important part of their work is the inspection of stock feeds. As some one has said, "They see that no rice hulls and oat hulls come into the State, and that all peanut hulls go out." The dairy inspectors inspect the creameries, dairies, stables, and cows. The State appropriates $5000 annually to pay for cattle condemned on account of tuberculosis.

RECAPITULATION FOR 1910.

A. State Department of Agriculture and Immigration: commissioner and board.
   1. Trucking Experiment Station at Norfolk.
      $5000 fertilizer tax fund.
   2. District Experiment Stations at Saxe and Staunton.
      Fertilizer tax fund.
   3. Farmers' Institute.
      $5000 State.
      $5000 fertilizer tax fund.
   4. Fertilizer Inspection.
      Fees and tax on fertilizers.
      Much more than self-sustaining.
   5. Seed Inspection.
      Fees and fertilizer tax fund.
   6. Immigration.
      $5000 State.

B. Division of Dairy and Pure Food Inspection: commissioner.
   1. Food Inspection.
      $7500 State.
      Fees and tax on feed.
   2. Dairy Inspection.
      $5000 State for condemned cattle.
      Fees.

C. Agricultural and Mechanical College: president and board.
   1. State Experiment Station.
      $30,000 United States.
   2. District Experiment Stations at Appomattox, Axton, Bowling Green, Chatham, Louisa, and Rustsburg.
      $5000 State.
      $5000 United States.
   3. College.
      $20,000 United States land-script fund.
      $30,000 United States.
      $55,000 State.
   4. Movable Schools of Agriculture.
      $2500 State.
      College.
   5. Demonstration Extension Work.
      $2500 State.
   6. Live Stock Quarantine.
      $3500 State.
   7. Nursery and Orchard Inspection.
      $6000 State.
      Fees.

D. Department of Public Instruction: superintendent and board.
   1. Agricultural Departments in High Schools.
      $30,000 State.
   2. Agricultural Experiments and Demonstrations.
      $2500 Common School Fund.
   3. Boys' Corn Clubs.
      $5000 State.

Suggestions.—This recapitulation shows that the agricultural functions of the State are being administered by four different departments, which are under three different boards; and two of the commissioners are elected independently of these boards. The commissioner of agriculture

and immigration is elected by the people, and the commissioner of pure foods and dairy inspection is appointed by the governor; hence, since these two are practically independent of the board, there are five practically independent sources of state agricultural administration instead of one secretary of agriculture, such as we find at the head of the Federal agricultural functions.

Not only is the work of each department largely independent of that of the others, but several departments are performing similar functions. For instance, three of them are carrying on the same kinds of experimental work; three are conducting teaching and demonstration work; and three have police functions, such as inspection. This very much weakens a farmer's interest in the State's efforts, since the average farmer is at a loss to know where he can get desired information. And no wonder he is at a loss. If his hogs get cholera, he should communicate with the commissioner of agriculture for cholera serum. If his cattle contract tuberculosis, he should communicate with the commissioner of pure foods and dairy inspection in Richmond. If his horses are sick with distemper, the veterinarian at Burkeville should be consulted. If his trees have the San Jose scale, he should seek help from the state entomologist at Blacksburg. If his soil needs treatment, he does not know where to write, since the state chemists and state experimenter are in opposite ends of the State under separate boards.

The cause of this condition lies partly in the very recent expansion of the State's interest in agricultural functions. The unsatisfactory condition, however, is recognized, and a measure became law in 1910 which created a united agricultural board, composed of the governor, superintendent of public instruction, commissioner of agriculture, president of the Agricultural College and Polytechnic Institute, one member of the board of visitors of this school, director of the State Experiment Station, supervisor of district experiment stations, and general director of demonstration work of the United States Department of Agriculture. The gov-

ernor is chairman of the board. Traveling expenses and hotel bills constitute the only compensation of its members. The board is directed to assign to the respective departments such functions as seem appropriate thereto.

The above legislation is in the right direction, but was intended only as a temporary expedient. Its weakness consists in the fact that it attempts to centralize the agricultural activities of the State without placing anybody in the center. The governor is chairman of the board, but however interested the governor may be in the development of the agricultural activities of the State, he has not the time to do more than suggest and stimulate. Moreover, the next governor may not be so interested in this branch of government as is the present incumbent, Governor Mann. The other members of the board also will be able to devote only a small part of their time to the work of the board.

It seems to the writer that a reorganization should take place with a commissioner of agriculture and the board of agriculture at the head. This office and board are provided for by the state constitution, hence the reorganization could come about through the General Assembly. The commissioner of agriculture should have under him three bureaus with three heads appointed by him, with the consent of the board. He should have full power to dismiss these three heads, else he could not be held responsible.

These three bureaus should be experimentation, teaching, and police (inspection), and the head of each bureau should appoint all of his subordinates. Then the system would appear as follows:

Department of Agriculture: commissioner and board with committees.

A. Bureau of Experimentation: state experimenter.
   1. Central Experiment Station.
   2. District Experiment Stations.
   3. High School Experiment Plots.
   4. Demonstration Extension Work.
   5. Boys' Corn Clubs.

B. Bureau of Teaching: president of Agricultural College.
   1. College.
   2. Movable Schools of Agriculture.
   3. Farmers' Institutes.
   4. Agricultural Departments of High Schools.
   5. Immigration.

C. Bureau of Police (Inspection): state inspector.
   1. Fertilizer Inspection.
   2. Seed Inspection.
   3. Food and Feed Inspection.
   4. Dairy Inspection.
   5. Live Stock Inspection.
   6. Nursery and Orchard Inspection.

CHAPTER VI.

PUBLIC SERVICE CORPORATIONS.

Board of Public Works.—During the first half of the nineteenth century it was the policy of Virginia to encourage internal developments by state aid; from the Civil War until the end of the century liberal charters induced northern capital to carry out private enterprises; but during the first decade of the present century, control of corporations has been the problem.

Previous to 1816 the State had purchased bank stocks, canal stocks, and pike stocks to encourage internal development. Further, to encourage internal improvements, the General Assembly of the above year appropriated these stocks, the dividends from the same, and all bank charter fees for fifty years to serve as a "Fund for Internal Improvements." To administer this fund, a "Board of Public Works" was created, a corporate body composed of the governor, treasurer, attorney-general, and ten citizens elected by the General Assembly. Five of the ten citizen members were required to live west of the Blue Ridge Mountains.

This board met annually, and subscribed to the stock of improvement companies when so directed by the acts of the General Assembly; but it was allowed to subscribe only when three fifths of the stock was subscribed by private parties and when one fifth was actually paid.[1] Evidently the board was imposed upon, because a few years later an act required it to examine carefully the financial character of subscribers of the required three fifths of the stock. Another duty was to appoint commonwealth directors in the various corporations to which the State had subscribed.

In 1831, as a result of the new constitution of 1830, the board was reorganized. The governor, lieutenant-governor,

[1] Acts, 1815–16, c. 17.

treasurer, second auditor, and surveyor of public works composed this board.[1] Two years later the personnel of the board was again changed to the governor, treasurer, first auditor, and second auditor.[2] In 1837 an extensive act providing for the chartering and control of railroads gave additional duties to this board. The railroads had to report their gross and net receipts to it every three years. As soon as the original cost of the road, with 6 per cent. interest, should be returned to the stockholders, the board was to prescribe such rates as would leave 6 per cent. dividends for the stockholders.[3] The last provision would not be likely to burden any board with rate making; nor did it.

Previous to this the state aid to banks, canals, and macadamized and plank roads had not brought a heavy debt upon the State; but railroad building proved more expensive. In 1838 the board was directed to borrow "in America or Europe" when authorized by law; and by 1861 nearly one hundred acts had authorized them to invest or to guarantee to those who would invest, thereby making the state debt about $33,000,000, representing appropriations in excess of state revenues. This encouraging of railroads added greatly to the duties of the board. For example, in 1849 it was authorized to build a railroad from near Charlottesville to Waynesboro, by tunneling through the Blue Ridge Mountains. Two years later a permanent secretary was attached to the board.

The constitution of 1851 again changed the personnel. From this date until the end of the Civil War the board consisted of three commissioners elected by the people of the three districts into which the State was divided for this purpose. They met monthly, and retained a permanent secretary. During the Civil War we find them compelling the railroads to haul fuel-wood into Richmond at a reduced rate.

This board, ever-changing in personnel, assumed its last form by the "Reconstruction Constitution." From 1870

[1] Acts, 1831, c. 112.
[2] Acts, 1833, c. 112.
[3] Acts, 1836–37, c. 118.

until 1902 the board consisted of the governor, auditor, and treasurer. During this period the duties of the board, as from time to time prescribed by the General Assembly, were varied. For example, in 1871 they were authorized to exchange stocks and bonds held by the State in internal improvement companies for state bonds, both to exchange at par; or else to sell the stocks to the highest bidder, provided the price was not below par value.[1] In 1874 they were ordered by the General Assembly to furnish a plan for fish ladders, which all owners of dams were compelled to install. Ten years later they were directed to select a plan for a new hospital for the insane. The same year it was made their duty to appoint directors of the three hospitals for the insane, also visitors for the Deaf, Dumb and Blind Institute and the Virginia Military Institute. Though the board existed until 1902, it was robbed of most of its duties in 1877, when the General Assembly provided for a railroad commissioner.

Railroad Commissioner.—The office of railroad commissioner was created in 1877 because the roads were charging rates which were considered unreasonable and discriminatory as to Virginia cities. The commissioner was elected by the General Assembly for a period of two years, and was allowed to appoint his own clerk. He had general supervision over steam railroads only. If he wished to have a road enjoined for the violation of its charter or of other law, he had first to get the consent of the board of public works. He could order repairs to a road, better station facilities, reduced fares for passengers, or reduced rates for freight; but if his orders were not complied within sixty days, he had to consult the board of public works, who could act "as they deemed expedient."[2]

In 1878 the General Assembly directed the commissioner to contract with the railroads for the transportation of convicts and insane, provided the rate should not exceed two

[1] Acts, 1870–71, c. 210.
[2] Acts, 1876–77, c. 254.

cents a mile by the shortest route, which route must be followed. The following year an act directed him to post in railway stations all laws and rules regulating railroads.

In the governor's message of 1891–1892 complaints of discriminations in rates and schedules to the injury of certain cities were voiced. Hence, an act was passed prohibiting a greater charge for a short haul than for a long, but providing that the commissioner might make exceptions to this rule. Each railroad had to file a schedule of rates and fares with him; and from time to time the General Assembly called upon him for statistics concerning railroads. With the control of the board of public works on one side and continual special legislation on the other, the commissioner could not develop strength. In fact, the powers of both the board of public works and the railroad commissioner weakened while the volumes of acts of the General Assembly were swelling with special legislation.[1]

Organization of the State Corporation Commission.—In the new constitution of 1902 one third of the long document is devoted to a detailed provision for a unique commission to be known as the "State Corporation Commission."[2] It was deemed best to make the detailed provisions of it fundamental rather than statute law for various reasons; first, the average caliber of the members of the convention excelled that of the General Assembly.[3] Again, a commission with such strong powers needed the prestige of a body especially entrusted with the sovereign powers of the people. Further, the General Assembly would probably have limited the

[1] The governor in his message of 1891–92 deplored the bulk of private legislation. Of the 1293 pages of acts for the preceding session 1043 were devoted to private legislation. But no reform came until the Constitutional Convention of 1902, when such administration functions as the issuance of charters, control of rates, and granting of pensions were transferred to boards and commissions. General rules were, of course, reserved for the General Assembly. As a result of this reform more legislation is found in the 670-page volume of acts for 1910 than in the 1500-page volume for 1900.

[2] Constitution, 1902, Art. XII.

[3] On the committee which drafted the law were such constitutional lawyers as Senator John W. Daniel and Hon. A. Caperton Braxton, to the latter of whom is to be ascribed the idea of such a commission.

appropriations for the support of the commission to the extent of robbing it of its dignity and power; and, instead of having the commissioners appointed for long terms by the governor, would have provided for short-term commissioners elected by the General Assembly itself.[1] And when it came to bestowing legislative, judicial, and executive powers upon one body, the assemblymen's preconceived reverence for the Montesquieu-Jeffersonian division of powers would have been an unsurmountable barrier.

The commission is composed of three members, one being appointed by the governor every alternate February for a term of six years, at a salary of $4000 per annum, with $500 extra for the chairman. One of the three must have the qualifications prescribed for members of the supreme court of appeals; and each must take oath that he has no financial interest in any transportation or transmission company. Free railway transportation is accorded the commissioners when on official business within the State. The expenses of the commission are paid from the state treasury, but an annual registration fee for corporations, ranging from $5 to $25 according to the amount of capital stock, was imposed to cover this new item of expense. These fees have become more than sufficient.

Its functions are legislative, judicial, and executive. It creates, regulates, and supervises all domestic corporations, except municipal corporations and institutions owned by the State; and it regulates and supervises all foreign corporations permitted to do business in the State. The legislative functions of the commission are to prescribe rates and classifications for transportation companies; to prescribe rates for transmission companies; and to prescribe other regulations, such as demurrage charges.

The commission is a court of record, with a clerk, bailiff, and other necessary court subordinates; it may compel the attendance of witnesses or the production of papers; it may

[1] The General Assembly in 1908 came within two votes of agreeing to submit to the people the question of popular election of the corporation commissioners.

fine or imprison for contempt; and its members may be impeached. In fact it has every essential of a court, and is a court. From time to time the General Assembly refers to this court matters which that body had formerly decided. For example, in 1910 the General Assembly was asked for permission to place additional toll-gates on the Valley Pike, that the toll might be more fairly distributed. The matter was referred to the corporation commission.

There is, of right, an appeal from the commission to the supreme court of appeals in the same manner that appeals may be taken from other courts, but they must usually be taken within six months, always within twelve. Writs of mandamus and prohibition lie from the court of appeals. When an appeal is taken to the court of appeals from a decision prescribing rates, charges, or classification, the transportation or transmission company either puts such rates or charges into effect pending the appeal, or else files with the commission a bond sufficient to guarantee the refunding of all overcharges in case the commission is sustained. When the supreme court of appeals declares void a rate determined by the commission, it must prescribe a substitute therefor, which has the same effect as if prescribed by the commission.

The corporation commission was created with the hope of avoiding tedious litigation with the carriers and years of delay. It was thought that inquiry might be made into the rates by judicial investigation before the rate has been prescribed, and that this judicial inquiry, which is conceded to be necessary to avoid the constitutional guarantee against confiscation, would assure due process of law to the carriers. It was believed that the rates so prescribed would not be attacked by any other body, except that the Supreme Court of the United States, on writ of error, could review the decision of the supreme court of appeals.[1]

Though the commission is endowed with these important legislative and judicial functions, it is also an administrative

[1] Proceedings State Bar Association, 1909, pp. 205, 255.

body. It issues all charters, amendments, or extensions thereof for domestic corporations, and issues licenses to foreign corporations; and it regulates the issue of corporation stocks and bonds. The constitution provides that the General Assembly shall neither grant, amend, nor extend any charter by special acts, but it may repeal any charter at any time. Neither may the General Assembly, by special act, regulate the affairs of any corporation, nor give it any rights, powers, or privileges. From time to time the commission examines whether the charter rights are being exceeded or abused by transportation or transmission companies; and it possesses full rights to examine the books and papers of these corporations and to prescribe uniform methods of bookkeeping. It assesses the real and personal property of all public service corporations for state, county, and district taxes. It also levies the fees, the franchise, and the license taxes of this class of corporations. The assessment of mineral lands biennially is also supervised by this body. It may order an improvement in the physical condition of a road, in rolling stock or stations; and it may require proper connections at junctions, or even additional trains and employees if the traffic is not being promptly handled. All of the functions that the board of public works and the railroad commissioner performed before 1902 are now performed by the corporation commission.

Working of the State Corporation Commission.—The corporation commission was formally organized May 2, 1903. Its first important legislative order was issued, after giving the railroad companies an ample hearing, on the 13th of August, announcing a schedule of rules regulating demurrage, car service, and storage charges. An appeal was taken to the court of appeals, denying both the jurisdiction of the commission and the fairness of the rates. The commission was upheld on both points, with a few minor exceptions.

In 1905 an investigation of freight rates was entered upon;

and on October 15, 1907, a single uniform freight classification went into effect. On December 18, 1906, telegraph rates were prescribed, and were put into effect on the appointed day. The following year when the telegraph operators were on a strike the Bell Telephone Company doubled its night rates. It was summoned before the commission and ordered to continue the old rates until permission was granted for the change, should a change be allowed. Upon a hearing the proposed increase was permitted.

In 1906 the General Assembly passed a resolution directing the corporation commission to prescribe a two-cent maximum passenger rate. This resolution was not binding upon the commission, since the assembly is constitutionally prohibited from regulating rates. However, the commission on July 31, 1906, caused a notice to be served on the steam railroads doing business in the State, declaring that the commission would, on November 1, 1906, hear and consider objections which might be urged against the fixing and prescribing of a two-cent rate for the transportation of passengers between points in the State. The railroad companies appeared and filed their objections. Between this date and April 27, 1907, the companies were given public hearings which covered several months, and no company was denied the privilege of introducing any evidence offered. On this last-named date the commission ordered the two-cent fare to go into effect July 1, 1907, on the ten strongest roads of the State; two and one half cents on three branch roads; three cents on twelve roads, and three and one half cents on twelve roads whose passenger traffic was especially light.[1]

Instead of appealing to the court of appeals, a privilege which is allowed of right by the constitution of the State, six of the roads, on May 15, 1907, brought suit in the United States circuit court to enjoin the commission from enforcing the order of April 27. The suit was based on the following claims:

[1] Fifth Report of the State Corporation Commission, pp. 71–112.

1. That the corporation commission had erred in holding the rate in question to be not less than reasonable;
2. That the proceedings of the commission in which this decision was reached did not amount to due process of the law;
3. That to require the judicial question of the reasonableness of a rate to be passed upon by a special court, organized differently from the ordinary courts, would deprive the companies affected of the equal protection of the laws;
4. That the commission could not act judicially because it is clothed also with legislative and executive powers;
5. That the State had bound itself not to regulate rates except under circumstances which do not exist, and therefore the act of the commission impaired the obligation of the contract between the State and the company; and,
6. That, inasmuch as interstate rates are built upon intrastate rates, any regulation of the latter by the State is a regulation of interstate commerce, and is void.

The court issued a preliminary injunction restraining the members of the commission and the clerk from further proceedings in the matter. On June 27, 1907, the defendants (members of the commission) filed an answer denying the jurisdiction of the court on the grounds that it was in "substance and effect" a suit against the State of Virginia, and was in violation of the Eleventh Amendment of the Federal Constitution; and further that the commission is a judicial court of record of the State, and could not be enjoined by a Federal court. These objections of the defendants were overruled, and an interlocutory injunction was issued.

At this stage an amicable compact was made for the purpose of expediting the litigation and obtaining an early decision from the Supreme Court of the United States.[1]

[1] A settled policy of the commission is to adjust all complaints by mediation if possible.

The members of the commission agreed not to defend the suit on the merits of the rate set, but to allow the injunction to become permanent, that an appeal might be taken at once from the decision of the circuit court to the United States Supreme Court. The six railroads agreed that, notwithstanding the injunction, they would put in force the reduced rates prescribed by the commission until the decision of the United States Supreme Court should decide first, whether the State of Virginia had violated the Constitution of the United States or the Bill of Rights of Virginia by combining legislative, judicial, and executive functions in a single body; and second, whether the circuit court of the United States properly had jurisdiction in the case. Should the constitutionality of the commission be upheld but the jurisdiction of the circuit court be denied, it was agreed on the part of the commission that they would grant another hearing to the roads on the merits of the rates, which would then have been given a reasonable trial.

The State of Virginia retained Senator John W. Daniel and Honorable A. Caperton Braxton to assist Attorney-General Anderson, and a hard fight was made for the very existence of the legislative and judicial sides of the commission. On November 30, 1908, the Supreme Court rendered its decision. The decision was that the State, by its constitution, may combine legislative and judicial functions in a single body; but that the function of determining rates is a purely legislative one. Therefore, in prescribing rates, the court performs a legislative act, and the enforcement of the act is strictly administrative, and is not immune from a Federal injunction. However, the circuit court had committed an error by acting too soon; its decision was reversed, and the costs were placed upon the railroad companies. Because an appeal was of right allowed to the Virginia court of appeals, this appeal should have been taken. And as this court was given power, by the constitution of the State, to revise the order of the commission or to prescribe a new rate, the legislative phase had not yet been completed; there-

fore, the United States circuit court should not have enjoined until this step had been taken. If the railroads, after an appeal to and decision from the court of appeals, still felt that the rate was confiscatory, then the court of appeals might be enjoined if it should attempt to enforce its judgment, since it too would have performed not a judicial, but first a legislative and then an administrative function.[1]

So the railroad companies, as had been formerly agreed, again came before the commission. The commission, after a full hearing, ordered that the rate should be two and one half cents instead of two cents a mile for the more important roads; and the railroads put the rate into effect at once. One exception to this was the Richmond, Fredericksburg, and Potomac Railroad, which was given the two-cent rate from the date of the original order of the commission until 1911, when it was allowed to increase the rate to two and one half cents a mile on the ground that it was losing by its intrastate passenger traffic, though its total traffic yielded 9 per cent. dividends.

On the judicial side the court has maintained its prestige. It has had to give judicial interpretation to many charters. In fact, its control of railroads has led it into unexpected fields. For example, four towns in the southwestern part of the State passed ordinances prohibiting the shipment of whiskey into the towns by express companies. The express companies obeyed. The wholesale whiskey dealers in Roanoke appealed to the commission to force the express companies to accept their shipments. The commission assumed jurisdiction, and after a hearing decided that the four towns had exceeded their charter rights, and ordered the express companies to haul whiskey offered for shipment to these towns, provided the amount did not exceed one gallon, the amount allowed by the state law.

On the purely administrative side the commission has fully justified its creation. As a result of the new taxes imposed by the recent constitution and the efficiency of the

[1] Prentis v. Atlantic Coast Line R. R. Co., 211 U. S. 210.

commission, the state revenue from railroads has increased fourfold. At the same time the corporations seem satisfied. They would rather deal with a judicial commission than with a political legislature. Their taxes may be increased, but their political expenses are lessened. They need not interest themselves in politics, since the General Assembly cannot grant any special charter privileges. The prescribing of a two-cent passenger rate was in no sense demagogic. Of the three commissioners who prescribed it one was a lawyer of high rank, one was a public-spirited millionaire, and the third, for the welfare of the commission, paid the annual salary of an extra clerk from his own salary.

In several instances, however, individual members have been open to criticism. In 1905 it developed, as a result of discord between two clerks of the commission, that a commissioner owned a one-hundred-dollar share in the Virginia Corporation Company and a clerk owned three one-hundred-dollar shares; and that the clerk furnished daily to this company a list of corporations applying for charters. A member of the commission is prohibited from owning any stock in a transportation or transmission corporation doing business in the State but is not prohibited from holding other stocks, so this act was not illegal; but a legislative investigation was made.

The Virginia Corporation Company was a Richmond company composed of a few parties who held in all twenty one-hundred-dollar shares of stock. The purpose of the company was to draw up charters where they were needed, and have the same granted by the corporation commission. The commissioner stated in his defence that the pressure of business upon the commission had made it advisable that such a company be created, which could assist the commission by presenting requests for charters in proper form, and he had taken one share of stock merely to assist in the creation of such a company. No unusual profit had been obtained, and the past record of the commissioner had been of the best. The majority report recommended that the

commissioner be asked to resign, though his act was without corrupt motive. The two houses of the General Assembly, however, by a large majority accepted the minority report which found him guilty of "a grave error of judgment and indiscretion," but did not ask him to resign.

Two years later the confirmation of the governor's appointee, Commissioner Rhea, was "held up" in the General Assembly by Republican members from the appointee's congressional district. A joint committee was appointed to investigate. The majority reported to exonerate him, but the investigation developed the fact that corrupt practices by his retainers had been perpetrated when the appointee was a candidate for Congress. The governor was censured by the press and the public for making the injudicious appointment of one who had played politics in the most hotly contested section of the State. While the investigation was being made, a bill to submit the question of popular election of the commissioners to the people passed the Senate with only two dissenting votes, but in the house it was defeated by a majority of two. Popular election of judges is most strongly condemned by students of government; therefore future governors should carefully avoid even the appearance of evil. The opportunity for graft is enormous in this commission; and a lack of confidence should be carefully guarded against. The dignity of the commission should be second only to that of the state court of appeals.

Bureau of Insurance.—The constitution of 1902 provided that a bureau of insurance, a bureau of banking, and other bureaus might be established within the department of the state corporation commission by the General Assembly.[1] In 1906 a bureau of insurance was established under the supervision and control of the corporation commission.[2] The commissioner of insurance is elected by the General Assembly for a term of four years. But when the first commissioner appeared before the corporation commission to

[1] Constitution, 1902, Art. XII, Sec. 155.
[2] Acts, 1906, c. 112.

qualify, he was refused on the ground that the corporation commission itself was, according to the constitution, the body to select the commissioner. The Virginia court of appeals, however, decided against the commission, and the commissioner of insurance was duly sworn in. He should be appointed by the commission since he is subordinate to it. He appoints his own deputy commissioner and other necessary assistants. The expenses of the bureau are paid by a tax on the premiums paid the companies by policy holders of the State; but this tax may not exceed one tenth of one per cent. of said premiums. The duties connected with the control of insurance companies, which had been performed by the auditor of public accounts, were turned over to this new bureau.

All licenses to foreign insurance, guaranty, trust, indemnity, fidelity, and security companies, and certificates of authority to domestic companies, must be granted by the corporation commission through the bureau of insurance. Whenever it is deemed necessary for the protection of policy holders, the corporation commission may have the commissioner of insurance make an examination of the condition of any company permitted to do insurance business in the State; and the company must give the commissioner free access to its books. If he reports unfavorably, the corporation commission may withdraw the license of such company after giving it a hearing. In all cases, however, the company has an appeal to the court of appeals.

The investigation of the cause of fires is an important function of this bureau. The head of the fire department in each city or town and the sheriff of each county must report all fires to this bureau; and for each report a fee of $1 is paid. In an investigation the commissioner may compel the attendance of witnesses; and the hearings may be either public or private. The commissioner must receive an annual detailed report from each company, and must submit these reports to the corporation commission. Also, if complaint is made that excessive rates are being charged, he

must investigate, and report the results of such investigations to the General Assembly, with recommendations as to needful legislation. Every company is required to have an agent in Richmond, upon whom may be served all lawful processes; and a sum of not less than $10,000 nor more than $50,000 in bonds must be kept on deposit with the state treasurer.

Banking Division.—Previous to the creation of the corporation commission the state auditor would from time to time receive reports of banking institutions, and depositories for state funds were examined periodically by legislative committees. These reports were necessarily of a formal character. Since 1907 the corporation commission has received five annual statements from the state banking institutions at the same time as those made by the national banks to the comptroller of the currency are received. The reports from the two institutions are similar in character. If a report indicates anything wrong, an examination is made.

The commission also examines all state depositories at least once a year. "A bit of grim humor," somebody remarked. If the examination of the banks containing funds of the State be deemed expedient, why is it not equally expedient to examine other banks? Few individuals could do it even if permitted. How many individuals would know the market value of stocks if they should see them? However, the commission is required to examine any bank upon the request of stockholders owning one fifth of the capital stock.

In 1910 the corporation commission was given power to appoint a bank examiner, assistant examiners, a clerk, stenographer, and necessary assistants. Hence, at present, in addition to the five annual statements, at least one annual inspection is made of state banking institutions and of such national banks as are used as state depositories. Additional examinations are made upon the request of stockholders who own two fifths of the capital, or when the corporation commission think such a course advisable. The examination

is possibly more thorough than that made by a national bank examiner, since the national examiner is paid fees while the state examiner is paid an annual salary and cannot increase his remuneration by undue haste. If any improper conditions are discovered, the corporation commission notifies the officers and directors of the institution; and if the condition is not corrected within a reasonable time, not exceeding thirty days, the commission may apply for the appointment of a receiver. The banking institutions must publish in a local paper reports similar to those required to be published by national banks. The expenses of this banking branch of the corporation commission are sustained by fees for the examination of banking institutions. These fees vary from $35 to $155 according to the amount of resources of the banks examined.

CHAPTER VII.

FINANCES.

Central Officers.—There are three state officers who handle the public revenues: the treasurer, the auditor of public accounts, and the second auditor. The treasurer is simply the custodian. The auditor of public accounts receives all usual revenues, and turns them over to the treasurer for safe keeping; and all usual state disbursements are made by a warrant drawn by the auditor upon the treasurer. These two officers come down from Revolutionary times; but the office of a second auditor dates from 1823. It was created to relieve the auditor of public accounts of the Internal Improvements Fund, which was accumulating as a result of the policy of state aid to internal improvements. The Literary Fund was likewise transferred to the second auditor. When a sinking fund was created, this was naturally placed with him. The Miller Fund, a fund of more than a million dollars for the support of the Miller School, and the Retired Teachers' Fund are likewise handled in this branch. The second auditor's duties in regard to these special funds is the same as those of the auditor in regard to all other usual revenues.

There seems to be no justification for the present division of functions between these two offices. The recent addition of the Retired Teachers' Fund and the recent policy of making small loans from the Literary Fund has given the second auditor enough business; but assistants to the first auditor[1] could perform the duties. A suggestion in the governor's message of 1906[2] seems most pertinent: "The first auditor should settle, collect, and deposit all moneys

[1] In this paper "first auditor" or simply "auditor" means auditor of public accounts.
[2] Senate Journal, 1906.

coming to the State, but he should be wholly unauthorized to issue his warrant upon the treasurer for any sum whatsoever. The latter should be performed by the second auditor, who should make no collections or deposits, and his warrants alone should be recognized by the treasurer. . . . We cannot be satisfied with the present system, for under it we have lost through the first auditor's office, in the past forty years, more than $158,000, and we should have lost much more but for the honesty of our officers."[1]

The suggestion by the governor resulted in the creation of a legislative committee of five members to make an investigation of the offices at Richmond having charge of the collection and disbursement of the State's revenues. So far as the committee knew, such an examination had never before been made.[2] The governor of the State in his message of 1876–1877 called the auditor's methods "antiquated, uneconomic, and subject to errors," but for thirty years no change worthy of mention was effected. The legislative committee appointed in 1906 made a report in 1908 which shows that a careful investigation had been carried on.

This report[3] shows that in the absence of a supervising power there has grown up in the State's offices an entire lack of uniformity in accounting. "Each department keeps its accounts independently of every other department. There are few checks and balances between the departments handling the funds. Discrepancies in accounts between offices handling in succession the same funds have been discovered, which existed for years and which might have been discovered and corrected immediately had any system of comparing accounts prevailed.

"There are no checks upon many of the sources of reve-

[1] The governor here refers to the Smith defalcation of about $158,000 in 1885 and the Shepherd defalcation of $37,914 in the nineties. Both defaulters were sent to the penitentiary, but clerks were then not required to give bond, and the auditor was not held responsible. Clerks in the department now give bond.

[2] There had been previous auditing committees, but no thorough examinations had been made.

[3] House Journal, 1908, Doc. No. VI.

nue and no auditing which compels the payment into the treasury of funds properly due the State. The bookkeeping employed in many departments is but little more than mere memoranda, and no attempt is made at double entry bookkeeping, no balance sheets can be made at stated periods, and few of the usual methods used to detect the errors in entries are used."

The committee made no complaint as to the condition of the treasurer's office. Of the auditor's office the committee said: "While we find nothing in the records of this office that lead us to believe that its affairs were not honestly administered or that the State has suffered any loss since the Shepherd defalcation, at the same time we find it proper to say, that if errors exist, they would, under the system of account employed, be difficult to discover." The second auditor lacked a proper system, but accepted the suggestions of the accountants.

The secretary of the Commonwealth kept his records with care and neatness, but accounts dealing with financial matters were crudely kept. The penitentiary, the state farm, and the Laurel Reform School had adopted a proper system of bookkeeping. The corporation commission's system of accounting needed to be and was being improved. The system of bookkeeping in the agricultural department did not show transactions properly. Annual reports could not be verified; however, from the books, there seemed to be no shortages.[1] The board of agriculture was equally responsible with the commissioner. The committee recommended that funds derived from the sale of tags should be handled directly by the auditor; that the department of agriculture should have nothing to do with them.

In concluding the committee say: "We are convinced that this system should be one by which the accounts of the

[1] The commissioner of agriculture was in Europe on official business at the time. Being a practical farmer, he knew little about bookkeeping, but states that had he been in his office he could have shown proper records of transactions. The system recommended by the accountant has been adopted, and every transaction is now carefully shown.

various offices come into and correlate with the books in the first auditor's office. We are of the opinion that the introduction and operation of this system cannot be accomplished by the mere enactment of law, but would have to be brought about by the creation of a bureau of audit, which should be under the charge of a competent expert accountant, assisted by such traveling auditors as may be found necessary. He should be given full power to install such a system of accounting in all of the offices of the State, including clerks and treasurers of the cities and counties, and, furthermore, he should be empowered to compel all officeholders under his charge to keep accounts in such manner and on such forms, and to make such reports as he may deem necessary. Annually, or oftener, the accountant should audit all the accounts under his charge." This committee thinks that the second auditor's office should be abolished, and the duties should be performed by the first auditor.

Since the above report was made an auditing committee, composed of two members appointed by the president of the Senate and three members appointed by the speaker of the House, has annually been allowed $2000 with which to employ an accountant, after allowing themselves $5 per diem plus expenses.[1] This special accountant examines annually the books and accounts of the first auditor, state treasurer, secretary of the Commonwealth, and other executive officers at the seat of government whose duties pertain to auditing or accounting state revenues. The accountant's report is made to the governor and is published in two newspapers. This special accountant has brought about an improvement in the system of accounting at the seat of government, but much remains to be done; and local offices, such as county treasuries, have not been touched.

Local Officers.—The State's revenue from such sources as the property tax, income tax, inheritance tax, and licenses is collected for the state auditor by the county treasurers,

[1] Acts, 1906, c. 309.

after it has been assessed by commissioners of the revenue[1] and land assessors. County treasurers since 1869 have been elected by all the voters of the county for a term of four years. One or more commissioners of the revenue are elected in every magisterial district (township) or city for a term of four years. The term of office has been as short as one year; and from 1903 until 1911 the appointment was made by the circuit judge.[2] The constitution of 1902 provided for appointment instead of election; but many felt that the judges were not acquainted with suitable men, and were naturally influenced by the Democratic leaders at the county seats; especially was this felt in Republican counties. Hence in 1910 the constitution was amended, and the commissioner is again elected. During the whole period, one land assessor for each magisterial district has been appointed every fifth year, with one exception, by the judge. The one exception was in 1885 when, for political reasons, the Readjuster party had the land assessors appointed by a county or city board, composed of the local judge, commonwealth-attorney, and clerk of the county or city court. Until the county judge was superseded by the circuit judge, the former appointed him; since then, the circuit judge has had that duty.

Neither election by the people nor appointment by the judges has resulted in efficient commissioners of the revenue and land assessors; nor will it ever do so. No approach to fairness and efficiency is in sight unless a state tax commission is created. This commission should be given authority to appoint and dismiss one or more tax commissioners, residents or non-residents, for each county and city,—semi-

[1] The constitution of 1869 used the terms "city commissioners of the revenue" and "county assessors." Their duties were identical. "Commissioner of the revenue" had been the well-established name in Virginia, hence after about four years the term "assessor" was by habit dropped from official documents, except for the district officer known as the "land assessor."

[2] The judge is elected every eight years by the joint vote of the General Assembly, hence he is somewhat dependent upon county patronage. Another method which seems preferable to this method of electing the judge would be to have the governor appoint for long terms (for instance, eight years), with a veto power in the hands of the State Bar Association.

experts, who will devote their whole time to assessing and to contriving means for fair assessment. The supervisor elected by each magisterial district should give the county tax commissioner local advice when the latter is assessing within the supervisor's district. This plan need cost no more than the present system; yet each tax commissioner would receive a good salary because he would devote his whole time to the work; and by becoming expert he would do the work in much less time than the present officers. Should this change seem too radical,[1] the answer may be made that it is the lack of this "radical" efficiency that is causing state functions to slip into the control of the Federal Government. However, if this is too great a change, the creation of a state tax commission with power merely to remove locally elected commissioners of the revenue would be some improvement.

A temporary tax commission is now preparing a number of reports on the Virginia tax system. These reports, the first serious extensive reports on taxation ever made in Virginia, will be presented to the General Assembly of 1912. It is hoped that a permanent commission will be created by this General Assembly.

Property Tax.—During the period from 1869 to the present day real estate has been assessed every five years by the "land assessors," but personalty and new buildings have been assessed annually by commissioners of the revenue. The state laws have provided for the assessment of realty and personalty at their market value, and the constitution of 1902 provides that "all assessments of real estate and tangible personal property shall be at their fair market value."

The Richmond Whig Daily for January 23, 1872, seriously alleged that the property of the State was assessed at three or four times its market value; and the governor in his message of the same year stated that it was assessed up to its full market value. This, however, was due to the fact

[1] It would require an amendment to the constitution.

that so soon after the war there was scarcely any market for the property. Four years later the following governor pointed out "gross inequalities" and "premiums on dishonesty and oppression of the poor." "Tax-payers practically assess themselves." Like several other later governors, he recommended a board of equalization. The following table shows to what extent personal property has been assessed at its "fair market value":

PERSONAL PROPERTY.

Year.	U. S. Census valuation.	Assessed valuation.	Percentage.
1880	$168,399,000	$ 70,391,018	41.7
1890	209,847,256	90,110,467	42.8
1900	304,583,410	107,279,401	35.2
1904	361,114,240	122,673,713	33.9

This disparity between the assessed valuation in different counties is extreme. In 1906 the average assessed value of horses in Halifax county was $42 per head; in Pittsylvania, an adjoining county, $21; in Henrico, $91; in Floyd, $17. The city of Portsmouth in 1910 returned no clocks, watches, nor musical instruments. The following table gives some average assessed values in counties and cities for 1910:

	State average.	Highest county or city average.	Lowest county or city average.	Loudoun county average.	Grayson county average.
Horses.....	$60.20	$101.38, Richmond city.	$19.71, Grayson.	$84.99	$19.71
Cattle.....	15.56	28.21, Loudoun county.	5.14, Grayson.	28.21	5.14
Sheep.....	3.00	7.60, Alexandria county.	1.00, Buchanan.	4.92	1.12
Hogs.....	3.37	5.97, Richmond county.	1.09, Buchanan.	5.34	1.16
Watches...	8.38	27.93, Norfolk county.	1.00, Floyd.	7.24	1.51

Note: For these figures the writer is indebted to Mr. D. S. Freeman, Secretary of the State Tax Commission.

There are thirty-five counties which receive from the State more money for schools, criminal charges, commis-

sions to commissioners of the revenue, and returned capitation taxes than they pay in for all purposes.[1] These "charity counties" are fairly well distributed, though they are most numerous in the extreme southwest; and if a line is drawn from Washington, D. C., to Lynchburg and thence due west, Amherst and Greene are the only two "charity counties" of the thirty counties contained in this northwestern angle. There are no "charity cities."

The disparity of assessment of two pieces of property within the same county is perhaps as extreme as that between different counties. While writing this section a daily paper reported the sale of 400 acres of orchard land for $150,000 in one of the counties in the northern part of the State. Correspondence with the county treasurer disclosed that the farm of 1200 acres was assessed in 1910 at $30,600. Eight hundred acres remain in the farm which are worth fully as much as the 400 acres that were sold. In other words, a $300,000 farm was assessed for $30,600, or 10 per cent. of its market value, in a county whose average assessed value on realty is 38 per cent. of its market value. That is, since 38 per cent. is the average assessment and this valuable property was assessed for 10 per cent. of its value, owners of small pieces of land or humble dwellings must have been assessed at 60 or 70 per cent. of the actual market value. Hence the poor property owner pays in proportion to his ability six or seven times as much tax as the wealthy property owner. Nor is this exceptional. Large blue grass farms in southwest Virginia worth from $50 to $100 an acre are assessed at from $5 to $10 an acre.

A board of equalization could to some extent remedy the inequalities between counties. By requiring the true consideration involved in the transfer of realty to be stated in each deed recorded, it could be determined approximately what percentage of the market value of realty is the assessed value. For example, if the assessed valuation in Accomac County is 50 per cent. of its market value, all realty assess-

[1] Auditor's Report, 1910, Table No. 36.

ments should be multiplied by two; if in York County the assessed value is 40 per cent. of its market value, all assessments should be multiplied by two and one half. Then after all assessments have been raised to market value the state tax rate could be reduced to 15 or 20 cents on the hundred dollars instead of 35, its present rate.[1] But an equalization thus carried out does not touch the problem of taxing personal property, income, or inheritance; and it does not touch the problem as to inequality between individuals within the same county. Anything short of a permanent tax commission cannot bring very extensive relief.

Income Tax.—During colonial days the bulk of direct taxes was paid in the form of a poll-tax; during the nineteenth century the property tax was the main dependence, though as the State developed industries other than agriculture the license tax became a very important supplement. The property tax was a great improvement over the poll-tax, which had become grossly unfair. Today we find that the property tax no longer corresponds to ability to pay unless it is supplemented by some other taxes; and no tax would be so just as the income tax if it could be properly assessed.

If we except a faculty tax, assessed upon attorneys, merchants, physicans, surgeons, and apothecaries from 1786 to 1790,[2] Virginia's taxation of income began in 1843.[3] This was a tax of one per cent. "on incomes" of employees in excess of $400, and 2½ per cent. on all interest. The constitution of 1850 practically restricted the income tax to incomes from salaries. In 1853 a graduated tax ranging from one fourth of one per cent. on incomes of $250 to one per cent. on incomes of $1000 or more was enacted; but laborers in mechanic arts, trade, handicraft, or manufacture and ministers of the gospel were excluded from its operation.[4] These rates were soon doubled.

[1] The state rate in 1860 was 40 cents on the hundred dollars. After the War it was 50 cents, until 1882 when it was reduced to 40 cents. In 1903 it was again reduced to 35 cents.

[2] Henning's Statutes, XII, p. 283; XIII, p. 114.

[3] Acts, 1842–43, p. 6–8.

[4] In 1858 revenue from this income tax was $104,000.

In 1862 a heavy general income tax was enacted from which a substantial war revenue was derived. The constitution of 1869 allowed a tax "on incomes in excess of $600." In 1870 a general income tax of 2½ per cent. on incomes in excess of $1500 was imposed.[1] Very little revenue resulted in 1870. In 1871 it was reduced to 1½ per cent. on incomes in excess of $1000.[2] In 1874 it was further reduced to one per cent. on incomes in excess of $600;[3] and it remained at this figure until 1908. The law was reenacted in 1898[4] with no changes in the rate or the amount exempted. It was intended to make the brief provisions more explicit; but the law was drawn with little care. For example, who knows what the following words mean: "amount of all premiums on gold, silver or coupons"? Since 1908[5] only the aggregate amount of income in excess of $1000 has been taxed.

The tax has always been assessed in the same manner as the personal property tax, that is, each person assessed states whether or not his net income exceeds $1000. During the past decade it has not been assessed at all in from 25 to 30 per cent. of the counties. Until the first decade of the twentieth century the total revenue from the income tax had not exceeded $50,000 since the Civil War. It has now increased to about $100,000.[6]

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[1] Acts, 1869–70, c. 189.
[2] Acts, 1870–71, c. 72.
[3] Acts, 1874, c. 24.
[4] Acts, 1897–98, c. 496.
[5] Acts, 1908, c. 10.
[6] The auditor's annual reports give the following figures:

Year.	Revenue.
1901	$ 46,023
1902	59,253
1903	60,357
1904	64,781
1905	70,954
1906	77,414
1907	94,291
1908	122,058
1909	102,810
1910	106,909
1911	129,429

Virginia is the only American Commonwealth that derives any considerable revenue from the income tax. All but four of the States that have tried it have abandoned it; and Professor Seligman in his recent excellent work on The Income Tax[1] is convinced that an income tax cannot be satisfactorily administered except by the Federal Government. Unless there is created a permanent tax commission of experts, with power to appoint or at least to dismiss inefficient tax assessors, any tax reform is doomed. But if this is done and the commission is allowed to draft a clear detailed scientific statute, the revenue can be much increased with greater justice to the honest citizens who now declare their incomes. It is extremely doubtful whether 5 per cent. of the commissioners of the revenue understand the present law, and not a few citizens with a net income in excess of $1000 do not know that there is an income tax. The only way in which an honest farmer can be made to realize that his net income exceeds $1000 a year is to furnish him with a printed list of all of his probable sources of income, and require that he specify his various items. Even then it is doubtful whether this plan would justify the cost, since comparatively few Virginia farmers exceed $1000 net profit if wages are allowed to members of their families.

The city of Staunton imposes an income tax, though it has no specific permission to do so. It bases its right on a general grant of taxing power in its charter.

Railroad Tax.—During the thirties, especially in 1836, the year preceding the financial panic, numerous railroads were chartered. About half of these roads were exempted from any taxes whatsoever. Until 1856 the only tax upon the roads not exempted from taxation was the state general property tax. Beginning with that year, the General Assembly provided for a new tax to take the place of the general property tax for railroads. "Every railroad not exempted by its charter from taxation" was required to report to the state auditor "the aggregate number of miles

[1] Part II, c. 11.

traveled by passengers," and at the same time to pay a "tax of one mill for every mile of transportation" of each passenger. Every railroad company paying such a tax was not assessed with any tax upon its lands, buildings, or equipments; but if it failed to pay this tax in any six months, then its lands, buildings, and equipments were immediately assessed, under the direction of the auditor of public accounts, at the full cost of construction and outfit, and a tax was at once levied thereon, as on other real estate, to be collected by the sheriff in such county or town as the auditor should direct. The only guarantee of a correct statement on the part of the railroad companies was that the statement should be verified by the oaths of the president and superintendent of transportation.[1]

In 1860 a tax of one half of one per cent. of the gross receipts for the transportation of freight was imposed in addition to the passenger tax of 1856, and upon the same conditions.[2] This act, however, in dealing with a new difficulty, added: "Such company, whose road . . . is only in part within the Commonwealth, shall report as aforesaid such portion only of such amount received for the transportation of freight, as the part of the said road . . . , which is within this Commonwealth, bears to the whole of such road." During the war period the tax did not change in kind, but the rates were increased; and railroad charter tax exemptions were annulled for the war period, the same taxes being placed upon all the roads of the State.[3]

The constitution of 1869 provided, in substance, that all taxation should be equal, uniform, and ad valorem, except as to incomes, licenses, and capitation. Hence the gross receipt tax on railroads had to be discontinued. In 1872, in addition to the 5 mill state tax on tangible property, a tax at the same rate was imposed upon railroad bonded indebtedness. All bonds of the railroads were to be taxed one half of one

[1] Acts, 1855–56, c. 9, sec. 35.
[2] Acts, 1859–60, c. 3, secs. 46, 47.
[3] Acts, 1862, c. 1. Whether this act was enforced the writer could not learn.

per cent. of their market value;[1] and the railroad company was to deduct this tax from the bondholders' annual interest, whether the bondholders were residents or non-residents of the State. So much of this act as applied to non-residents was declared void.[2] The greater part of the bonds were held by non-residents, hence the tax was changed to an income tax of one per cent. of the net receipts. The income was ascertained "by deducting the cost of operation, repairs, and interest on indebtedness, from gross receipts." Except that stocks and bonds in the hands of their owners were taxed as property when found, this income tax and the general property tax have been the only taxes imposed upon railroads by the State until the constitution of 1902 made radical changes.

Counties[3] were not allowed to tax the property of railroads until 1880.[4] After that date the supervisors of the county were furnished by the state auditor with the valuation upon which to assess. The railroads estimated, for the state auditor, the value of property located in each county and each township thereof. The board of public works would accept or alter this estimate; and upon the revised valuation thus made both state and local taxes were assessed, the county supervisors being furnished the estimate at first by the auditor, later by the secretary of the board of public works. The estimate for the roadbed was a definite amount for each mile. Though the roadbed may have cost twice as much per mile in one county as another, the mile unit rule was followed. Depots, terminals, rolling stock, etc., were included in this unit assessment until 1892,[5] when

[1] Bonds were chosen instead of stocks because all the roads were heavily bonded and stocks were paying no dividends.

[2] A creditor who is not within the jurisdiction cannot be taxed, and the debts cannot be taxed in the debtor's hands because of a fiction of the law which treats them as being for this purpose the property of the debtors.

[3] Cities derive their power to tax through specific grants in their charters; and for some years the cities had been taxing the property of railroads, including all rolling stock.

[4] Acts, 1879–80, c. 106.

[5] Acts, 1891–92, c. 254.

county or corporation commissioners of the revenue were allowed to assess railroad property other than the roadbed; but the rolling stock is taxed in that city and county where it remains when not in use.

As a result of the constitution of 1902 railroad taxation has been much modified. The duties of assessment formerly carried out by the board of public works are now performed by the state corporation commission. The railroad companies report to this commission all property, tangible and intangible, in each school district of each county of the State and in each city of the State. The state corporation commission assesses all such property and reports the same to the state auditor of public accounts for collection, and also to the presidents of the railroad companies. The commission at the same time reports the assessments for the counties and cities to the county supervisors or city council, who impose the local rates upon the same amount of railroad assessment as the State has levied its rates upon.

In addition to the state tax on tangible property,[1] an additional franchise tax "equal to one per cent. upon the gross transportation receipts" is imposed, but shares of stock in the hands of the individual owners are exempt from taxation. The amount of gross receipts for interstate railroads is determined "by ascertaining the average gross transportation receipts per mile over its whole extent within and without this State, and multiplying the result by the number of miles operated within this State; provided, that from the sum so ascertained there may be deducted a reasonable sum because of any excess of value of the terminal facilities or advantages situated in this State."[2]

The maximum state tax received from railroads previous to the Constitutional Convention of 1902 was $264,594. In 1910, including electric lines, it was $961,286. In 1904 the state corporation commission assessed the tangible value of railroads in Virginia at $63,269,632. Bulletin 23 of the Census Bureau estimated the commercial value of railroads

[1] Now 35 cents on the hundred dollars.
[2] Virginia Code, 1904, p. 2206.

operating property in the State for the same year at $211,315,000, or an average of $53,700 per mile. The General Assembly of 1906 asked for an explanation. The commission's reply[1] gives a clear idea of the basis upon which railroad property is assessed.

The commission says, in substance, that the franchise tax, with the property tax, is in lieu of all other taxes or license charges whatsoever upon the franchises of railway corporations. The commercial value of $211,315,000 represents the net earnings capitalized,[2] and much of the earnings result from the franchise[3] which has a gross receipt tax in lieu of other taxes. Hence the franchise tax for the year, one per cent. of the gross receipts, or $354,173, represents a tax of 35 cents on $100 (state rate) for $101,192,374 worth of property. Add to this the property assessment of $63,269,623, and the roads have paid state taxes on $164,461,997 worth of property, which is 78 per cent. of the government commercial valuation of $211,315,000. Personal property in the State is assessed at only 34 per cent. of the value assigned to it by the United States estimate for 1904, hence the railroads are taxed more than twice as heavily as personal property. The same condition exists in regard to realty.

But it must not be forgotten that the franchise value is to a considerable extent the gift of the State, and therefore a part of the tax is in the nature of rent. Also, as the tax on railroads is in the nature of an indirect tax, the amount may vary considerably without affecting the earnings. It is one of the fixed charges, and the State is prohibited by the Federal courts from prescribing rates which reduce dividends below a reasonable return. The only reasons why all

[1] Senate Journal, 1906, Doc. No. 4.

[2] The average net earnings for a period of five years are capitalized at a rate obtained by dividing the annual net income by the market price of stocks and bonds.

[3] The commission define franchise to mean the value of the charter, priority in possession of the location, good-will, present contracts, collection of stockholders for the particular business, or the company in operation.

state revenue might not be raised through the railroads is the fact that higher freight and passenger rates might impede commerce, and that the incidence of the tax would fall upon the consumer.

Railroad Exemption from Taxes.—All railroads that were granted charters exempting them from taxation forfeited these exemptions when they consolidated into trunk lines, except the Richmond, Fredericksburg, and Potomac, which has never consolidated. In its charter of 1834 is the following provision: "All machines, wagons, vehicles, and carriages, purchased, as aforesaid, with the funds of the company, and all their works constructed under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective share-holders of the company forever, in proportion to their respective shares, and the same shall be deemed personal estate, and shall be exempt from any public charge or tax whatsoever."

The constitution of 1902 provided that each "railway . . . , including also any such as is exempt from taxation as to its work, visible property, or profits, shall also pay an annual state franchise tax equal to one per cent. upon the gross receipts." It is maintained by the State that a franchise is a species of property different from the tangible property defined in the above exemption clause, hence that neither its franchise nor the profits which shall accrue from the same are exempt from taxation. The railroad claimed that the law impaired the obligation of a contract.

This franchise tax has been annually assessed, but never paid. In 1907 the tax was tested in the circuit court for the city of Richmond. But the State claimed an additional ground for taxing all the property of the railroad. Section 158 of the present constitution of Virginia provides that "Every corporation heretofore chartered in this State, which shall hereafter accept, or effect, any amendment or extension of its charter, shall be exclusively presumed to have thereby surrendered every exemption from taxation."

On April 2, 1902, the General Assembly, having been

prohibited from granting any charters by the constitution of the same year, passed an act allowing certain privileges to railroads without a special permit. Among these privileges is one allowing railroads to lay double tracks; another allows them to change the roadbed within certain limits. The Richmond, Fredericksburg, and Potomac shortly thereafter built a second track for its entire length, and moved the roadbed in order to straighten curves to the extent of twenty-six miles. The Virginia court of appeals in 1910 rendered a decision in which they passed over the question as to whether the road is exempt from a franchise tax, but decided that by accepting the last named privilege the road had impliedly amended its charter, and should forfeit all exemptions, both state and local. The case has been appealed to the United States Supreme Court, but the decision will likely be upheld; in this event each railroad of the State will stand upon a tax equality with every other.

Banks.—Since 1871 the capital of banks has not been taxed as such, but the stockholders have been taxed upon the market value of their shares of stock at the same rate as other moneyed capital; and this tax, always having been assessed by the local commissioner of the revenue, has been paid by the bank directly to the state auditor of public accounts. In 1874, from a United States Supreme Court decision in regard to the taxation of bonds held by non-residents of the State, it was believed that the taxation of bank stock of non-residents was unconstitutional. From that date until 1884 non-residents were therefore not taxed; but as the court made a distinction between the taxation of stocks and of bonds, bank stock of both residents and non-residents has since then been taxed.

From 1874 to 1884 the total assessed value of realty owned by the bank was deducted from the total market value of the bank stock, and the residue of bank stock was assessed. From 1884 until 1908 no deduction was made; but now the assessed value of real estate owned by the bank may be deducted from the total value of the shares of stock;

this value is determined by adding together capital, surplus, and undivided profits. But if the bank, as a principal debtor, owes money which is a legitimate offset to the above, it may deduct the amount of the debt to the extent of ten per cent. of the total actual value of the shares of stock as ascertained above.

Since 1874 counties and cities have been specifically granted the right to tax bank stocks at the bank, like the State; and in 1898 "towns" were likewise granted permission. The stock of both residents and non-residents of the State has been taxed by the localities where the bank is situated; but since 1890, if a commissioner of the revenue in the county or city of an owner of stock, living within the State, certifies that the tax has there been paid, the commissioner in the county or city where the bank is situated must deduct the same. Since 1896 unpaid taxes on bank stock have been a lien upon the stock. The county or city treasurer can sell stock and give a bill of sale which, when presented to the bank, will cause the stock to be transferred.[1] The banks complain that while personal property in general is found and assessed only to the extent of about thirty-four per cent. of its market value, they are assessed upon the full fair value of their stock.

Capitation Tax.[2]—Just before the Civil War the capitation tax was 80 cents on white males, and for every slave over twelve years of age there was a property tax equal to the tax on $300 worth of property. The state rate was 40 cents on the hundred, and therefore for every slave over twelve years of age a tax of $1.20 was paid. The constitution of 1869 imposed a $1 capitation tax on all males over twenty-one years of age. This continued until the constitution of 1902. Since then the state tax of $1 has remained, but 50 cents additional is paid into the state treasury and re-

[1] For the above section the following statutes have been used: Acts, 1870–71, c. 201; 1874, c. 242; 1883–84, c. 458, sec. 17; 1889–90, c. 141; 1895–96, c. 169; 1897–98, c. 453; 1902–3–4, c. 457; 1908, c. 213; Code 1887, sec. 833.

[2] Also see "Electorate."

turned to the county or city. This represents a compromise between those members of the convention who favored a $1 tax and those who favored a $2 tax.

Since 1904 Grayson and Patrick counties have been permitted to impose an additional capitation tax of $1.[1] This seems to be unwise for two reasons. First, there is little justification for the capitation tax when imposed for revenue purposes alone. Second, since the counties, as a result of this source of income, will need a lower property tax for county purposes, the assessed valuation can be made low. As the state taxes are paid upon the same valuations as the county, the State is the loser. As a matter of fact, the assessed values of personalty in Grayson County are the lowest of any county in the State. Its assessed values of realty are among the lowest. The assessed values in Patrick County are likewise among the very lowest. The reason why assessed valuations in cities are higher than elsewhere is the necessity of providing more revenue for the many public services.

From 1872 until 1877 the payment of the capitation tax by a father was a prerequisite for the sending of his children to the public free schools.[2] From 1877 until 1882 it was a prerequisite to voting, as it has also been since January 1, 1904. In 1896 it was made a lien on real property; but since 1903 real estate may not be sold to satisfy the lien until the taxes have become three years overdue. The only provision that has had any effect upon the payment of capitation taxes is that making it a prerequisite to voting. Making the payment a prerequisite to sending children to the public schools did not bring financial results; it was not enforced. The law of 1896 making the tax a lien upon realty had no effect because those owning realty had always, with few exceptions, paid the tax.

From 1896 until 1903 the state revenues from capitation taxes increased less than 5 per cent. The tax was made a

[1] Acts, 1904, c. 192.
[2] This was aimed at the negro.

prerequisite to voting in 1903, and notwithstanding the fact that one third of the electorate was disfranchised and that 50 cents was added for the county, the state revenue from this source increased more than 10 per cent. by 1910, when the State received $284,578.[1]

Liquor Tax.—In the year 1870 there was imposed on ordinaries, that is, bar-rooms, a specific state tax of $50 and an additional tax ranging from $5 to $100 in proportion to the amount of sales.[2] The amount of sales was estimated by the sales of the previous year; but if the concern was new, it had to report quarterly to the commissioner the revenue for the first year. In 1877 the Moffatt Law retained the specific tax, which had been increased to $100 in towns of more than two thousand population, but in addition measured the sales by the glass. The tax on alcoholic liquors or wine was 2½ cents a half pint or fraction thereof, on malt liquors, ½ cent. Every bar had to install two Moffatt Registers, one for spirituous liquors and one for malt liquors. These registers were supplied by the state auditor for $10, but were delivered by the local commissioner of the revenue who collected this tax monthly. When the registration sales amounted to one half of the specific license, one half of the latter was returned. There were other details which need not be mentioned. The framers of the law expected enormous revenue from this source. The machine was placed in a conspicuous place where the registration could be seen every time the crank was turned and the bell rang. But the patriotism of the bartenders and drinking public did not come up to the expectation of the framers of the law. Somehow the bell would not ring; and when it did ring, too often it was the bell of the beer, ½ cent registration, when it should have been the whiskey, 2½ cent registration. No detectives were employed to enforce the law. A large part of those drinking at the bars were negroes who could not read, and did not know which

[1] In addition to this, $142,289 was collected for the counties.
[2] Acts, 1869–70, c. 174, 266.

was the whiskey and which was the beer register; and the whites who frequented the saloons were not interested in enforcing the law.

In 1880 the Moffatt Law was repealed, and in its place was imposed a specific tax of $62.50 in towns of less than two thousand inhabitants and of $125 in others, plus 15 per cent. of the rental value of the rooms in which the bar was conducted. In 1904 the specific tax was placed at $175 in towns under one thousand inhabitants, $350 in others; and there was no supplemental state tax. Since 1910 a specific tax of $550 has been paid regardless of the size of the town; the tax is $1000 if the retailer ships bottles or jugs. There is also a tax of $500 on sample liquor merchants who may sell only to parties having licenses in wet territory. The salesman of a firm holding a wholesale license ($1250) need not pay this tax.

The specific tax without any supplement is the easiest to administer, and it discourages small saloons in residential sections, which are the most objectionable saloons. The high license cannot be considered a tax, but a fine. The amount is not based on principles of equity, but of tolerance. However, because nine tenths of the territory, containing about three fourths of the population, is "dry," the six hundred and eighty saloons now in the State will bear heavy local taxes because they are to some extent distributing points; and as long as the State tolerates these saloons it should derive a license equal to the local license, since the cost of crime, insanity, and to some extent poverty resulting from drink is borne by the State.

Manufacturers have always paid in some proportion to the amount manufactured. Eating houses selling intoxicating drinks have been treated much like ordinary bars. Since 1882 clubs have ordinarily been treated like other dealers. Druggists did not need licenses to fill prescriptions until 1880; since that date they have not been allowed to sell without licenses, except in medical mixtures.

Virginia Debt.—Between 1820 and 1861 Virginia con-

tracted a debt amounting to $33,000,000,[1] two thirds of which was contracted after 1852. This debt was incurred for such works of public improvement as canals, turnpikes, bridges, and railroads; but about two thirds of it was used for the encouragement of railroads.[2] Until the Civil War, interest was punctually paid; and in 1859 the assets of the State were reported at $35,000,000,[3] of which $10,000,000[4] was productive, yielding $600,000[5] in dividends.[6] During the war the principal remained the same,[7] but no interest was paid. By an act of 1866[8] the bondholders were allowed to fund the accumulated interest, and during the following three years the State paid a small amount of interest. On July 1, 1870, the total debt, including compound interest, was $47,000,000.[9]

West Virginia had been separated from the Commonwealth of Virginia in 1863, and was admitted as a new State under a constitution which declared that "an equitable proportion of the public debt of the Commonwealth of Virginia prior to the first day of January, 1861, shall be assumed by this State."[10] Between the close of the war and 1870 all attempts made by the authorities of the two States to ascertain their respective portions of the debt proved ineffectual. In February of 1870, under the governorship of G. C. Walker, a committee of three was appointed to confer with a similar committee which he requested Governor J. J. Jacob of West Virginia to appoint.[11] By December of the same year Governor Walker had received no reply from the gov-

[1] The exact amount was $33,080,509, on January 1, 1861.
[2] See Board of Public Works above; also see Tenth U. S. Census, Vol. VII, p. 555, for an itemized statement of the expenditures.
[3] The exact amount was $35,357,469.
[4] The exact amount was $10,057,584.
[5] The exact amount was $631,775.
[6] Senate Journal and Documents, 1859–60, No. 33, p. 10.
[7] The Confederate States were reconstructed on condition that all war debt be repudiated.
[8] March 2.
[9] The exact amount was $47,090,867; though $1,610,324 received from the sale of the state stock in the Richmond and Danville and Richmond and Petersburg Railroads was in a sinking fund.
[10] Constitution of West Virginia, Art. VIII, sec. 8.
[11] Acts, 1869–70, c. 6.

ernor of West Virginia. Moreover, he observed the extreme divergence between what the people of West Virginia considered her equitable portion of the debt and what the people of Virginia considered it. Hence, Governor Walker recommended to the General Assembly of Virginia that she propose to West Virginia a settlement of the debt by arbitration.[1] The General Assembly agreed to this, and the governor tendered to the State of West Virginia a proposal of "an arbitration of all matters touching a full and fair apportionment between said states of the said public debt." Virginia was to appoint two members of the proposed board of arbitration, not citizens of Virginia; West Virginia two, not citizens of West Virginia; and the four were to appoint a fifth if they saw fit. The decision of the board was to be binding on both States. West Virginia declined.

The next year (1871) Virginia proceeded to refund her debt.[2] She claimed that the equitable share for West Virginia was one third,[3] and proceeded to refund two thirds of the debt into 6 per cent. coupon or registered bonds. For West Virginia's one third of the debt the following certificate was given the holder of the old bond: "This certifies that $..... is due the Bearer, being one third of an old bond which has been surrendered. Payment of which one third will be provided for in accordance with a settlement to be hereafter had with West Virginia. And Virginia holds said bonds, so far as unfunded, in trust for the holder of this certificate."

Virginia agreed to pay about $1,800,000 annual interest and to receive the interest coupons "for all taxes, debts, dues, and demands due the State." The assets of the State

[1] In the meantime the governor of West Virginia had appointed three commissioners, but their instructions were so unreasonable that the governor was sure that nothing could be accomplished. The three West Virginia commissioners proceeded, however, and reported to their legislature that West Virginia's equitable share according to the "Wheeling Ordinance" was less than $1,000,000.

[2] Acts, 1870–71, c. 282.

[3] Because one third of the territory and one third of the free population had been severed.

were producing practically no dividends.[1] The preceding year the total revenue of the State was $1,500,000;[2] but the governor, by juggling with figures representing unreasonable expectations from new taxes, induced the General Assembly to assume more than the people could reasonably bear.[3] The war had caused the State to lose the portion of its territory containing its greatest potential wealth in coal and timber; the remainder was devastated, and without capital with which to recuperate. The value of agricultural products, the principal dependence, fell off from $50,000,000 in 1867 to $30,000,000 in 1876.[4] Universally money values were falling, and the burden of the debt was thereby increased. In fact, with a 5 mill state property tax and a license on everything from a glass of beer to a commercial traveler,[5] the total revenues did not exceed $2,500,000 for more than a decade.

Naturally many were dissatisfied with the settlement. The next year the General Assembly repealed the "tax-receivable coupon feature" of the Funding Bill.[6] The Virginia court of appeals and the United States Supreme Court declared the act unconstitutional as far as it applied to coupons of bonds already funded. Until the debt question

[1] The governor said in 1873: "Not $500,000 [of the State's assets] are producing any income to the State, nor is there any probability of their doing so for years to come if owned by her" (Senate Journal, 1873, Doc. No. 8).

[2] The exact amount was $1,529,853.

[3] Property was assessed higher than in other parts of the Union. The United States Census valuation of all property in Virginia in 1870 was $409,588,130. The Virginia assessment was $336,686,433, or 82 per cent. of the United State Census estimate. Throughout the Union the state assessments were only 47 per cent. of the national estimate. The assessed values in 1860, exclusive of West Virginia and slaves, were only $395,880,191, although the crops of the agricultural State had fallen off enormously. For example, in 1860, 123,968,312 pounds of tobacco were grown almost exclusively in the old State. In 1870 only 37,086,364 pounds were grown. See Senate Journal, 1874–75, Doc. No. 1, page 19.

[4] Reports of the U. S. Commissioner of Agriculture.

[5] As early as 1852 a tax of $200 was imposed on sample merchants. In 1887 this tax was declared unconstitutional except as a police regulation. For example, a liquor sample merchant is now taxed $500, even though representing a firm located in another state.

[6] Acts, 1872, Mar. 7.

was settled, the ingenuity of the legislators was taxed to prevent all state income from being paid in coupons. In 1878 and 1879 most of the rural public schools were closed.

In 1879 the bondholders agreed to a reduction in the rate of interest, whereupon the General Assembly of 1879 passed the McCulloch Bill.[1] This act provided for the issue of new bonds which were to be exchanged for outstanding bonds, dollar for dollar, and were to bear interest at 3 per cent. for ten years, 4 per cent. for twenty years, and 5 per cent. for ten years, making an average rate of 4 per cent. for the forty years. The act further provided that all due and unpaid interest might be funded in the new bonds at the rate of 50 cents on the dollar, and that the coupons of these new bonds should be receivable as taxes.

As a result of this act the interest was about $1,000,000 annually. The charitable institutions were on the verge of bankruptcy. The jails of the State were filled with lunatics, because the asylums had become too poor to receive them. The campaign of 1880 was fought out on these lines. The extreme Readjusters got control of both houses and passed the Riddleberger Bill. Governor Holliday vetoed it. In 1881 the Readjusters pledged themselves to the Riddleberger Bill. Mahone, who controlled the negro vote, joined his party to that of Riddleberger, and the combination carried the State.[2]

The General Assembly convened in January, 1882, and passed two preliminary bills known as "coupon killers,"[3] the purpose of which was to make the McCulloch Bill ineffectual by refusing to redeem the coupons, and thereby forcing the bondholders to accept the conditions to be laid down in the new Riddleberger Bill.[4] This Riddleberger Act repudiated interest which had accumulated during the war period, thereby scaling the debt about one third. The $21,-

[1] Acts, 1879, c. 24.
[2] Both senators, Mahone and Riddleberger, became Republicans.
[3] Acts, 1881–82, pp. 10, 37.
[4] Acts, 1881–82, c. 84.

000,000[1] which it assumed was to bear interest at 3 per cent. instead of 4 per cent., and coupons were not to be received as taxes.

In 1885 the Democrats were back in power; but they were returned on a platform accepting the results of the Riddleberger Act. Under this act only about $9,000,000 was funded between 1882 and 1892, on which interest was promptly paid. The General Assembly hedged the court decisions against the "coupon killer acts" so effectually that the amount of coupons received as taxes fell from $1,077,299 in 1880 to $214,580 in 1889, and the bondholders were about ready to compromise. In 1890 the General Assembly appointed a commission to meet a committee of the bondholders. Most of the bonds were held in England, but New York representatives negotiated; and in 1892 a final settlement of the debt resulted.[2]

The act making this settlement provided first, that the $9,000,000 funded under the Riddleberger Act need not be refunded; second, that the variety of original bonds, or bonds which had been funded under any funding act previous to 1882 (which, including interest, aggregated about $28,000,000), might be collected by the bondholders' committee, and in exchange for this $28,000,000 the State would issue $19,000,000 of bonds; third, that this $19,000,000 should be distributed among the claimants of the $28,000,000 in such proportions as the bondholders would agree to; fourth, that any bonds not exchanged by this committee[3] should be exchanged by the state commissioners at the ratio of 19 new for 28 old, and that the respective value of these different classes of bonds should be the same as that recognized by the committee for the bondholders; fifth, that on these new bonds 2 per cent. should be paid for ten years, and 3 per cent. for ninety years; sixth, that from 1910 until 1929 a sinking fund of one half of one per cent. of the

[1] The exact amount was $21,035,377.
[2] Acts, 1891–92, c. 325.
[3] The committee guaranteed to hand over bonds to the aggregate amount of $23,000,000.

whole debt should be annually invested in bonds, to be cancelled; thereafter, one per cent. of the amount of the debt existing in 1830 should be retired annually. The terms of this settlement of 1892 have been strictly complied with.

From time to time all the stocks held by the State have been disposed of,[1] except an insignificant amount in turnpike companies which paid $286 in dividends in 1910, and 5849 shares of stock in the Richmond, Fredericksburg, and Potomac Railroad Company which paid $52,641 in dividends the same year.[2] The policy of the State has been to sell its assets and invest the proceeds in the state bonds which are cancelled.[3] Virginia's entire debt, October 1,

[1] Most of these stocks were disposed of at very low figures. Often indirect motives prompted the sale. For example, in 1870 it was feared that the branches of railroads in the State would be so consolidated as to become feeders to Baltimore from Danville through the Piedmont region, and from Bristol through the Valley of Virginia. At least, by so arguing, Mahone had the Consolidation Bill passed which consolidated the three branches now forming the Norfolk and Western Railroad from Bristol to Norfolk. In 1870 the State's stock in these branches was estimated by the second auditor to be worth $5,524,841. By this Consolidation Bill the State allowed the consolidated road to issue $15,000,000 of first mortgage bonds and herself accepted $4,000,000 of second class stock. All the State ever realized from this was $500,000 in 1882, which the Readjusters used for schools (Senate Journal, 1883–84, Doc. No. 11). See The Readjuster Movement in Virginia, now being written by C. C. Pearson.

[2] When the R. F. and P. R. R. Company was chartered by an act of the General Assembly, February 25, 1834, the State subscribed for and became owner of 2752 shares of stock, for which it paid $275,200. By 1881 a "considerable surplus had accumulated for the company. Instead of being distributed, this sum was reinvested and dividend obligation script was issued to the stockholders." This bears the same dividends and is on the same footing as the regular stock except that it is without voting power. The State's share was $172,700. In 1907 additional surplus was distributed, of which the State's share was $117,000; hence the State now holds stock or this script equivalent to the par value of $584,900, which in 1910 paid 9 per cent. dividends, or $52,647. Because of this good investment an act was passed, May 21, 1903 (c. II, sec. 12), which prohibited any other road from paralleling this road, but this prohibition was repealed by chapter 34 of the acts for 1908. See House Journal, 1908, Doc. No. 5, for history of this investment.

[3] Since the war, bonds to the par value of $11,411,191 have been cancelled by the commissioners of the sinking fund; and thirty-odd millions have been paid in interest.

1910, was $25,380,400, on which $820,496 interest was paid.[1] Each year the State retires bonds to the extent of one half of one per cent. of the principal ($120,000 in 1910); plus the dividends from the Richmond, Fredericksburg, and Potomac Railroad Company ($52,641 in 1910); plus a sum coming to the sinking fund from the general fund as interest on bonds which the sinking fund commissioners have already retired and cancelled ($18,582); plus dividends from the Berryville Turnpike ($286 in 1910); plus fees for interchange of bonds ($152.50 in 1910); or a total of $191,661.50 for 1910.

In 1894 a commission was appointed by Virginia to bring about a settlement with West Virginia. In 1900 the offer was renewed. In 1905, when the commission visited Charleston to urge a settlement, the legislature of West Virginia passed the following resolution: "Resolved by the legislature of West Virginia, That it is the sense of the legislature that the State of West Virginia does not owe any part of the so-called debt of Virginia, and that this legislature is opposed to any negotiations whatever on that subject."

In the meantime Brown Brothers and Company of New York had collected into their control the greater part of the West Virginia certificates.[2] They agreed to abide by any settlement Virginia might make, and in 1906 a suit was brought in the Supreme Court of the United States by the Commonwealth of Virginia against the State of West Virginia.[3] West Virginia claimed that the greater part of the debt was contracted for public works built within Old Virginia, and that the new State should pay only such part of the debt as was spent within West Virginia. Virginia answered that the works, though built within Virginia, were

[1] No funds were in the sinking fund.

[2] In 1905 they held $12,910,555; and in 1910 the Virginia sinking fund held $2,026,439, the Literary Fund, $719,022.

[3] Of course, individuals could not sue the State of West Virginia; nor could Virginia have sued for them as agent; but Virginia had a contractual interest as a result of West Virginia's constitutional assumption of a portion of the debt.

intended to develop the timber and coal resources of the western part of Virginia, and that the measure providing the revenue could not have been carried in the General Assembly without the votes of delegates from the section now composing West Virginia.

The court apportioned the debt on the basis of property values in 1861, excluding slaves. This made West Virginia's portion of principal in 1861 $7,182,507, instead of about $11,000,000, as was claimed by Virginia. The question of interest since 1861 was not decided, the court advising the parties to settle this question by a conference. In case they cannot come to an agreement the court may be again appealed to. The final amount, whatever it is, will be paid over to the certificate owners by Virginia. The State of Virginia may profit by the settlement to the extent of something less than $1,000,000. That is, the certificates resulting from the state stocks which accrued to the Sinking Fund since 1861 should come in for their share of the $7,182,507 plus whatever insterest may be allowed. The certificates held by the Literary Fund accrued from state stocks held previous to 1861, and it is not likely that these will come in for any portion.

CHAPTER VIII.

CENTRALIZING TENDENCIES AND NEEDS.

Departments.—No form of state government is absolutely good or absolutely bad. When Virginia declared her independence of England, hereditary monarchs of centralized states were, as a rule, oppressive and inefficient. Therefore such expressions as "personal liberty" or "local self-government" became popular shibboleths of reform parties. Personal liberty in some respects was unduly hampered, and centralized authority in the hands of an inefficient or corrupt monarch or court party was oppressive. Virginia went to the other extreme by providing for an extremely decentralized administration. Her executive was given very limited administrative powers; but the officers of small counties were given most of the administrative functions essential to a civilized state of that time. How did the extreme "personal liberty" and "local self-government" tendencies of that period work out in practice?

With regard to education, the wealthy had the "personal liberty" to employ a private tutor or governess for their children, and to pay the tuition of a preparatory school or college.[1] Those without means had not this liberty; and as a result Virginia, which ranked sixth in wealth, had a greater percentage of white illiterates in 1860 than twenty-six other states which had more or less centralized public school systems.[2] For nearly a century the "local self-government" counties made desultory attempts to establish county public school systems, but practically all that was accomplished was

[1] In 1860 Virginia ranked first in the total income of colleges, including tuition, though she ranked fifth in total population, and thirteenth in white population (Eighth Census of the United States, Vol. IV, p. 505).

[2] Report of the Commissioner of Education, 1870, p. 478.

the distribution of the central Literary Fund to poor children.

From the time that the public school system was established, in 1870, until 1905 district officers performed the functions of building school-houses; and during the thirty-five years the total value of school-houses had increased to only $4,000,000. From 1905 until 1910, under an effort by the central department, with no cost to the State, the value increased from $4,000,000 to $8,000,000.

Though the administration of the central penitentiary has not been the best, it has been far superior to that of the county jails. The penitentiary has become practically self-sustaining, while no county jail has approached this. The change from local sheriffs to central penitentiary guards to convey convicts to the penitentiary reduced the cost one half.

Because of lack of funds there is much room for improvement in the state hospitals for the insane, yet how infinitely better are they administered than the county almshouses. And, as occurred in the case of convicts, the cost of conveying insane patients fell off one half when state guards superseded county guards.

Not until within the last four years, when the office of state road commissioner was created and the counties were compelled to build good roads, by a form of conditional return of taxes, did the counties build permanent first-class roads.

County health boards have existed for years, but not until the state commissioner was appointed four years ago was any serious work done in the way of sanitary precautions, excepting a limited amount in cities. In the single item of diphtheria antitoxin this new health department saved the State $15,000 in 1910 by purchasing the large supply at $15,000 less than it would have cost the local health boards or druggists.

In agriculture is seen a most striking example of the greater efficiency of centralization. Before the Civil War

no legislation was enacted directly affecting the farmer. Let us follow one line of legislation since the war—fertilizer inspection. The first provision, that all fertilizers should have the ingredients stamped upon the packages, gave the farmer the "personal liberty" of bringing action against the manufacturer who mislabeled his fertilizers; but the farmer did not know where to have the fertilizer analyzed, even if he had been willing to bear the expense and trouble. Next, the State provided a chemist, though the farmer had to pay him fees. Finally the state chemist analyzed it free for farmers. But still the farmer did not avail himself of this "personal liberty." The farmers of the State continued to lose not less than $1,000,000 annually, and probably much more, until the central department sent out inspectors to see that the farmers were not deluded into the purchase of fertilizers with high-sounding names.

Until the state corporation commission was created in 1902 with strong legislative, judicial, and executive powers, the railroads had never been coped with, to say nothing of insurance companies and banks.

The assessment of taxes has always been mainly local; and to have the tax payer compare this branch of local administration with the work of the state corporation commission which assesses railroads, mineral lands, and timber lands is to convince him that he need not fear a state tax commission because it would be adding authority to the central state government.

A realization of the greater efficiency that central state departments have over county officers who devote only a portion of their time to public duties has, during the past decade, caused the people to delegate all new functions, and some old ones, to state departments or commissions instead of to county officers. This increase of state functions needs to be coordinated, needs a head; and this head should be the governor.

The Governor.—When Virginia gained her independence of England, the doctrine of the separation of powers was

in its prime. The governor, as the executive side of the triune government, was granted no legislative functions; several judicial functions; and even purely executive or administrative functions were delegated sparingly to him. By the constitution of 1869 he was given the legislative function of vetoing bills passed by the General Assembly; and the constitution of 1902 extended this to any particular item or items of appropriation bills. His judicial functions, for example the pardoning power, have not been materially changed, though it has been decided that he can pardon conditionally as well as grant a complete pardon. His executive powers have shown some increase.

The governor has always had authority to suspend the departmental officers at the seat of government for "misbehavior, incapacity, neglect of official duty, or acts performed without due authority of law." And since 1887 he has had power to suspend a county or city treasurer. But from the Civil War until the Constitutional Convention of 1902 he did not have any important appointments to make, except that he appointed about two hundred members of boards, who in turn appointed administrative heads of the institutions which they controlled. But of the ten new remunerative state offices created by the Constitutional Convention in 1902 or since that time, nine are filled by the governor; among these appointees are three state corporation commissioners, who are scarcely second in importance to the members of the court of appeals. This shows a strong tendency toward placing the appointive power in the hands of the governor.[1]

[1] State officers and boards are selected as follows:
Elected by the people:
Governor.
Lieutenant Governor.
Attorney-General.
Secretary of the Commonwealth.
Superintendent of Public Instruction.
Commissioner of Agriculture.
State Treasurer.
Elected by the General Assembly:
Auditor of Public Accounts.
Second Auditor.

The primary duties of a governor are commonly believed to be, and should be, the enforcement of the laws of the State. Yet under the present decentralized system of administration in Virginia the governor has little adminstrative power. If a local saloon-elected justice of the peace decides a case against the State, and clearly against the law, there is no appeal to a higher court, and the governor has no means by which to enforce the law in that locality.[1] If the justice of the peace send a case to the grand jury, but the county-elected commonwealth-attorney allow the case to drop, the governor is helpless. And if the grand jury have an accused person confined in a jail awaiting trial by

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Register of the Land Office.
Superintendent of Public Printing.
Commissioner of Insurance.

Elected by the General Assembly, but nominated by boards of state schools:
State Board of Education.

Appointed by the Governor:
Adjutant General.
State Corporation Commissioners (three).
Commissioner of Labor.
Commissioner of State Hospitals.
State Highway Commissioner.
Health Commissioner.
Dairy and Food Commissioner.
Secretary of Virginia Military Records.
Military Staff.
Board of Accountancy (five).
Visitors for eleven state schools (ninety-four).
Boards of Examiners for pharmacists, dentists, graduate nurses, veterinarians, embalmers, lawyers (forty-six).
Board of Charities and Corrections (five).
Board of Agriculture and Immigration (eleven).
Penitentiary Board (five).
Board of Fisheries.
Directors for five hospitals for the insane (fifteen).
Board of Health (twelve).
Notaries Public (numerous).

[1] This was illustrated by book-making at the Jamestown races. A local justice of the peace decided that the gambling was not contrary to the state law, though it was clearly so. The governor was powerless against the justice of the peace, though he has directed the attorney-general to revoke the charter of the corporation which permits this gambling. It seems that no harm could result if the governor could demand an appeal, on the part of the State, direct to the supreme court of appeals. Of course he would seldom make use of this right, but where one locality is violating a law in a manner which effects surrounding portions of the State, redress should be had somewhere.

a petit jury, and there is reason to believe that the county-elected sheriff will allow him to be lynched, the governor must be very cautious in warning the sheriff, lest he receive the reply that it is none of his business. Yet the governor is expected to see that the laws are faithfully executed.

The governor of Virginia is not at the head of a system. He works with department heads who may be subordinate or insubordinate, as they like. The idea of the division of powers would have broken down long ago but for two reasons; first, because people have been willing to put up with inefficiency; second, the three branches have been coordinated by a political boss or political clique, self-made, who rise above the three branches of government. Even if the governor be given great power, the political boss or clique, as the case may be, will still endeavor to elect him; but when he has powers and does not exert them, the people can know why, and there would no longer be excuse for inefficiency. An inefficient or corrupt governor, if not impeached sooner, is out of office in four years; but a hundred intangible leaks run forever.

It is no longer a question of centralized state government or decentralized state government; it is a question of centralized state government or more centralized national government. People want efficiency, and if the State will not give it, they want it from the National Government. Not long since, Mr. Root, then secretary of state, doubtless upon the initiative of his chief, stated publicly that unless the States perform more satisfactorily the duties allotted them in the scheme of our government, means will be found, by construction of the Federal Constitution, to take from them and confer upon the general government the control of such subjects (now admitted to be reserved to the States) as touch upon the common interests of the American people. Mr. Raleigh C. Minor, of the University of Virginia Law School, in a paper read before the 1910 meeting of the Virginia Bar Association, concludes that the only hope for the States is in greater efficiency; and that the only means

of greater efficiency is by centralizing administration in the governor.

There seems to be no sufficient reason why the administrative department of the state government should not be fashioned according to the system of the general government. Then the governor would appoint heads of all departments. For example, he would appoint for his cabinet the secretary of the Commonwealth, state auditor, attorney-general, superintendent of public instruction, commissioner of agriculture, commissioner of health, and perhaps one or two additional commissioners. These would be directly responsible to the governor; but they would appoint heads of bureaus who in turn would appoint their subordinates. To give one example, the department of agriculture would appear somewhat as follows:

A. Bureau of Experimentation, with state experimenter appointed by the commissioner.
   1. Central Experiment Station.
   2. District Experiment Stations.
   3. High School Experiment Plots.
   4. Demonstration Extension Work.
   5. Boys' Corn Clubs.

B. Bureau of Teaching, with president of Agricultural College appointed by the commissioner.
   1. College.
   2. Movable Schools of Agriculture.
   3. Farmers' Institutes.
   4. Agricultural Departments of High Schools.
   5. Immigration.

C. Bureau of Police (Inspection), with state inspector appointed by the commissioner.
   1. Fertilizer Inspection.
   2. Seed Inspection.
   3. Food and Feed Inspection.
   4. Dairy Inspection.
   5. Live Stock Inspection.
   6. Nursery and Orchard Inspection.

Conclusions.—The summarized ideas of the writer regarding the organization of the state departments into a system of individual responsibility, with the governor at the head of the system, are found already expressed as follows:[1]

"1. The Governor should *appoint, and be responsible for all executive subordinates.*

"2. Each separate office, or department, should be managed by *one man.*

"3. Each responsible officer should be a *permanent expert, paid by an adequate salary, not by fees.*

"4. The various departments should be *organized systematically,* so that the responsibility of each is made *exclusive, definite,* and *tangible.*"

To complete this system by which greater efficiency is made possible, the head of each department should have the right to address either branch of the General Assembly upon matters relating to his department. And each branch of the General Assembly should have the corresponding right to compel the head of a department to attend, and to answer questions.[2] This reciprocal privilege would both give the departmental head an opportunity to make his needs known more clearly than he can possibly do in a report, and would give the legislators an opportunity to bring to light any loose or corrupt practices.

[1] H. B. Heneway summarized these principles of individual responsibility, organized into a system of government, in an article on "The Organization of the State Executive in Illinois," in Illinois Law Review, June, 1911.

[2] This cabinet idea is advocated by ex-Governor Montague in an address delivered at the meeting of the Pennsylvania Bar Association, June, 1911.

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THE STANDARD RATE IN AMERICAN TRADE UNIONS

SERIES XXX NO. 2

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
Under the Direction of the
Departments of History, Political Economy, and
Political Science

THE STANDARD RATE IN AMERICAN TRADE UNIONS

BY

DAVID A. McCABE, PH.D.
Preceptor in Political Economy in Princeton University

BALTIMORE
THE JOHNS HOPKINS PRESS
1912

PRESS OF
THE NEW ERA PRINTING COMPANY
LANCASTER, PA.

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PREFACE

This monograph had its origin in an investigation carried on by the author while a member of the Economic Seminary of the Johns Hopkins University. It was submitted as a dissertation in partial fulfilment of the requirements for the degree of Doctor of Philosophy from that institution in June, 1909. Some portions of it have been amplified and other parts rewritten since that time, but the discussion has not been brought beyond that date.

The chief documentary source of information has been the collection of trade-union publications in the Johns Hopkins Library. This documentary study has been supplemented by personal interviews with national trade-union officials and with local union officers and employers of labor in a number of industrial centers. The writer wishes to record here his deep appreciation of the patience and kindness of the many union officers and employers who have supplied him with information. The writer desires also to express his deep indebtedness to Professor Jacob H. Hollander and Professor George E. Barnett, under whose guidance the study was undertaken and carried on, for valuable suggestions and criticism at every stage of the work.

THE STANDARD RATE IN AMERICAN TRADE UNIONS

INTRODUCTION

By the term "standard rate," as employed in the present monograph, is meant a rate of wages fixed by a trade union as payment for a given product or for work of a given duration in a particular trade or branch of a trade, and binding on the members of the union engaged on that product or in that branch of industry.[1] It may thus be either a piece rate or a time rate. In either case it is "standard" because it rests uniformly and impersonally upon all the members of the union whom it is designed to affect; it is applied to the work the member is engaged upon, not to the individual member himself. The union does not ordinarily rate each individual separately according to his personal qualifications or circumstances, but fixes one rate as a standard for the group. In the few cases in which a union fixes rates separately for individual members,[2] the rates are "union" rates, but they are not standard rates in the sense in which this term is here used.

[1] The use of the term in this sense differs somewhat from the practice of American trade unionists. "Standard rate" is not often used by unionists, the term "union rate" being more commonly employed. When used, it is usually in reference to the time rate only, although even here the term "minimum rate" is more common. In a few unions, however, the term "standard rate" is still occasionally used to denote the rate received by the average workman, or by the bulk of workmen, irrespective of whether this be the established minimum. Some years ago, it was customary in a few trades to refer to the amount which the workman of average skill was expected to earn in a day under the piece-work system as the "standard rate"; but this usage barely survives, if at all (see below, p. 80). Finally it should be noted that in applying the term "standard rate" to the prevailing type of union rate herein described, the present writer is following the usage established by Sidney and Beatrice Webb in "Industrial Democracy" (1902 ed., p. 279).

[2] For a description of such cases, see below, p. 77.

The maintenance of standard rates has always been a leading feature of American trade-union wage policies. The unions have from the first sought to attain their primary purpose of advancing wages by substituting collectively established rates of wages for those which their members could obtain by competition in isolated wage bargains. Almost universally their efforts in this direction have taken the form of the establishment and enforcement of standard rates. In the present study the standard rate is considered solely as a device for securing effective union participation in the determination of wage rates by union bargaining or by collective enforcement. The standard rate is regarded as a trade-union device, as a piece of union mechanism, and attention is directed entirely toward questions of form and extent of application, and especially to the manner in which it fulfills its purpose of enabling the union to bring its collective strength to bear in behalf of the individual member in the settlement of actual wages. The amounts of the various rates maintained by the respective unions, the forms of collective bargaining by which the rate is fixed and the social implications of the standard rate are subjects outside the scope of the present study.

The standard rate is ordinarily expressed as a minimum rate. Members are allowed to receive more than the standard rate, but for a member to work for less, unless specifically exempted by the union, is a violation of the union rule. The establishment of a standard rate does not, therefore, necessarily secure to the unions complete participation in the settlement of the wage rate to be paid in each individual case. Such full participation would require that the union rate should be the actual rate paid to each workman. Union piece prices are almost always the rates actually paid, for there is ordinarily no good reason why the employers should pay one member more per piece than another for the same kind of work. Standard time rates, however, are, with few

exceptions,[1] not only nominally but actually minimum rates, leaving it necessary for individual settlements to determine in each case whether and to what extent the rate to be actually paid shall exceed the standard.

Piece rates as contrasted with time rates are therefore intrinsically better adapted to collective action. Since those who are working by the piece on the same kinds of product or parts of a product ordinarily are paid at the same rate, they all have a common interest in the rate. But there is no such advantageous rallying point in the matter of time wages. Indeed there is a natural tendency in time wages to variation on account of differences in competency among the workmen. In the case of the piece rate, or of the normal work day, on the contrary, the union makes a uniform demand, which is assumed to advance the interests of all alike, and can be easily made the subject of union bargaining for the group as a whole.

Bargaining for time wages thus presents an inherent difficulty. It is not reducible to a uniform demand which is to affect all alike. On the other hand the policy of establishing a distinct time rate for each individual worker has not commended itself to the unions.[1] This policy would give the union full control of actual wages, if it could be enforced; but the union rate would in each case apply to an individual only. There would be collective action, but not for a rate with collective application. As actually in vogue, the standard time rate may not give complete union determination of actual wages; but it does make possible a rate of collective application. It has the advantage of simplicity as a means of determining wages for a considerable number of men in collective bargaining and as an obligation to be enforced by the union. In choosing to enforce minimum time rates rather than actual individual rates the unions have surrendered a possible complete participation in the determination of actual wages in favor of a kind of union rate which makes much more feasible the establishment by

[1] See below, p. 77.

union bargaining, or—in the absence of a union agreement with the employer—by collective enforcement, of the rates adopted by the union.

There is also a distinction between standard piece and time rates in the extent to which they are established by union agreement with the employer. Practically all union piece rates that are enforced are established by collective agreement.[1] Union piece rates can hardly be enforced unless they are accepted, tacitly at least, by the employer, since the standardization of the unit of product can hardly be accomplished by a series of individual negotiations. The bargaining process would be too frequently recurrent to insure that each individual worker would secure the union rate for each varying unit of product as it appears in the course of his work. The standard time rate, on the other hand, does not present the same necessity for union bargaining for its successful use as a means of giving the union an effective participation in the wage settlements of its members. Adherence to a minimum by the members in their separate contracts with their employers presents no technical bargaining difficulties for the individual workers. The time standard is, however, extensively made the subject of union bargaining. Although the adoption and observance by the union of standard rates which have not been formally accepted by employers is not uncommon, it is unusual for a union to attempt to put in force a higher

[1] There are three sets of conditions under which wage bargaining may be carried on with the use of a standard rate. First, a bargain may be made by the union covering the rate actually to be paid to all in the group. This exhausts the necessity of bargaining in the matter of wages. The union is here the party to the wage contract from the side of the employees to the exclusion of the individual members. In the second case, the union agrees with the employer on a minimum rate, but each individual may also make a wage bargain with reference to the amount above the minimum which is to be paid. In the third case, while the union does not appear in a wage bargain and the individual alone contracts with the employer, the member in his wage settlement is required by his union to observe a minimum fixed by the union. The third case is obviously distinct from the first two in that the union as such does not bargain with the employer.

minimum rate without notifying the employers in advance of its intention and inviting from them individually or collectively an expression of willingness to recognize it. Very often the rate for a specified period is agreed upon in conference by the union representatives and the employers and embodied in a written contract.

The problems which arise in the use of the standard piece rate are chiefly technical problems of formulation and enforcement growing out of the adjustment of rates to meet many varieties of product. In bargaining for and regulating time wages the difficulty in standardization is due to the differing capacities of the men; in bargaining for and regulating wages for piece workers the difficulties are mostly technical difficulties in standardizing rates for varieties of types, styles, and patterns of product. In this respect the fixing of piece wages might be contrasted, for example, with the fixing of the length of the normal work day. When the number of hours per day is to be determined by union bargain or rule the whole matter of the hours of labor is settled once for all when one amount is agreed upon. But when piece wages are to be bargained for, as many different rates must be settled upon as there are different kinds of product involved.

It is of course the schedule of piece rates as a whole, the piece "scale," which is the center of interest in the regulation of piece wages in any given trade. It is upon all the standard rates taken collectively that the union relies to secure standardization of the piece wages in its trade. The rate problem of the piece-working unions is therefore one of maintaining a scale which will standardize all the rates actually paid and do away with the necessity for individual bargaining for the rate actually to be paid in any particular case. The formulation and application of a schedule of rates which will accomplish this fully is obviously not without its difficulties.

The two essential characteristics of a piece scale which is

to standardize rates satisfactorily are comprehensiveness and clearness. Comprehensiveness is the first essential. Obviously the union does not participate to the full in wage determination if a union rate is not set for every contingency which can reasonably be made the subject of wage bargaining. It is regarded as highly desirable by the piece-working unions that the rate to be paid in every such case should be set down in the regular scale. If work is done of a kind or under conditions not provided for in the existing scale, the rate to be paid, temporarily at least, may have to be settled upon with the employer by an individual or individuals. In many cases, to be sure, it is settled by a local or shop committee. But such a committee is usually representative of fewer members and has less bargaining strength than the body which regularly contracts for the scale. The rates it may establish are union rates, but they have not the standard character of the rates embodied in the regular scale.[1]

Clearness is an essential complement of comprehensiveness. Not only must rates be established to cover all varieties of product and conditions which call for distinct rating in practice, but each rate must be laid down so clearly that there is no doubt as to which kind of product and under what conditions it applies. If there is uncertainty or misunderstanding as to whether a particular rate in the scale applies in a given case the necessity remains of further bargaining to determine the rate which shall actually be paid, and often under circumstances which may make it unusually

[1] The regular scale is very seldom thoroughly comprehensive, since new and special kinds of work appear from time to time in the intervals between scale revisions. The regular list in nearly every case covers of necessity only the varieties of product which have been made up to the time of its construction or revision. New and special work must be priced, provisionally at least, by the employers and shop committees in the plant in which it appears. This is not seriously felt as a difficulty unless this unrated work forms a considerable portion of the whole and is difficult to price by comparison with the work already rated in the regular list. Where the latter situation exists it is regarded as an objection to the piece system, inasmuch as it opens the way to misunderstandings and to nonuniformities in rate for a large part of the product.

difficult to reach a decision without friction. Clearness is particularly important if the scale applies in several separate localities. In such cases a misunderstanding in a particular shop must be taken up by a body not only of less bargaining strength than that which made the scale, but one whose interpretation is less authoritative for the employer. Uniform application without disputes of regular scale rates to all the work to be done is the union ideal in piece-rate regulation and for this both comprehensiveness and clearness are indispensable. The nature of the difficulties which arise in constructing comprehensive and clear scales and the contingencies which have to be provided for, as these appear in practice and are met in existing piece-rate systems, will be described in Chapter I of the present study.

The questions of chief interest in the employment of the time standard rate grow out of the fact that, as workmen are found, there are variations in efficiency in practically every group of workers. If the union is to secure effective participation in wage determination the minimum rate must be so adjusted that a relatively large proportion of the workmen covered by a particular rate will be favorably affected in a perceptible way by its existence. The basis chosen for the inclusion of workers within a given rate group very largely determines the difficulty of reaching this result. If the groups are so divided that the members of each are of almost equal wage-earning capacity the minimum rate will stand in approximately the same relation to the wages of all the members of the group. In such a case the use of the standard rate for time wages seems to reap a maximum of union advantage. If, however, the members employed in a given trade or branch of a trade vary considerably in worth to the employer, unless they are grouped according to competency and each group rated correspondingly, any particular standard rate will either be so low as to be of little appreciable support to the most efficient men, or so high as to exclude a number of the least efficient from employment at the union rate.

There is obviously an inherent difficulty in establishing standard rates for workers who are not standardized. Occasionally unions have sought for a solution in the direction of standardizing the workers by dividing them into groups according to competency. But the usual basis of grouping is the kind of work done, not the efficiency with which it is done. An appreciable tendency toward standardization of men engaged in the same kind of work or subject to the same minimum, at least toward the elimination of those below a somewhat variable level of capacity, is fostered in many unions by the requirements as to competency insisted on for admission to membership. In the great majority of cases, however, the same rate applies to workers of appreciably differing capacities, and the establishment of the standard leaves some members of more than average efficiency under the necessity of individual contracting to secure wages higher than their less efficient fellow members. The influence of the various phases of union policy connected with the maintenance of minimum time rates on the opportunities of the speedier or more highly skilled workmen to obtain more than the union rate, and the extent to which they actually do obtain more, are among the most significant questions connected with union wage policies—and the most difficult of exact answer. The policies and experiences of representative unions in the use of the standard time rate, considered from this point of view, are presented in Chapter II.

The distinguishing mark of a standard rate, that is to say, the attribute which makes a union rate standard, is uniformity of application, or the obligation to observe such a rate in all the shops or localities for which it is established. A very important point with regard to any given rate therefore is the industrial or territorial extent over which it is standard. Some rates are standard only for single shops, others for localities, others for districts or sections embracing many localities, and some in all shops or plants in the entire union jurisdiction. These several areas of applica-

tion and the determining reasons for each will be taken up in turn in Chapter III.

The union preferences and policies in the matter of the form of the standard rate and the reasons which account for these will be considered in Chapter IV. The question of the form of the rate reduces itself in practice to a choice between the time rate and the piece rate, and this choice is obviously determined by the union's preference for the time method of payment or for the piece method. The decision between the two forms of rate is complicated in some trades by the fact that employers often prefer to follow the very method to which the unions object. The union attitude is in most cases not merely one of preference for one form but of deep hostility to the other. This makes the question of the form of the rate a not unimportant source of industrial disputes.

CHAPTER I

THE PIECE SCALE

The function of the piece scale, as pointed out in the Introduction, is to provide clearly a distinct rate for each variety of product and for each substantially different set of circumstances surrounding production, in so far as these require distinction in payment and can be anticipated. In existing piece-working trades there are three important elements which directly affect the rate of remuneration and which, therefore, must be considered in standardizing piece wages. These are: (1) the physical characteristics of the product itself, (2) the conditions under which it is produced, (3) the operations or processes which are assumed to be included in the task of the worker who receives the rate. A satisfactory piece scale must in most trades take account of all three of these sources of difference.

The commonest occasion for rate differentiation is that resulting from differences in the product itself,—dimensions, pattern, style, or the materials from which it is made. These differences are of such conspicuous importance in compelling differentiation in rates that it might seem that the task of scale formulation consists practically in providing for them. But it is also essential that what is to be done by the worker to secure the rate, that is to say, the precise activities which must be performed by him or by a helper or helpers paid by him, be defined in the scale, wherever this is not so clearly understood as to obviate need of definition. If there be non-uniformity as to the performance of supplementary or subsidiary operations by the piece worker, there is variation in the real rate of payment, and, presumably, a reduction in some cases from the rate intended. Definition is often necessary, not only to prevent non-uniformity in the rate of remuneration, but to put a stop to disputes

as to what constitutes the worker's standard task. Those differences in the physical conditions of production which are normal and calculable present no special difficulty in standardizing wages. The task of providing rates to meet them is closely akin to that of rating familiar variations in the form of the product itself, and will be considered with the latter in the present discussion. But it is necessary in many trades, in order to safeguard the worker's general rate of remuneration, and to prevent wage disputes, to make provision in the regular scale for the payment to be made when conditions are less favorable than is normal, as for instance, when the materials furnished are defective. It is important, too, that the scale shall clearly indicate exactly when these special provisions are to apply.

These three features of piece-scale construction (1) rate differentiation to correspond with differentiation in the product itself or in the conditions under which it is normally made, (2) definition of what is to be done by the worker to secure the rate, and (3) provision for payment when conditions are abnormally difficult for attaining output, as they are found in existing piece-working systems, will be considered in turn.

I

Differentiation of the Rate

First, as to differentiation in rates to correspond with differences in the product itself or in the conditions under which it is normally made. The character and number of these differences vary, of course, from trade to trade, and the problems presented are in their details peculiar to each trade. For the piece-working trades as a whole, however, they may be grouped under several heads according to the lines of differentiation. The most important of these is in (*a*) the form of product, including under this head variations in size or dimensions, in pattern or shape, and in finish. Next in order comes (*b*) differentiation in the materials. Somewhat similar is (*c*) the prevalence of different

physical conditions which affect the difficulty of attaining output. The different materials are assumed to be in normally good shape for working and the physical conditions sufficiently familiar to be given piece rates. Often several, and sometimes all, of these bases of differentiation are found together in the same trade, each demanding consideration in the determination of the rate for a given unit of product. Differences in pattern and in materials are in particular frequently found crossing each other.

The task of making and enforcing a list of clearly applicable standard rates to correspond with these differences as they appear in a particular trade involves no little difficulty. In many of the piece-working trades it demands a considerable part of the time of the union officials and is even responsible for the existence of special agencies in the union frame of government. For the construction of a satisfactory piece scale it is necessary not only to enumerate and specify the different varieties of product to be rated, and the different sets of physical conditions, where these have to be taken into account, but also to secure agreement as to how the rates shall vary to compensate the comparative skill and effort required for the production of a unit in each different case. In a trade in which there is wide variety in the forms of the product this is a serious task.[1]

The necessity of securing agreement as to the differentiation which is to be made in the rate schedule to meet differences in the form of the product is the heart of the problem. The difficulty lies not so much in establishing the fact that a given variety of product turned out under given circum-

[1] It is true, to be sure, that no piece-working trade has to face the task of constructing a scale outright. Price lists are dealt with as already "going." Even a union which makes a list for the first time by collective bargaining has a tentative basis in the prices prevailing before collective bargaining was begun. The normal concern of the union with the piece scale is that of interpretation, revision, and amendment. But the difficulties which would be encountered in the original construction of a scale are met, though probably not to the same extent, in keeping the scale in satisfactory running order. The same questions which would arise in constructing a new price list have to be answered in the pricing of new work and in the consideration of requests for the revision of particular items.

stances calls for more skill or exertion per unit than another, as in establishing the degree of difference. This difficulty goes back to the practical impossibility of obtaining an exact measure of the labor demanded for turning out units of product of different kinds, or of the same kind under different conditions. At times other factors than comparative difficulty of production, as for instance, the price conditions obtaining for certain varieties are admitted in fixing rates, but the ruling consideration is nearly always comparative difficulty.[1]

The measure of comparative difficulty used in practically all piece-working trades is the time that should be required by a worker of an assumed grade of skill to produce a unit of the product under certain conditions which may be regarded as normal. The grade of skill taken is usually that assumed to be the average in the trade.[2] It is generally intended that each rate should give workers of equal speed approximately the same return for the same length of time worked on any of the pieces listed. At least the rates on the various pieces on which a worker may normally expect to be engaged in the course of a week or less should yield an assumed return for the period.[3] The problem of rate

[1] Instances of rate differentiation not based entirely on differences in comparative difficulty are given below; see pp. 55–58.

[2] Comparative time required is an indication of comparative difficulty only when special skill is not necessary for doing all or any part of the work; it is a measure only when skill is indicated by speed in doing the same kind of work rather than by ability to do kinds not performed by the ordinary workman. The measure of comparative time can be applied to determine how the rates for the specially difficult varieties of work should stand in relation to each other, but not to determine the relation of these to the rates for the ordinary varieties. The differential between ordinary and special varieties of work must be great enough, of course, in the long run to draw to the special work the proportion of men needed for it. Where there are such divisions of the trade the extent of the differential in weekly earnings accorded the higher division is usually of long standing. In practically all of the larger piece-working trades, however, every worker is assumed to be able to turn out any work on the list, and comparative time is therefore followed throughout as a measure of comparative difficulty.

[3] In trades in which a list has been long established this assumed average return is that given by those rates in the list which are already accepted without question. In some of the more poorly organized trades in which rates have not the same permanence it is a round sum per week.

differentiation is reduced in practice, therefore, to a determination of the time required for the production of a unit of each of the various kinds of product under each different set of conditions.

The comparative time actually required by workers of average skill to turn out different units of product in the several factories or plants in which the same standard rates are to be binding is, of course, extremely difficult, if not impossible, of exact determination. It can hardly be established as a constant for the period for which the scale is signed even in a single factory or plant. In practice, therefore, it is generally the estimated comparative time that is applied as the rate determinant. Exactness is not aimed at, but it is intended that an approximation shall be reached which can be assumed to be fair when particular pieces are averaged. The rates arrived at in this way are not always satisfactory, and where the use of this determinant apparently fails to give rates in approximate correspondence with difficulty of production there is objection on the part of the workers to the piece system as it exists in the trade. However, in many piece-working trades time required is felt on the whole to be a practical guide in rate differentiation, and in these trades both contracting parties are content to accept it and trust to periodic revision to prevent the continuance of any discrepancies that may find their way into the list and work injustice to individual employees or employers.

The necessity of enumerating clearly the varieties of product and conditions which have been rated, to the extent necessary to prevent misunderstandings, is not an unimportant part of the task of piece-scale construction, though not the major part. In those trades in which one scale covers several shops or localities, real difficulty has often been experienced in the attempt to make clear beyond the chance of dispute and throughout the territory for which the scale is binding, the rates which are intended to be paid in every case covered in the list. In a number of trades

the necessity of determining prices in local dispute and of clarifying the price list to avoid further misunderstandings of the same character has contributed considerably to the work involved in operating the scale.

Form of the product.—As differences in the form of the product—dimensions, pattern, or finish—are by far the most common of those variations in the product or in the conditions under which it is turned out which compel rate differentiation, it is under this head that most of the difficulties in standardizing the price lists are to be found.[1] It is in adjusting rates to meet differences of this kind that the measure of comparative time required must oftenest be called into service, and it is in the application of these particular rates that most of the questions as to the rate intended to be paid are raised.

It is not merely the relative number of distinct sizes or patterns to be covered by a single scale which determines the degree of difficulty in maintaining a standard price list. The extent to which the variations follow a well understood gradation in physical measurements or are reducible to easily ascertained variation in the number of constituent items, is an important factor. If the distinct forms can be identified by reference to measures of weight or length, or to other units of computation well known to the trade, the danger of misunderstanding in interpreting the lists is eliminated or greatly reduced. The particular variety of product for which a given rate is to be paid can in such cases be clearly indicated, and questions as to where particular pieces belong in the rate classification can be decided by the application of physical measures or by the use of formulas of which the factors are capable of exact determi-

[1] There are a few piece-rate systems which do not have to take account of differences in pattern or style. The most important of these are the piece-payment systems of the coal miners, the iron puddlers or boilers, and the longshoremen. Payment in the first two trades is per ton, and among the longshoremen it is per ton or in terms of a unit of cubic or linear measurement. The variations in rates are naturally for differences in the materials worked or handled, or in the conditions affecting the difficulty of mining, puddling, or loading and unloading.

nation. An orderly variation also—even if it does not allow an all-inclusive classification to be made—simplifies the matter of rate differentiation when new work is to be priced, or when revision is requested of particular prices in the list. If the product follows a well understood order of differentiation, the relation between physical measurement and difficulty of production at different stages in the gradation is likely to be well established, and the fixing of the prices in question is facilitated by reference to existing types of work and the respective prices paid.

Physical standards of this kind are available and are used to a considerable extent as guides in price setting in the textile trades, more particularly in spinning and weaving. In cotton mule spinning, for instance, the rates are made to vary with the "number" of the yarn spun. The "number" is the number of skeins (of 840 yards each) in a pound of the yarn. The mule spinners' price lists set forth the price to be paid per 100 skeins for the numbers from 9 to 130, the numbers ordinarily paid for under the piece system, and provide that "for fractional parts of numbers if less than half a number the lower price will be paid; when over half a number the price of the next higher number will be paid."[1] The price for any number of yarn from 9 to 130, therefore, is clearly determined.

The number of the yarn is accepted in the trade as a fair index of the comparative time required to spin a given length or weight of yarn. In the first place, the number of turns of twist per inch to be put into the yarn is a fixed multiple of the number of the yarn being spun. Secondly, the number of the yarn is directly related to the time lost in "doffing," that is, in removing the "cops" of spun yarn and putting empty reels in place. On the lower numbers the frequency of such stops is appreciably greater than when finer yarn is being spun. The price per 100 hanks or skeins runs up steadily from number 36, and is increased for the

[1] Price-List for Mule Spinning on and after April 10, 1908, New Bedford, Mass.

numbers below 36 with each block of several numbers. The higher prices of the numbers below 36 are due to the increased stoppings for doffing, which more than offset the greater speed in actual spinning of the coarser yarn.[1]

Losses from full output, except for cleaning and for minor accidents which occur independently of the spinner's efficiency, are assumed to vary with the care and skill exercised by the spinner. Thus the output which may be expected if the spinner suffers no preventable losses, or none from accident, varies with the number, and may, therefore, be closely calculated in advance. Consequently any variation in rates according to variations in this calculated output at each number will give earnings very closely in correspondence with comparative efficiency, if other conditions affecting production, such as the character and condition of the machines and of the cotton being spun are assumed to be standard. The estimated actual output which is taken as a basis in setting rates designed to give a certain average weekly wage is reckoned by subtracting from the calculated output under perfect operation a given percentage to allow for the output the average spinner is expected to lose because of breaks and for minor accidents.[2] The national secretary of the Cotton Mule Spinners states that the New Bedford price list was arrived at "by trying to make the wages equal by fixing a price according to the product of the mules on the varying numbers."

In the weaving of woollen and cotton goods, similar factors are available for determining in advance the time required for the production of given lengths of the various patterns. The determinants here are the number of "weft" threads thrown across the warp per inch, known as the number of "picks per inch," and the number of times the shuttle crosses the warp per minute, termed the number of "picks per minute." The number of picks per minute divided by the picks per inch gives the length of fabric in

[1] See Appendix A for method of calculating the standard output of cotton mule spinners.

[2] See Appendix A.

inches woven per minute. For plain weaving, at least for goods of the same width, the speed of the looms, that is, the number of picks per minute, is usually standard for a given mill. "Fancy" fabrics or greater widths can not be woven at the same rate of speed, so that the picks per minute are less for these than for plain goods. As in mule spinning, the percentage of continuous operation depends partly on the materials used and partly on the skill and care exercised by the operators. Within wide limits no attention is paid to variations in the yarn numbers; but for such items as extra coarse filling, which necessitates more frequent stoppings to replace the exhausted shuttle bobbins, allowance is made in the expected output. For the same kind of weaving, as for instance the weaving of plain cloth, if the yarns used are of proper strength, the looms in good running order, the speed of the looms the same, the width of the cloth standard, and the numbers of the warp and filling within given limits, the output, that is, the picks per inch by inches woven, will vary with the skill and care exercised by the operators.

If the picks per minute be taken as uniform and other conditions are standard the price per pick per inch serves as a basis for adjusting wages to difficulty of production. It has been customary in New England to set prices for weaving woollens and worsted in terms of "mills per pick," that is, mills per pick per inch. At one time there was a generally recognized price of two mills per pick for plain weaving. The prices per pick for other classes of weaving were arrived at by additions to the price for plain work in the case of complicated weaving, which requires more skill or greater carefulness to avoid loss of time through breaks, or more time to make the proper adjustments of shuttles.[1]

[1] More than the price for plain weaving is usually paid when more than one shuttle is used (in some mills for more than two), or more than a given number of "harnesses" (ten or twelve). Additional shuttles mean more colors in the filling to be watched and more care needed in changing the shuttles. More harnesses than the weaver commonly uses means greater difficulty in finding broken threads in the warp and in inserting these in their proper "headles" when more than one are broken. More is paid sometimes, too, for

The standard price per pick has broken down in recent years. The weavers' unions in the woollen trade, though stronger than in the cotton trade, have not as a rule been able to maintain a system of standard prices per pick. Weavers now generally run two looms on plain work and the price per pick for two-loom weaving is but slightly over half that for single-loom weaving, which varies from one and one-half to two mills per pick, with the average probably closer to the lower figure. The system of setting a price per yard per pick per inch is still in common use; but the differentials to be added for departures from plain weaving are far from standardized.

The cotton weavers' unions of New England do not maintain a system of prices based on the picks per inch even for plain cloth, though the necessary factors are present, and such systems are maintained by joint agreement in Lancashire.[1] The cotton weavers' local unions are not strong enough to establish throughout New England a standard basic rate for plain cloth, nor have they secured local agreements for the settlement of prices by this method of calculation from a basic price per pick. Weaving prices are set as a rule by the employers, at so much per cut of 50 yards. The action of the unions in wage matters is usually confined to enforcing percentage advances or to preventing percentage reductions from the existing prices; individual prices per cut are not made the subject of union bargaining as a rule.[2]

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extra close warp, indicated by a high "reed number." The reed number gives the number of warp ends per inch.

[1] See Report on Standard Piece Rates of Wages and Sliding Scales in the United Kingdom, 1900, p. xvii.

[2] The employers, however, generally arrive at the prices per cut through a calculation, from the picks per minute and picks per inch, of the number of yards of the particular pattern that should be turned out in a week. For common looms on plain cloth ten per cent. is usually deducted for stopping. For automatic looms there is no deduction. This estimated weekly product per loom is multiplied by the number of looms the average weaver is expected to run and a price per cut is set which at this output will give the intended average weekly earnings. The Fall River price for "prints," plain cotton cloth, 28 inches wide, of 64 picks and 64 reed ("64 × 64"), which is usually about 18 cents per cut of 50 yards, 28 inches wide, is taken as a guide by most manufacturers.

The price list of the Elastic Goring Weavers also illustrates a rate differentiation based on calculable variants. The price per yard for webs of the same material varies with the number of picks and dents per inch, and with the leash number. The more common combinations are listed in tables, the numbers of the leash, dent, and pick being given in parallel columns, and provision made in foot notes for the number of cents extra per yard for extra items.[1] The Lace Operatives' price list for weaving is similarly adjusted to variants of the same general character.[2]

There are several other instances of price lists based on dimensions, but less automatically so than in the textile trades. Nearest to exactness among these is the price list of the sheet and tin division of the Amalgamated Association of Iron, Steel and Tin Workers, for rolling iron and steel billets into sheets of the required thinness. The index of thinness is the gauge number; each gauge number indicates the weight per square foot, and the gauge numbers rise as the weight and the thickness of the sheet decrease.[3] The price is given per ton for each of the various numbers in the list. As the thinner the sheets the longer the time, other things being equal, required to reduce a ton of billets to the specified gauge number, the price per ton for sheets of the same width rises with the gauge number. It does not, however, rise proportionately, as the difficulty does not increase proportionately.

In the printing branch of the pottery trade also the union prices follow calculable variants. These are the number of "sprigs" contained on the copper or steel plates used in printing and the number of separate prints necessary to put the pattern on the ware.[4]

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[1] Constitution and Rules and Price List of the Elastic Goring Weavers' Amalgamated Association, 1907.

[2] Revised List of Prices, as amended and agreed to by the Manufacturers and the Chartered Society of Amalgamated Lace Operatives, June, 1907.

[3] Western Scale of Prices Governing Wages in Rolling Mills, for the year ending June 30, 1909.

[4] The following clause in the scale sets forth the method of applying the scale for dinner sets. "The standard 100-piece dinner set

The Window Glass Workers' schedule of rates is also based largely on physical measurements capable of exact determination. The price per "box" of 100 square feet of glass varies with the size of the sheets, the "strength" (that is, thickness) and the quality of the glass.[1] Very recently a "triple" strength has been added to "single" and "double,"[2] and a distinction in quality re-introduced.[3] The variations in the square inches of surface and in the thickness of the sheets figure most prominently in the scale and there is little difficulty in determining these. Some years ago there was a controversy in applying the list, but this was not due to any difficulty in measuring the product. The question turned upon the rate to be paid for cutting "fractional" glass, that is, sheets of which one or both dimensions measured a fractional number of inches, such as 8½ inches by 21. Some employers contended that this should be cut at the same price as whole inches, and though the cutters contended that it was more difficult work and called for a higher rate, for a time a higher rate was not conceded. Finally fractional glass was specifically given a higher price in the scale and this differentiation enforced in the trade.[4]

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is to be used for computing price per dozen, to be figured as follows: Divide the number of sprigs on dinner set by number of sprigs used from copper plate which gives number of prints to do one set; then multiply by price per unit as given in above scale which gives you the price of printing 100-piece set, which divided by 8⅓ dozen gives you the price per dozen of the pattern, which price is to be paid for dinner sets or open stock, straight count, or twelve pieces to the dozen" (Wage Scale and Agreements between the U. S. Potters' Association and the National Brotherhood of Operative Potters, adopted October 1, 1905).

[1] National Window Glass Workers' National Flat Scale, 1909.

[2] Proceedings of the National Window Glass Workers of America, 1907, p. 99. Triple strength is rated at 150 per cent. the rate for double, and double is a little less than twice the rate for single strength (National Flat Scale, in effect to June 11, 1909).

[3] There were four "qualities" in the 1884–5 scale. The scales for several years before 1908–9 provided for but one quality. In the 1908–9 scale provision was made for an additional 5 per cent. for single strength and 10 per cent. for double strength of A. and A.A. quality.

[4] Proceedings, 1889, pp. 44–5; Minutes of February 6, 1891; Scale, 1892–3; Constitution, 1908, Rules, VII, sec. 52; Scale, in effect to June 11, 1909.

The Typographical Union for many years maintained a system of piece payment based on a scheme of physical measurement of product, which was easy of application but admittedly failed to provide payment in exact proportion to comparative difficulty. Apparently the original intention in the trade was that the matter set up by the compositors should be paid for in proportion to the number of pieces of type set. As counting was impracticable a unit of measurement was adopted which it was assumed varied directly with the number of pieces set. But long before the piece system was abandoned in the trade it was recognized that the unit of measurement did not measure accurately or unvaryingly the number of pieces set. Yet the change to time payment did not come from dissatisfaction with the scheme of piece payment in vogue, but in consequence of the introduction of the type-setting machine.

Composition was paid for at a given price per thousand "ems."[1] The "em" is a unit of surface measurement of equal length and width. The "depth," or length up and down the page, of all pieces of type in each "font" is the same, and the em is the square of the depth. It is, therefore, of fixed dimensions for each font of type. The number of ems is not the same as the number of pieces set, for though the depth of all pieces of type in the same font is the same the widths are not. The widths of the bodies vary with the widths of the letters cast on them and, except for the letter m, are less than the depth. It was assumed, and properly, that the widths of the letters used by each compositor would in the long run average approximately the same. If fonts of type exactly alike were used, therefore, the number of ems would vary in the same proportion as the number of pieces in setting "straight" matter.

The defect of the em as a unit of measurement arose from the fact that the relation of the width of all the pieces

[1] This discussion of the system of payment in the printing trade is based upon pp. 108–131 of "The Printers; A Study in American Trade Unionism," by George E. Barnett in American Economic Association Quarterly, October, 1909.

in the alphabet taken together to their depth was not the same in all fonts of type of the same size. Some fonts of the same size were "leaner" than others, that is, the letters were narrower in proportion to their width and so numbered less ems in the combined widths of the letters than normal type of that size. A compositor would therefore have to set more pieces for a given number of ems than he would if using type of a font in which the aggregate width of the alphabet was greater.[1] Attempts were made by the local unions to set standards of width for the ordinary rate and to secure higher rates than the standard for "leaner" fonts; but no really satisfactory adjustment was reached in this way. The national union also gave attention to the question and proposals for the introduction of other units of measurement were considered by the union, the publishers, and the type founders.

Even more important was the fact that the em utterly failed as a measure of difficulty with "fat" matter. The term "fat" in the printing trade is applied to matter containing more open space and consequently less pieces of type to the square inch, than "straight" matter. The price per em was a lump price for all matter and "fat" matter was paid for at the same price as "straight" matter. "A partially blank page thus gave the compositor the same return as a full one, although it involved much less trouble. So the head and foot lines of a book, as well as any 'display' matter which might occur, such as the title, half-title, and dedication pages were paid for as if the space were filled with straight matter."[2] The "fat" also included dis-

[1] In 1837 "the Columbia Society of Washington appointed a committee to investigate the range of type in the several offices. It was found that the widths of all the lower case, i. e., small letters of the alphabet, taken together measured in different fonts from 11½ to 13 times the depth of the type, or, as the committee put it, 11½ to 13 ems. A compositor working from the 'leanest' font had, therefore, to set about 15 per cent. more pieces of type than from the 'fattest' in order to have as many ems." "In 1879 Mr. Samuel Rastall, in a comparison between five offices in Chicago, showed that, with the same labor with which a compositor setting minion type of standard width could earn $18.63 in one office, he could earn $21.65 in another office where the font was 'fatter'" (Barnett, pp. 126, 128).

[2] Barnett, p. 116.

play advertisements and "cuts" in newspapers, and throughout stood in no given or unvarying proportion to the amount of straight matter in any particular job. The local unions adopted many interesting regulations to prevent the employers "culling the fat" and having it set by time workers. The union's justification therefor was that they assumed the "fat" to be included when the price per thousand ems was set. In some cases the right to the "fat" was given up for a specified increase in rates. Rules were also enforced for the equitable distribution of the "fat" among the compositors in the shop.

There are other cases of rate differentiation based on measurable physical units; but the above sufficiently illustrate in completeness and simplicity the application of such measures. In the other cases the differences in physical measurements play only a minor part in the whole scheme of differentiation, or are much more irregular than in the lists described. The Cigar Makers' lists, for instance, call for prices varying with the number of quarter inches in length, but the prices vary also with important differences in shape and materials.[1] The rates for rolling on "finishing mills" in the scales of the Iron, Steel and Tin Workers vary with the width of the rolls and with the sizes of the rolled iron, but also with the shapes. The large number of different shapes makes the price schedule a descriptive list of patterns rather than a list following differences in measurements like that for sheet mills described above.[2]

Under the schemes of rate differentiation described above, the determination of the rate class to which given units belong is a matter of physical measurement or computation

[1] This practice is common now; but it is interesting to note that a committee appointed by the Baltimore Cigar Makers to frame a bill of prices in 1879 reported that "from past experience" it did not deem it practicable to draw up a bill "according to inches of cigars." Such differentiation, however, seems to have been desired by the workers at the time (MS. Minutes of Baltimore Cigar Makers, November 14, 1879).

[2] Western Scale of Prices, 1908–9.

from recognized factors. The application of the list is thus comparatively an easy matter. Moreover the presence in all new and special work of variants already recognized makes the pricing of such work relatively easy. Reliance upon simple physical determinants is, however, on the decline. The tendency in pricing work is toward direct resort to separate estimate of the comparative time required in each particular case, and to detailed description of patterns. This tendency is due to the increasing diversification in patterns which makes the application of simple determinants inadequate.

The characteristic feature of the systems of piece payment next to be described is that each different kind of product must therein be separately priced without the possibility of applying to any serviceable extent recognized physical measurements of difficulty. The observance of the rate for each kind of product, after it has been entered in the list, is secured by adequate description. The differences between the two systems may be brought out more clearly by considering the case of the Granite Cutters, a union in which piece work prevailed in large part until about 1895.[1] In this union the piece rates were based partly on physical measurements and partly on the identification of designs. The physical measures were applied without much difficulty, whereas the identification system could be used only with friction and lack of uniformity.

The price for cutting granite was entered in the scales at a given sum per cubic foot, sometimes per "linear" foot. This price varied—to confine the illustration to granite used for building purposes—with the architectural design or pattern of the stone, with the degree of fineness in execution required, and with the "hardness" or "softness" of the stone.[2] This last difference was defined usually in terms of the locality in which the granite was quarried and gave

[1] See below, p. 193.

[2] For example, Quincy Bill of Prices, 1886; Bill of Prices issued by the National Union (about 1888); Bill for Westerly, R. I., 1889; Bill for New York, 1890; Bill for Denver, 1889.

no appreciable difficulty in application. Nor was the kind of finish a cause of much dispute in price determination. The various grades of fineness were well known and passed as numbers of "points"; they were also distinguishable approximately by the tools used, such as "pean hammered," "bush hammered," and "fine bush hammered." Disputes over finish were rather as to whether the required finish had been given than over the rate to be paid for a given finish.

Nearly all the serious difficulties in the application of the price lists grew out of differences in the design or pattern of the stone. The scales provided distinct rates per foot for different patterns, as for example, "bases," "friezes," "moldings," and number of "members." There were many disagreements as to how the particular pattern of stone should be classified.[1] As a granite cutter often worked several days on one stone, sometimes even several weeks, a difference in the computation basis for one stone made a serious difference in wages. These difficulties were never satisfactorily overcome. Diagrams were inserted in many scales to indicate the patterns to which the rates were to apply, and rules were laid down to be followed in computing prices. A special form was adopted by the national union to be followed by the local branches in drawing up scales.[2] It also became common for local unions to appoint committees of union men to "figure" prices with the employers for the individual workmen when these disagreed.[3] But this did not secure the smooth working of the system. The men were often timid about disputing the employer's or foreman's figures, and many refused to serve on committees for "figuring" prices for fear of being "victimized." It was also found impossible to frame scales that would include

[1] See for example, Granite Cutters' Journal, January, 1877; May, 1883; October, 1886; January, February, December, 1887; January, 1888.

[2] Constitution, 1888, Art. XII, sec. 22; Bill of Prices issued by the National Union; also bills cited above for Quincy, Westerly, Denver, and New York; Bill of Prices for Concord, N. H., 1892; Bill of Prices for Richmond, Va., in effect May 1, 1900; Bill of Prices for Quincy, 1905–8.

[3] Granite Cutters' Journal, August, 1882; January, 1888.

all work, and "stones not covered in the bill" often had to be made the subject of special bargains. The making of these special bargains was a fruitful source of dispute and the prices thus arrived at were often regarded by the men as reductions forced by the employer from the intended scale basis.[1] The unsatisfactory experience of both sides in the application of piece bills was an important reason for finally doing away with piece work in the trade.

There are several important predominantly piece-working unions in which rate differentiation does not follow physically measurable differences in product, or variations in pattern according to the number of well-recognized and easily ascertainable items present. Some of the best known piece-working unions work under scales which attempt to cover, by descriptive enumeration, every type or pattern for which a distinct rate is to be paid. In this group of unions are found the Glass Bottle Blowers' Association, the American Flint Glass Workers' Union, the Brotherhood of Operative Potters, the shirt and overall workers in the United Garment Workers, the Tailors, and the stove molders in the Molders' Union. All of these except the stove molders have national uniform lists.[2]

The price lists of the Glass Bottle Blowers, the Flint Glass Workers, and the Potters are by far the longest national lists maintained by American trade unions. It is the purpose of these unions to enumerate in the respective schedules the distinct patterns of ware already priced, and to use them as guides in the pricing of new or special patterns which appear in the intervals between scale revision. The normal types are entered in long descriptive lists, and provision is made in footnotes, particularly in the Bottle

[1] Granite Cutters' Journal, February, April, 1886; May, 1887.

[2] The national list of the shirt and overall workers is a minimum list only. The Tailors' national list is one which establishes no prices but is to be followed as to form in the framing of local price bills. The stove molders' lists are single shop lists but these are bound together in close district systems and in a loose national system.

Blowers' and in the Potters' scales, for minor variations in finish, lettering and weights, and for specific differences in pattern, such as extra wide mouths, or additional "handles," "legs," or "feet." This practice reduces the size of the body of the list, which is confined to the enumeration of the more fundamental differences in styles.

The three price lists of the Glass Bottle Blowers' Association make up the longest price list published by any American trade union.[1] Each distinct type of bottle is priced separately by the method of estimate and comparison and entered by name in the list. The list enumerates, however, only a part of the bottles which are actually made under it and have been priced by the union and employers. Bottles which are of the same type as those already named in the list and which are believed to deserve the same rate are not separately entered except at the request of either party.[2] New bottles are priced in the locality in which they first appear, by comparison with those already in the list, and these locally established prices are used until ratified or changed by the national joint wage committee.[3]

For the revision of the list and for the rating of ware the price of which is in dispute, and for other wage matters, joint wage committees meet twice each year. The first

[1] The union publishes its list in three separate books, one for hand-blown ware from tanks and open pots, which is the main list, one for hand-blown ware from covered pots, and one for machine-blown and pressed ware. The covered-pot list was added after the union took over the prescription bottle blowers from the Flint Glass Workers in 1901. The machine list was also added in 1901 (Proceedings of the Glass Bottle Blowers, 1901, pp. 17, 491). About one-sixth of the members are now working on machines. The union also has a small price list for its stopper-making and stopper-grinding branches, but these affect a very small number of members. This association has recently taken in a few caster place workers, a branch of the trade formerly controlled entirely by the Flint Glass Workers, and it adopts in convention a price list for them also.

[2] Wage Scale and Working Rules adopted by the G.B.B.A. and the National Glass Vial and Bottle Manufacturers' Association, Blast of 1908–9, Rules and Regulations, sec. 33; Wage Scale adopted by the G.B.B.A. and the Flint Prescription Manufacturers' Association, applying to covered pots only, Blast of 1908–9, Rules and Regulations, sec. 34.

[3] Wage Scale and Working Rules 1908–9, sec. 42; Wage Scale and Working Rules, applying to covered pots only, 1908–9, sec. 43.

meeting, known as the "preliminary conference," is held several weeks before the convention of the union, to consider changes in or additions to prices or working rules suggested by either side.[1] The union committee reports the results of its preliminary conference to the convention, and after the convention the union conferees meet the manufacturers' committee in the final conference to take up matters which were not agreed upon in the preliminary conference or in which the action of the first conference was not ratified by both associations. The union view is that the list may not be changed except by mutual agreement.[2] No more elaborate procedure for keeping a price list in working order is maintained in any trade. The officers of the union say that the preliminary conference is a necessity if prices are to be made by the conference method, and think that the conference method is vital to the maintenance of a satisfactory piece-price system.[3]

The Flint Glass Workers' scale problems are very much like those of the Bottle Blowers, and prices are fixed by the

[1] No changes or additions may be made at the final conference which have not been considered at the preliminary conference. Each side must notify the other in advance of the preliminary conference of the changes or additions it desires (Proceedings, 1897, pp. 36, 101; Minutes of Final Machine Conference, July, 1907; Wage Scale and Working Rules, 1908–9, secs. 55–57; Wage Scale and Working Rules, applying to covered pots only, secs. 55–57).

[2] The final conference has not always resulted in the signing of the scale. In 1905 the scale was not signed and the union decided to enforce the 1904–5 scale with the changes agreed upon before the adjournment of the conference. The same thing was done in 1906 for 1906–7 (Proceedings, 1906, p. 17; Proceedings, 1907, pp. 19–24). The scales for 1907–8 and for 1908–9 were signed in the final conferences.

[3] Proceedings, 1900, p. 46. The practice of holding preliminary conferences was begun in 1897 for the open pot and tank list (Proceedings, 1897, pp. 36, 101). In 1901 the majority of the flint prescription blowers withdrew from the American Flint Glass Workers' Union and joined the Glass Bottle Blowers' Association, and in 1902 preliminary conferences were begun with the manufacturers of flint ware (Proceedings, 1902, pp. 21, 46). A preliminary conference for the machine jar and bottle list also has recently become an annual fixture (Proceedings, 1905, p. 63; Proceedings, 1906, p. 62; Proceedings, 1907, p. 54; Proceedings, 1908, p. 40).

same method of comparison and estimate.[1] In 1887 the union adopted the practice of conferring, after the annual convention, with the representatives of the manufacturers on the wage lists of the several departments.[2] Prior to that year the lists had been made up in convention and the local unions had tried to enforce them as adopted by the convention. The president of the union said at the time this new practice was inaugurated, "Settlements by the new policy will always be more thorough, better understood, and less liable to violation."[3]

In 1888 the Prescription and Chimney departments adopted the plan of conferring with the manufacturers on additions and revisions desired before the list was acted upon in the convention.[4] The practice of holding preliminary conferences then spread to the other departments, and in most departments this became an annual practice.[5] The union policy in this respect, however, underwent change in 1897. In that year the preliminary conferences were

[1] In 1897 the president of the Flints described the method of setting prices by comparison, with intent to bring the labor cost of each article into harmony with that of every other article on the same list, as "an old established principle of every department of our association" and "a principle which can not be overthrown" (Proceedings, 1897, pp. 50–53).

[2] The Flint Glass Workers' Union is made up of sixteen departments. All but the mold-making department have piece rates, though both piece and time systems are used in the Cutting department. In February, 1909, the sixteen departments were, in the order of their numerical strength, (1) Pressed Ware, (2) Chimney, (3) Cutting, (4) Bulb, (5) Paste Mold, (6) Mold-Making, (7) Caster Place, (8) Punch Tumbler and Stem Ware, (9) Iron Mold, (10) Machine Jar and Bottle, (11) Shade and Globe, (12) White Liner, (13) Insulator, (14) Prescription, (15) Engraving, (16) Stopper Grinding (Quarterly Report of National Secretary, for the three months ending February 28, 1909). Each department has its own price list or "wage and move" list, a "move" being the number of pieces to be made in a half day.

[3] Proceedings, 1888, p. 32.

[4] Ibid., pp. 32, 57, 86, 88, 89.

[5] Proceedings, 1891, pp. 165, 178; Proceedings, 1892, pp. 15, 17, 19, 25–33, 47, 53; Officers' Reports, 1895, pp. vii-xix. No conference was held in the Caster Place department prior to 1895 (Proceedings, 1892, p. 56; Officers' Reports, 1895). It was not customary to hold a conference in the Cutting department (Proceedings, 1897, p. 30). In the Stoppering and Electric Bulb departments and, at that period, in the Paste Mold department, preliminary conferences were not held annually, but only as occasion required.

omitted in several of the departments, and the president of the union informed the convention that he did not think the preliminary conferences were of enough benefit to warrant the expense.[1] Preliminary conferences were held less regularly and less generally thereafter.[2] In 1902 the president again declared his belief that the good accomplished by the preliminary conferences was not equal to their cost, and reported that the manufacturers had expressed the same opinion at the last conferences. He advised that three of the four departments which were then regularly holding such conferences should give up the practice.[3] All three voted to do so in the same convention.[4] Proposals for changes in the lists are now sent into the national office before the convention, acted upon there by the departments concerned, and the lists finally settled in conferences with the employers after the adjournment of the convention.

The systems of piece-rate making just described are successful in that they establish and maintain wage payments for diversified products with sufficient uniformity in the various localities where the trade is established to prevent disputes serious enough to lead to strikes. However, many difficulties have been encountered in the fixing of prices, involving anxiety on the part of the union lest misunderstandings occur in pricing new or special ware locally, or

[1] Proceedings, 1897, pp. 30, 34.

[2] Officers' Reports, 1899, p. 20. Preliminary conferences were held in 1899 in the Prescription, the Chimney, and the Shade departments. The Pressed Ware and Iron Mold departments voted in the 1898 convention to abolish them (Ibid., p. 20; Proceedings, 1901, p. 49; Proceedings, 1902, p. 104).

[3] Proceedings, 1902, p. 104.

[4] Ibid., pp. 181–2, 295, 305. The Chimney department also voted to abolish annual preliminary conferences. However, a preliminary conference was held in that department in 1908, and other mid-year conferences have been held (Proceedings, 1902, p. 363; Proceedings, 1904, p. 123; Proceedings, 1906, p. 16; Proceedings, 1908, p. 32). A preliminary conference was held on the machine jar and bottle list in 1908 (Proceedings, 1908, p. 29). Conferences have also been held at various times during the blast year in several other departments; but these have not been called to consider itemized revisions of the list, but to decide disputed prices for new work or other price disputes, or for general matters such as percentage advances, sliding scales, summer stops, and regulation of machinery.

some ware, through differences in interpretation, be graded lower than is contemplated by the scale. Such difficulties must exist in the absence of physical standards for the identification of product for rating, and for guidance in fixing comparative prices.

The officers of the Glass Bottle Blowers' Association have from time to time felt keenly the force of these difficulties in the way of maintaining a smoothly-working price list, and have frequently urged the Association to seek some system of pricing that would eliminate or reduce them. In 1900, for instance, the president of the union told the convention that at the May conference in that year prices had to be fixed "on a store box full of samples" and that three days had been given up to wrangling over them. He then advised the convention, "If our list is not sufficiently plain to enable a blower to know the exact price of the ware he is making it should be altered and simplified, as this means not only a saving in time and money but also more harmonious relations between the employer and the employee."[1] The suggestion was made that a list might be constructed on the basis of the weight of ware alone, and a committee was appointed to consider a revision of the list as it stood, and to include in its consideration this suggestion for reducing pricing to a basis of weight.

The purpose of the committee as described by the president was to reach "a comprehensive plan which would make it possible for every man to know the exact price of the bottle he is making, or the list basis for that bottle from which he can figure the price." At the final wage conference following the convention the employers appointed a similar committee to meet with the union committee, for a joint overhauling of the list in order to remove ambiguities and make the list thoroughly comprehensive and consistent.[2] The workers' committee decided against a list based upon weight alone; it was opposed to adopting such a list unless

[1] Proceedings, 1900, pp. 46, 67–69, 90.
[2] Proceedings, 1901, p. 27.

the same basis should be applied to all lines of ware, with possibly a few exceptions of peculiar design or odd shapes, and many members were against doing away with capacity as a qualification of weight, largely on account of the reductions it would involve in the prices of some bottles.[1] The joint committee was also unable to agree on an itemized revision acceptable to both sides.[2] The president of the union in his report to the 1902 convention again advised that the list "sadly needs revision" and regretted that such a revision then seemed impossible. He expressed the hope that a more generous sentiment would be developed by both sides so that "a more plain and equitable basis of listing all kinds of ware" might be adopted.[3] A thorough revision has not yet been effected though the list has been somewhat simplified.[4]

Troublesome questions in the fixing of prices arise from time to time, and disputes and misunderstandings in the local application of the list continue to vex.[5] The president of the union has frequently complained that the list was not satisfactorily applied locally and that the branches of the union do not make thorough attempts to price bottles from the regular list before sending them in to the preliminary conference for settlement, but in this respect also there has been improvement.[6]

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[1] Proceedings, 1900, pp. 60, 61; Proceedings, 1906, p. 63. Some kinds of bottles, however, as for instance, olive bottles, have a price list varying with weight alone, except for a few special bottles mentioned by name and given other prices than the straight weight prices.

[2] Proceedings, 1902, p. 47; Minutes of the Preliminary Conference, May, 1902, pp. 19, 20.

[3] Proceedings, 1902, p. 47.

[4] Proceedings, 1903, pp. 18, 83; Proceedings, 1904, p. 19.

[5] Proceedings, 1900, pp. 67–8; Proceedings, 1905, p. 17; Wage Scale and Working Rules, blast of 1904–5, sec. 7; Wage Scale and Working Rules, blast of 1908–9, sec. 31; Minutes of Preliminary Conference, May, 1902, p. 20; Report of Proceedings of Joint Wage Committee, 1903; Minutes of Preliminary Conference, 1904; Blowers' Reports of Final Wage Conferences, 1907 and 1908.

[6] Disputes arising during the blast as to rules, regulations, and prices in the list are decided by the president of the union, his decision standing unless reversed or modified at the next wage conference. This plan was first adopted at the 1902 preliminary con-

In the Prescription department of the Flint Glass Workers' Association, which was made up of bottle blowers and so offers the strongest analogy to the Glass Bottle Blowers' Association, the preparation of a satisfactory list was not found less difficult nor the application of the list any more harmonious or uniform. In his report to the 1892 convention the president of the union stated that many of the listed bottles were not sufficiently described, and were not known "outside the Prescription committee room and the particular factory in which they are made."[1] He complained further that there had been disputes in all parts of the union's jurisdiction regarding the variations in price to be made for differences in capacity. In many instances the disputed bottles exceeded or fell below the capacity of the nearest bottle on the list, and in nearly all cases the manufacturers contended for a settlement on the basis of the lower capacity. He added, "The position of the manufacturers may be attributed in most cases to the absence of any definite rule on the point in question." In 1898 the president called attention to the "inconsistencies and ambiguities" in the list due to the great number of bottles identified only by name and number. He urged that the Prescription department should revise its list, "making it clear, making all its parts agree, removing duplicate bottles, and simplifying it wherever it can be simplified."[2] The withdrawal in 1901 of a very large part of the Prescription department members to join the Glass Bottle Blowers' Association

ference to provide for the decision of disputed points in the rules, but was later extended to cover prices. The resolution adopted in May 1902 read: "Whereas it appears that there is often an honest difference of opinion in regard to the interpretation of some of the rules and regulations adopted even among the members of this joint body; therefore be it, Resolved, that all information wanted in regard to the intent or meaning of the rules and regulations shall be referred to the President of the Blowers' Association, whose decision in such case shall be binding until said decision shall be reported to and reviewed by the Joint Conference" (Minutes of Preliminary Conference, May, 1902, p. 21). See also Proceedings, 1908, p. 39; Blowers' Report of Final Wage Conference, 1908, pp. 14–15, 21, 22; Wage Scale and Working Rules, 1908–9, sec. 57.

[1] Proceedings, 1892, pp. 20, 21.

[2] Proceedings, 1898, p. 43.

greatly reduced the relative importance of its list problems for the general officers of the Flint Association.[1]

The Prescription department did not stand alone in its difficulties. Pricing by the method of comparison led to "inconsistencies and ambiguities" in the lists of the other departments, particularly in the Pressed Ware, Iron Mold, Paste Mold, and Shade lists. For instance in 1896 the president reported that some houses were getting 1,110 tumblers made for the price that other houses were paying for 825. He recommended that a rule should be adopted for the classification of common tumblers on the basis of dimensions and weight.[2] Entire uniformity on this kind of ware was not reached until a uniform classification on the basis of capacity was adopted in 1901.[3]

The necessity of fixing the price of new work appearing during the blast by local determination has also made difficulty in keeping prices standard. The prevailing rule is that such new work shall be priced in the locality in which it is first made if the factory committee and the manufacturer can agree on a price; if not, the price must be fixed in a joint wage conference.[4] The local union affected by a price so established is required to report it at once to the national officers, who inform the trade of the price established.[5] This system requires great care if non-uniformi-

[1] At the time of the 1908 convention no membership was given for the Prescription department (Proceedings, 1908, p. 75). In the Quarterly Report of the National Secretary for the three months ending February 28, 1909, its membership is given as thirty-nine.

[2] Proceedings, 1896, p. 63.

[3] Proceedings, 1901, p. 49. Similar instances have occurred in this and other departments. See Proceedings, 1892, pp. 45–46; Proceedings, 1903, p. 120; Proceedings, 1907, p. 54. In 1901 the manufacturers presented a revised list in the Paste Mold department in order to remove "incongruities." The workers objected that the proposed list was not itself harmonious and it was not adopted (Proceedings, 1901, p. 42).

[4] Constitution, 1895, Art. X, sec. 2; Constitution, 1907, Art. XVII, sec. 2.

[5] If no agreement is reached locally or if the price established locally is considered too high by any other manufacturer or too low by any other local union it is referred to a joint wage conference for settlement. Several joint conferences for the settlement of new prices or disputed prices, in addition to the annual conference following the convention for the establishment of the list, may be held during the blast. Either side may call a conference at short notice.

ties are to be avoided. Local unions have frequently neglected to report the new pieces and prices with sufficient explicitness, with the result that the same work has been priced less elsewhere.[1] The president of the union has several times urged the necessity of having new work properly listed and promptly reported to the trade in explicit terms.[2] It is now the practice for the branches to refer the unlisted article to the national office to ascertain if there is any record of a similar article having been priced at another factory since the publication of the wage list.

Difficulties have frequently arisen in distinguishing various pieces named in the price list. In 1892 the president of the union pointed out that it was hard to identify certain lines of ware in the Iron Mold list and recommended the preparation of an illustrated catalogue to accompany the list.[3] In the same year the Shade and Globe committee adopted in conference a plan to number shades and globes instead of entering them by name and to publish a new catalogue containing a drawing of each piece with its number.[4] At the convention in 1897 the Paste Mold committee also recommended "the printing of an illustrated catalogue of the articles produced by the Paste Mold department, giving weights, dimensions, moves, and wages."[5] But difficulties in classification and identification were not ended by this action.[6] In 1903 the president urged the Iron Mold department to make its list more explicit and "readjust its incongruities."[7] In 1902 he stated that "the Caster Place list as it is now compiled is confusing and misleading."[8]

[1] Officers' Reports, 1895, p. 11; Officers' Reports, 1899, p. 37.
[2] Proceedings, 1901, p. 57; Proceedings, 1903, p. 122; Proceedings, 1904, p. 25; Proceedings, 1906, p. 7.
[3] Proceedings, 1892, pp. 36–38.
[4] Ibid., pp. 38, 53, 147.
[5] Proceedings, 1897, p. 198.
[6] Proceedings, 1902, pp. 28, 42; Proceedings, 1907, p. 16.
[7] Proceedings, 1903, p. 120.
[8] Proceedings, 1902, p. 43. In 1904 the National Association of Manufacturers of Pressed and Blown Glassware in proposing a joint committee to revise and classify the different lists, said: "They have become so large and cumbersome that they are in many cases self-contradictory and misleading. By classifying all

The necessity of providing for the settlement of questions arising in the application of the list to particular cases entails an appreciable burden upon the union and forms a part of the cost of keeping up a workable piece system. By 1895 courts of appeals had been established in the Chimney,[1] Prescription, Pressed Ware, and Iron Mold departments for the settlement of such disputed points.[2] At present the practice has become general in all departments, except in the Chimney department, which still retains its court of appeals,[3] to refer such disagreements as can not be settled locally to the joint wage committee of the department.[4] In 1904 the president of the union, referring to the necessity of adjusting disputes in this manner, said, "The system has added to our expense, yet I confess I do not see how we can avoid it with safety to our interests."[5]

The experience of the Potters also illustrates the difficulties encountered in applying directly the measure of comparative time.[6] The policy followed has been to fix new prices by comparison with the time required to do other work on the list already priced. The estimated time required is subject to change, but comparison in physical char-

articles according to size, weight, and measurement, and considering the different shapes as to the relative difficulty of making the goods the list could be very much simplified and much more easily understood" (Proceedings, 1904, p. 83).

[1] Reports of Officers, 1895, p. xxi; Proceedings, 1896, p. 50.

[2] Constitution, 1895, Art. X, sec. 6.

[3] Wage and Move List of Chimney Branch, 1908–9, Rules 13 and 14.

[4] See above, p. 39, note.

[5] Proceedings, 1904, p. 18.

[6] The Potters' system of making lists in conference is more recent than and lacks the established regularity of that of the Bottle Blowers and the Flint Association. There is no provision for regular preliminary conferences. The scale has in recent years been signed for one year in the sanitary branch and for two years with respect to general ware. Ware not covered in the list is priced locally; in case of dispute a ruling is made by a joint standing committee, and prices set by the standing committees become part of the list. There is one of these committees for the sanitary branch and two, an Eastern and a Western Standing Committee, for general ware (Wage Scale and Agreements between the Sanitary Manufacturing Potters' Association and National Brotherhood of Operative Potters, adopted November, 1907; Wage Scale and Agreements between the United States Potters' Association and National Brotherhood of Operative Potters, effective after October 1, 1907).

acteristics when used as a basis has yielded unsatisfactory results. There has been difficulty too in applying the scale because of the introduction of slight differences in design which the manufacturers have contended did not warrant any change in the rate by way of addition, and because of misunderstandings in interpretation.[1]

The difficulties which have been experienced by these three unions, particularly by the Bottle Blowers and the Flint Glass Workers' Union, illustrate the seriousness of the problem of making comprehensive and clear uniform price lists to be applied over a wide territory, when the product is subject to numerous variations in pattern and design and when the comparative time required must be estimated separately for each particular variety. The liability to disagreements and non-uniformities is inherent in the system. Yet all three of these unions continue to work under the piece system and to direct their efforts to overcoming in so far as may be possible these technical difficulties. The unions prefer to work under the piece system in spite of its inherent difficulty. That they do this and that they and their employers remove the difficulties where they can and put up with them when they cannot, indicate that in these particular cases at least piece work as such is not opposed by the unions. It also illustrates the degree to which the two parties to the wage bargain will overlook minor variations from intended standards when both are anxious to maintain the general basis of agreement.

Forms of price lists providing for pattern diversification and intended for national application but much shorter than those just considered are also maintained in the clothing trade. The Garment Workers have a national minimum scale, agreed upon in conference, for work upon shirts and overalls. Each distinct style or pattern has its price and specific additions are stipulated for many specified "extras." The certain application of the rate to the particular type of garment for which it is intended is assured by the

[1] Proceedings, 1906, p. 5; Reports of President and First Vice President to 1908 Convention, 1908, pp. 24–25.

filing of sample garments which are referred to in the list as "exhibits A," "B" and "C," etc.[1]

The Tailors' price lists are made locally and the prices vary from locality to locality, but there is a close approach to uniformity in the form of the scales. Disputes over the interpretation of local scales in matters of styles, materials, etc., had become so frequent that in 1905 the secretary urged the convention to formulate a price bill which should be uniform throughout the jurisdiction of the union, if adopted by referendum. The convention adopted the recommendation and after ratification by the members, a committee was appointed to draft a bill,[2] to be uniformly observed in all respects but prices, which were to be left to the local unions.[3] The uniform bill, so reported, was adopted by referendum vote,[4] and at the 1907 convention the secretary reported that the local unions generally were following it with very satisfactory results.[5]

The experience of the stove-molding branch of the iron-molding trade in framing and applying price lists has been an interesting one. Each shop has its own separate list in which the price of each distinct pattern made in the shop is entered. In the early days of stove molding in this country the castings were paid for by weight.[6] The growing diversification in the patterns of stoves made it soon necessary, however, to fix separate prices for each kind of stove, and thereafter, as the subdivision of the work in the making of stoves proceeded, for each piece of the stove.[7] The union also threw its influence in favor of payment by the individual piece.[8] There were many inequalities in prices

[1] General Secretary's Report of the Joint Wage Scale Conferences, held July, 1905, January, 1906.
[2] Proceedings, 1905, in The Tailor, February, 1905, pp. 9, 58, 59.
[3] The Tailor, August, 1905.
[4] Ibid., December, 1905.
[5] Ibid., March, September, 1906; August, 1907, p. 4.
[6] Iron Molders' Journal, March 1875; July, 1876; January, 1888, p. 4; March, 1902, p. 129.
[7] In the price list of the Cincinnati union in 1866 separate prices are given for the pieces and the price of the stove as a whole is also given (International Journal, October, 1866, p. 223).
[8] President's Report to the Thirteenth Session, in Iron Molders' Journal, July, 1876.

of stove castings even in the same shop.[1] In 1862 the Philadelphia local union, the oldest and best organized in the trade, with a membership of 440, gave up a demand for a general increase on all castings for an "equalization of stove prices . . . bringing the lower up to the higher."[2] In 1875 the president of the national union urged the local unions to insist that all prices should be ratified by the shop committee and entered in a price book in the shop.[3] Some inequalities were still in evidence[4] when in 1893 the national union made an agreement with the Stove Founders' National Defense Association under which price advances or reductions were to be uniform percentages of the prices then existing in the various shops. Means were also provided for adjusting prices.[5]

The system of pricing new work which has prevailed since 1893 under this agreement is as follows:[6] If work "of similar character and grade" has already been made in the foundry the new work is priced by comparison with it. "When there are no comparative stoves made in the shop the prices shall be based upon competitive stoves made in the district, thorough comparison and proper consideration being given to the merits of the work according to the labor involved."[7] New work is not priced until it has been made for at least six days, and the price committee is required to consult the molder working on the new work before fixing on a price for it. These two rules adopted by the convention in 1907 made universal a widely prevalent practice.[8]

[1] International Molders' Journal, July, 1866, p. 240.
[2] Iron Molders' Journal, June, 1874, p. 385; May, 1881.
[3] Ibid., September, 1875, p. 426.
[4] Ibid., January, 1887, p. 4.
[5] Conference Agreements in Force and Ruling between the Iron Molders Union of N. A. and the Stove Founders N. D. A., issued June, 1907, Clauses 8, 14. The system of collective fixing of prices in the stove trade is described in detail by John P. Frey and J. R. Commons in the Bulletin of the Bureau of Labor, No. 62.
[6] Under an agreement in force until 1907 the Stove Mounters and the Defense Association set prices by the same method (Agreements in Force between the S. F. N. D. A. and the Stove Mounters and Steel Range Workers' International Union, Clauses 5, 7, 8).
[7] Conference Agreements, Clauses 7, 14.
[8] Proceedings, 1907, pp. 125, 200.

When the shop committee and the employer or his foreman cannot agree on a price it is referred for adjustment to two representatives, one from each of the national organizations concerned. Final appeal lies to the national joint conference committee which also determines all large questions relating to wages.[1]

The system followed in the stove trade for making and applying piece prices locally, in general conformity with a scheme of national scope and of district uniformity, makes piece pricing very nearly exact and removes the liability of strikes on account of particular prices. It has been urged within the union from time to time that weight or measurement be adopted as a guide, in order to do away with difficulties and differences emerging under the present system.[2] Neither of these measures have commended themselves as practical except as guides in using prices already agreed upon as a basis for the prices of similar parts of larger or smaller stoves of the same pattern. The necessity still remains of pricing the initial piece. "The pricing of stove-plate molding can never be reduced to an exact science; the union must rely on comparisons with similar stoves whose molding price is conceded to be equitable and upon the intelligence and experience of price committees and superintendents."[3]

Materials used.—The second grand cause of differentiation in the piece price, standing next in order of importance to differences in the shape, pattern or dimensions of the product, are differences in the materials worked. Rate differentiation according to the material used, irrespective of variations in the dimensions or shape of the product are

[1] Conference Agreements, Clauses 2, 3.

[2] Iron Molders' Journal, May, 1886; January, 1887; February, p. 70, July, 1902.

[3] Ibid., April, 1902, p. 206. In commenting on this statement a member a few months later wrote to the Journal that if each member of a moulders' pricing committee should write the price of the piece in question on a separate piece of paper independently, no two of the prices thus separately made would be the same (Ibid., July, 1902, p. 379).

common.[1] In some of the unions the differences in rates to be made for differences of this nature give comparatively little trouble, because one material is used almost exclusively, or because the different materials are well known and clearly distinguishable. In other trades some of the chief difficulties in rate adjustment and in the enforcement of a uniform rate have been caused by differences in materials.[2] Though the variations in materials are but a fraction of those in dimension or pattern, the addition or subtraction to be made to prices when a new material is used gives much more trouble than the setting of a price on a new pattern, since in most instances the price differentiation for a material will affect wages more than that for a single pattern, and each side is therefore less likely to be inclined to give way even a little. The proper differential to be granted is also difficult to determine. As comparative difficulty in working different materials cannot be estimated by physical measurement, the estimated time required for production has to be relied upon directly as a measure. But production time is a more variable standard in different plants when applied to materials than when applied to patterns. Once the price differential for a given material is established in the scale, however, there is less room for misunderstanding than in the case of different patterns.

The questions of rate differentiation which have disturbed the Iron, Steel and Tin Workers have been almost entirely over materials. The variations according to dimensions follow comparatively simple lines, and this and the greater effect upon earnings of price differentials according to materials used have made the latter relatively important, particularly in the "boiling" or "puddling" division. In

[1] In addition to the variations to be noticed in puddling, in rolling iron and steel, and in cigar making, there are difference in rates for differences in materials in the scales of the Tailors, the Elastic Goring Weavers, the Mule Spinners, and the Glass Bottle Blowers, and in the local price lists of some branches of the Boot and Shoe Workers.

[2] This is true, of course, in those unions whose rates vary with materials rather than with patterns, like the miners, the puddlers, and the longshoremen.

this division there is no question of form or pattern; payment per ton is made for working metal through a process, not for reducing it to given shapes or dimensions. The rate per ton for boilers or puddlers was made originally on the assumption that pig iron of known grade should be worked and the first scales provided for this alone.[1]

The manufacturers soon began to introduce other materials to be worked with pig iron, or in place of it, and often these substitute materials were mixed. This practice gave rise to disagreements as to the prices to be paid, and consequently to the need of providing standard rates for these several materials and mixtures. As early as 1871 there was a bitter local dispute as to the rate to be paid for a certain kind of iron, and the men were sustained by the union in their fight for a differential price.[2] By 1875 it had become important that the prices to be paid for working "castings," "hoop iron," and "scrap" should be put in the scale. In the convention of that year a committee of the union pointed out that these materials involved extra work and should therefore carry extra compensation, and recommended that uniformly higher prices should be adopted for them.[3] The prices to be paid were not settled, however, until five years later. In 1877 the question of what price should be paid for working physic iron was brought before the convention. The convention ruled that it should be rated at one-fourth more than common iron.[4] From 1881 to 1908 five prices were added to the scale for materials rated higher than common iron, and prices were also added for materials rated at less than the common boiling price.[5]

[1] The boilers were then organized in the National Forge of the United Sons of Vulcan, which was one of the organizations merged into the Amalgamated Association. The first two scales are given in the Annual Report of the Bureau of Industrial Statistics, State of Pennsylvania, 1878–9, p. 152; the scale for 1879 is given in the Proceedings of the Amalgamated Association of Iron, Steel and Tin Workers, 1880, Appendix.

[2] Vulcan Record, Vol. 1, no. 9, p. 10.

[3] Ibid., Vol. 1, no. 16, p. 57.

[4] Proceedings, 1877, p. 83.

[5] Pittsburgh Scale of Prices, June, 1881–June, 1882; Western Scale of Prices, 1908–9.

This evolution has been marked by many disputes, the emergence of many vexing questions for officers and conventions, and the introduction of many rates of an experimental and temporary character. One of the most troublesome of these questions has been as to the price to be paid for mixtures of two materials already rated.[1] The convention of 1894 added a clause to the scale to the effect that when mixed material not provided for in the scale is worked, the price shall be the mean price between those of the materials used.[2] In spite of this provision and in spite of much classification of materials and mixtures, disagreements as to the price to be paid for particular mixtures have been frequent.[3]

Another important question of rate differentiation to meet a difference in materials was raised in the finishing divisions of the Amalgamated Association when the practice began of rolling steel in what had been iron mills. The question first came up for consideration in the 1880 convention, when a resolution was unanimously adopted that in mills not working steel as a specialty "price and one-half" should be paid.[4] In 1884 it was provided that "iron mills (except sheet mills) working steel shall pay price and one-half for steel, except mild steel, that is steel of which the output is as great as the output of iron when working the same sizes, but when the output of steel is but three-fourths the output of iron the rule price and one-half shall apply."[5]

[1] For instance, the price to be paid for mixing swarth with scrap was hard to settle. It was before the convention several times, and in 1887 the president urged the fixing of a special rate for it. The convention did not set a standard rate then and the question continued to make trouble (Proceedings, 1885, pp. 1564, 1573; Proceedings, 1886, p. 1795; Proceedings, 1887, p. 1948; Proceedings, 1893, p. 4231).

[2] Proceedings, 1894, p. 4653. This did not apply to metal, which was rated at fifty cents above the boiling price.

[3] For example, Proceedings, 1895, p. 4889; Journal of the Annual Session, 1902, p. 6434; Journal of the Annual Session, 1903, pp. 6704, 6715, 7022.

[4] Proceedings, 1880, pp. 444, 971; Pittsburgh Scale of Prices, 1881–1882; Wheeling Scale of Prices, 1881–1882.

[5] Pittsburgh Scale of Prices in Rolling Mills, for the year ending May 31, 1885.

This rule as to the price differential for steel did not settle the question. The president of the union reported in 1886 that there was no uniform price observed for working steel and that the question of the price to be paid gave rise to many disagreements. The policy of the union had been, he said, to ask more for steel than for iron on the ground that the same output could not be reached, especially on rolls adapted particularly to iron, but some of the members had been spurred on by the higher prices to greatly increased outputs and had so jeopardized those prices. He asked that the price for steel be so fixed as to avoid further disputes.[1] The scale was then changed for one class of finishing mills so as to make the price the same as for rolling iron.[2] The output gradually increased, with the result foretold by the president. By 1902 the rates for finishing steel had dropped slightly below that for iron.[3] In 1906 there was another reduction in steel rates as compared with those for iron.[4] In the sheet mills, too, a higher price was maintained down to 1904 for steel than for iron for rolling the lighter gauges.[5]

The piece scales of the Cigar Makers have long varied with the materials used. The price lists call for higher prices for "mixed seed and Havana" than for "seed," that is, domestic tobacco, and still higher for clear Havana fillers. The quality of the wrapper also enters at times as a determinant.[6] The higher prices for the finer materials are dictated by the necessity of more careful workmanship, but also by the fact that the manufacturer obtains a higher price proportionately for such cigars.[7] The Cigar Makers have

[1] Proceedings, 1886, p. 1756.
[2] Ibid., pp. 1825, 1861.
[3] Western Scale of Prices, for year ending June 30, 1903.
[4] Amalgamated Journal, June 21, 1906. Where the output of steel is but three-fourths the output of iron the price is still one and one-half the iron price (Western Scale of Prices, 1908–9).
[5] Western Scale of Prices, 1903–4; Western Scale of Prices, 1904–5.
[6] List of Shops and Bill of Prices under the jurisdiction of Union 97, Cigar Makers' International Union of America, Boston, Mass., Compiled February 20, 1908; Bill of Prices of Cigar Makers' Union, No. 1 of Baltimore, 1908.
[7] The journeyman cigar maker is expected to be able to make any of the cigars that are to be made, and on the higher-priced ones his

comparatively little trouble now in enforcing this differential, but such was not always the case. The Baltimore Cigar Makers in March, 1880, adopted a resolution that "no old jobs disguised as new ones be allowed to come into the shops for less than the original price."[1] During the spring of that year several strikes occurred because employers attempted to enforce the common cigar rate for "seed and Havana" cigars.[2]

Physical conditions.—Closely analogous to the adjustment of rates to take account of differences in materials is the establishment of differentials to meet differences in physical conditions which make the performance of the worker's task more difficult for each unit. Differences of this kind are comparatively rare. In most piece-working unions with national or sectional scales the conditions for production are assumed to be standardized, and if appreciably departed from, special provisions for payment, not differential piece rates, are to apply. In some trades, however, there are conditions which it is difficult to reduce to uniformity and which affect directly the difficulty of reaching output. In bituminous coal mining, for instance, the thickness of the vein is such a condition, strongly resembling the character of the materials worked as a variant. Differing rates for mining according to the thickness of the vein are common.[3] More obvious instances appear where the piece worker's task is loading, unloading, moving or packing the product. The Longshoremen's rates on the Great Lakes for

earnings will be greater per day than on the lower-priced ones. The higher are not reduced to yield only the same earnings as the lower partly because the higher are felt to compensate in the long run for some of the "poorer jobs" and partly because it is felt that the employer can afford to pay more for them.

[1] MS. Minutes of Baltimore Cigar Makers, March 18, 1880.

[2] Ibid., May 7, May 14, May 28, 1880; Cigar Makers' Journal, March, 1883.

[3] The Indiana scale provides, for instance, that all coal less than 3 feet 3 inches and more than 2 feet 9 inches in thickness shall pay $.98 per ton, as against $1.06 per ton for coal from 2 feet 9 inches to 2 feet in thickness (Terre Haute Agreement between Indiana Bituminous Coal Operators and United Mine Workers of America, District Number 11, 1908).

unloading vary with the hold measurements of the vessel, and are higher for boats over three feet from the dock. Double the ordinary rate is paid for unloading ore from a wet boat.[1] Similar differences appear in the Chicago Brick Makers' rates for loading and unloading bricks.[2]

The Hatters' price lists offer an interesting departure in the classification of the product for rate differentiation. The hats are differentiated in rate according to the materials used. But this is not entirely the case, and the different rate classes are commonly entered in the list in terms of the selling price of the hats, so that physical standards are lacking for the pricing of new work or the settlement of disputes as to proper rate classification.[3] Moreover, the rate differentiation is not based on comparative difficulty alone. As in the case of the Cigar Makers, the more highly-priced grades are expected to return higher earnings to the worker in proportion to the time required. A price list of this character naturally is difficult to apply with smoothness. Disagreements as to the grades to which hats rightfully belong have arisen frequently, the men contending that the hats belonged to a more highly rated grade than that to which the employer assigned them.[4]

Price of the finished article.—Differentiation in rate according to pattern or materials is often not based entirely on comparative difficulty, and this fact is fully recognized

[1] Proceedings, 1905, p. 110; Agreement between International Longshoremen's Association and Managers of Docks at Lake Erie Ports, 1905.

[2] District Council No. 1, International Brick, Tile and Terra Cotta Workers Alliance, Working Rules, 1907–10.

In the 1904 convention of the Boot and Shoe Workers the president reported that the workers were much dissatisfied in places because the piece workers had to wait between pieces of work and "to run from one part of the factory to another to assemble his work." An improvement in the system, he pointed out, is equivalent to an increase in wages. It is not the price per pair but what the worker can earn which is "the infallible determining factor as to the standard of wages" (Proceedings, 1904).

[3] Journal of the United Hatters, April, 1899; Proceedings, 1903, p. 74; Proceedings, 1907, p. 117.

[4] Journal of the United Hatters, October, 1899; August, 1900; July August, 1902; February, 1903; Minutes of Meeting of Executive Board and Proceedings of the Board of Directors, August 22, 1907.

by both sides. Other considerations, particularly the selling price of the different varieties, as has been noted, may enter to secure certain patterns or lines of product higher or lower rates than they would receive if rated according to the difficulty of producing them as compared with other work on the list. If these patterns or classes of product are clearly distinguishable no difficulty need arise in the application of the scale. But if such difficulty does arise it cannot be settled by reference to comparative time required for production.

Instances of higher prices in proportion to difficulty for the more valuable grades have already been noticed in the cases of the Cigar Makers and the Hatters. Cutters working under the piece system in the glove and in the boot and shoe industries are in some places paid proportionally more for the more valuable patterns. This is to induce them to secure a larger number of the more valuable "cuts" from the material than they would if prices were exactly in conformity with difficulty, and if high earnings could be made on the less valuable patterns as easily as on the more valuable. On the other hand, price considerations may keep the rates for some varieties of product below the level of wages which has been established for the list as a whole on the basis of time required. The Glass Bottle Blowers, for instance, were unable in 1906 to secure an increase requested on a particular line of ware in order to bring these rates to an equality with the rest of the list, because the manufacturers declared that the increased rates could not be paid on account of foreign competition.[1] A similar situation existed for years as to the differential to be paid for "turn mold" or "twisted" ware. In the 1899 preliminary conference the union attempted to establish a higher rate for turn mold than for ordinary ware on the ground that it was harder to make and at the same rates gave less earnings than other ware. The manufacturers would not agree to the proposed increase, arguing that turn-mold bottles could not be sold

[1] Proceedings, 1899, pp. 38, 39.

if the price were raised, as other bottles had been brought to such a high standard that they would be substituted for the turn-mold ware. The union representatives replied that "regardless of what the customer preferred a man ought to be paid according to the labor and skill expended." The following year the manufacturers again successfully withstood the same demand, using the same argument, and admitting that the blowing of turn-mold ware involved more work.[1] It was not until 1907 that an increase of ten per cent. for such ware was secured.[2]

The introduction of machinery has affected the blowers' rates on certain kinds of bottles, and certain shapes have been reduced in rate to meet the competition of the machine on the same ware. A very obvious case is that of fruit jars. When machine-blown jars were introduced into the trade in the late nineties the manufacturers of hand-blown jars asked for a reduction in rates to meet the competition of the machine-made jars. The union refused in 1897 to comply with the request, the president expressing the belief that it would be "a long time before the machine interferes seriously with our members in the jar trade."[3] In 1898 it was apparent that some reduction would have to be made, and the amount of it was left to the discretion of the president. A reduction of from 35 to 45 per cent. was finally accepted.[4] There had been, of course, no change in the difficulty of blowing jars as compared with other ware on the regular list. However, most of the men who had been blowing jars could not blow other lines of ware satisfactorily.[5]

The introduction of finishing machines affected the blowers' prices in the other direction. On ware not finished at the "glory hole" by the blowers, but finished in the machine,

[1] Proceedings, 1901, p. 10.
[2] Proceedings, 1905, p. 16; Proceedings, 1907, p. 165; Wage Scale, 1907–8, sec. 2. The fifty per cent. higher rate for opaque glass is purposely high because of the disinclination of the manufacturers to make that kind of ware.
[3] Proceedings, 1897, p. 13.
[4] Proceedings, 1899, p. 11; Proceedings, 1900, p. 93; Wage Scale, 1908–9, sec. 2.
[5] Proceedings, 1898, pp. 11, 75.

the rate was to be five-sixths of the regular list rate, except on jars and some other specified lines of ware.[1] The work of which the blowers were relieved was more than one-sixth; it was close to one-third. The blowers would have shared in the advantage of the reduction of the difficulty of production secured by the machine, but comparatively little finishing is now done by the machine.

II

Definition of Work

The standardization of what is to be done by the worker for the rate is complementary to the standardization of the rate for each variety of product in securing a uniform rate of payment. The need for defining in the scale the tasks included in the workers' rate is created usually by misunderstanding or non-uniformity in practice with respect either to (1) auxiliary work which may be done by the man who receives the rate but which it is not essential to the process that he rather than any other worker should do, or (2) the payment by the worker, instead of by the employer, of helpers or other assistants aiding or working under the direction of the man receiving the piece rate. Definition of the work to be done for the rate so as to exclude from it auxiliary or minor operations does not mean necessarily that the recipient of the rate will not perform any of this extra work; often it means that such work will not be done except for extra payment. In the latter case definition facilitates the application of the principle generally insisted upon, and sometimes expressly stated in the scale, of "extra work, extra pay."[2]

[1] Proceedings, 1900, pp. 52, 111; Proceedings, 1901, p. 13; Wage Scale, 1908–9, sec. 24.

[2] In the 1908 convention of the Shingle Weavers the president recommended the adoption of a rule to the effect that where the piece system was still worked local piece scales should be framed on the basis of the national time rates, "with a provision that wages be computed upon a certain sum above the day scale to cover the extra work for which pay is never given where it is necessary for members to do it on a piece work scale" (Proceedings, 1908, p. 25).

Auxiliary work.—In most cases what is to be done for the rate has been so well established in custom that there is little need to define it expressly in the scale. It is safe to assume, however, that the practice has not become settled without occasional vigorous protests by the workers against innovations. The Printers' local unions, for example, early adopted a rule that a printer was not to change matter that had been set up because of alterations in the copy, nor to distribute type he had not used, unless extra was paid for this work.[1] A strike of puddlers against an attempt to make them wheel their cinder, ore and "fix," and to clear out ashes, "so as to dispense with the usual force of laboring hands," occurred in 1875. The strike was successful and the custom of other mills in the district was followed in this regard.[2]

The Miners' scales commonly define what the miner is to do in addition to mining and loading the coal on cars. The Indiana miners agree with their employers that the miner's work "includes cutting the coal, drilling and blasting the same, loading the car at the face and properly timbering the miner's working place."[3] The Illinois scale contains a like provision. In addition to mining and loading the coal on the car the miner's work includes timbering his work places and, in long-wall mining, brushing and care of the work places and roadway.[4]

The work to be done by piece workers who are engaged about furnaces, as in iron puddling and in the glass-working

[1] Barnett, p. 110.
[2] Vulcan Record, Vol. 1, no. 16, p. 31.
[3] Terre Haute Agreement between Indiana Bituminous Coal Operators and United Mine Workers of America, District Number 11, 1906–1908.
[4] Illinois State Agreement from June 1, 1906, to March 31, 1908, between the Illinois Coal Operators' Association and the United Mine Workers of America, Fourth District. The work to be done by the miner was made the subject of decision by a joint committee in 1901 (Report of Industrial Commission, Vol. XVII, p. 335). This decision was embodied in the scale in 1902 (Proceedings of Joint Convention of Illinois Coal Operators' Association and United Mine Workers of America, District 12, February–March, 1902, p. 9). A question arose in 1906 as to the drilling of extra holes (Minutes of the Convention, 1906, p. 176).

trades, seems to have been a considerable source of friction, because of a disposition to require the men to take part in preparing the furnaces or in looking after them when the "heats" are over. Sometimes the tasks of the worker have been defined in the scale primarily to safeguard the worker from what was felt to be an imposition; at other times a rule has been adopted to restrain individual workers from performing extra work about the furnaces in the fear that this might come to be included generally in the worker's task without increase in the rate. The Window Glass Workers' "working rules" state that assisting at the pot setting is part of the duty of blowers and gatherers,[1] but that no blower or gatherer is to get sand or clay or other material for pot setting, nor to turn pots or build furnace rings.[2] In the 1889 convention a resolution was adopted providing that if flatteners should mend flues or repair ovens they should have extra pay.[3] The Amalgamated Association of Iron, Steel and Tin Workers adopted a rule in 1899 that any tin roller or member of his crew who should "clean, grease, or change rolls or other castings unless such work be paid for" should be fined for the first offense, and for the second offense be expelled from the Association.[4]

Definition is often necessary, too, where the worker's task includes, or might include, the moving of materials. The Brick Makers' Chicago scale stipulates the distance brick is to be wheeled for the rate; for distance in excess of that the employer furnishes an extra wheeler.[5] At the 1907 wage conference the Potters and their employers discussed a pro-

[1] Constitution, 1908, Art. XVII, sec. 18; Report of Convention, 1884; By-Laws, 1886, Art. VIII, sec. 38. The Flint Glass Workers adopted a rule at their 1907 convention that members of the Paste Mold department were not to do pot setting unless paid for the time lost while doing it (Proceedings, 1907, p. 125).

[2] Constitution, 1908, Art. XVII, sec. 19; Scale, 1908–9.

[3] Report of the Convention, 1889, p. 55; Report of Convention, 1884, p. 24. The 1884 convention adopted a rule that gatherers should not carry out rollers even when paid for it (Report of Convention, 1884, pp. 19, 32; By-Laws, 1886, Art. II, secs. 4, 30).

[4] Proceedings, 1889, p. 5574.

[5] Working Rules, 1907–1910.

posed rule that one hundred feet be the maximum distance which green saggers should be carried to the kilns. The manufacturers contended that in the majority of the plants the saggers were carried a greater distance, and that this had been considered when the prices were established. It was agreed that "unusual conditions" should be corrected, and the rule proposed by the saggermen was not adopted.[1] An amendment was made to the scale at the same conference providing that kilnmen and kiln drawers should not be required to "wheel, carry or throw out saggerheads."[2] The Amalgamated Association of Iron, Steel and Tin Workers' scale provides that all materials for busheling shall be placed within ten feet of the charging door.[3]

Payment of helpers.—Questions as to whether certain workers are to be paid by the recipients of the rate or as to what help is to be furnished to them by the employers, have occasionally demanded attention in a few trades. In March, 1856, the attempt of the employers to make the men pay for "stripping" led to a strike of the Baltimore Cigar Makers, the members of the union agreeing to refuse to work for any employer who insisted on the men paying for this operation.[4] The Window Glass Workers in 1884 adopted a rule that no flattener was to pay any part of the "layer-out's" wages or that of any help employed in the flattening house.[5] In the mule-spinning trade it has long been the custom for the spinners to pay the "back-boys" or to have the latter's wages deducted from the spinners' prices as fixed by the list.[6] Sometimes there has been disagreement as to the amount to be withheld for this purpose from the spinners' earnings.[7]

[1] Reports of President and First Vice-President, 1908, p. 23.
[2] Scale in effect after October 1, 1907.
[3] A rule was adopted in 1899 that pipe, and scrap and boiler plate must be cut into eight inch pieces or smaller (Proceedings, 1899, p. 5643).
[4] MS. Minutes of Cigar Makers' Association of Maryland, February 21, March 10, 1856.
[5] Report of Convention, 1884, p. 25; By-Laws, 1886, Art. VIII, sec. 23.
[6] Fall River List of Prices for Mule Spinning, January 1, 1889; New Bedford Price List, 1908.
[7] Report of National Spinners' Convention, 1907, p. 13; Report of Convention, 1908.

The window glass blowers and gatherers for years sought to induce the employers to assume the obligation of paying the snapper's wages. The blowers and gatherers did not think that they should be required to pay these workers from their own wages and the differing wages paid by members to the snappers added to their hostility to the system.[1] In 1892 the convention of the Window Glass Workers adopted the report of a committee which provided a scale to be paid to the snappers and imposed a fine on the blower or gatherer who should pay more than this.[2] In 1895 complaints were made that the snappers' wages were increasing, thereby reducing the wages of the blowers and gatherers, and the convention of this year adopted a resolution that the snappers' wages ought to be paid by the firms and that every effort should be made to have this rule established.[3] The 1896 convention attached so much importance to this point that it voted that no settlement should be made with the manufacturers until they agreed to pay the snappers' wages.[4] This rule was not then established, but in the settlement of 1900 the employers agreed to accept that arrangement.[5]

The payment of helpers or assistants by the man who receives the rate from the employer has been for years a prominent feature of the scale system of the Amalgamated Association of Iron, Steel and Tin Workers. Until very recently it was customary in many branches of the trade for the roller in charge of the crew on each set of rolls to pay certain members of the crew from his own rate, the puddler to pay his helper, and other workers to pay helpers when needed. The scale stipulations as to which of the regular members of the crews should be paid by the manufacturer and which by the roller seem to have been sufficiently explicit and close enough to the current practice to prevent frequent or serious disputes. Such troubles as have arisen

[1] The snappers were not members of the organization.
[2] Report of the Convention, 1892, p. 40.
[3] Report of the Convention, 1895, pp. 32, 86, 87, 98.
[4] Report of Convention, 1896, p. 247; Report of Convention, 1899, p. 97.
[5] Report of the Officers, 1900.

have usually been over the payment of extra men who had to be added to the crew to help on occasional lots of heavy work or to be employed continuously because the work had become permanently harder.

When additional help was needed the employer might have furnished the help or increased the rate. Failure on the part of the employer to furnish the help required, or insistence that the roller should pay for it, meant a reduction in the roller's rate, since the addition to the labor force at the rolls was usually needed for handling work of heavier sizes which did not increase the tonnage to the same extent that the difficulty of handling was increased. Every branch of the trade has had its grievances over the payment of additional help supplied by the employer, and these disputes have frequently resulted in wage scale stipulations covering the questions at issue. In the Pittsburgh scale of 1884, for example, a provision was inserted that on all mills with three or more sets of rolls the extra hands required should be paid by the company. In the 1887 scale the rule was added that "on all iron and steel over 160 pounds, extra help shall be furnished to the heater, to be paid by the company."[1] In the same scale a clause was included providing that extra help shall be furnished to the muck-mill roller when rolling billets, and on sheet mills when rolling wide work. This last provision was later extended to cover heavy work. Clauses of this character have been gradually added until at the present time they make up a considerable part of the scale footnotes, particularly in the sheet scale. This development of the scale has of course been marked by disagreements.[2]

The union in many cases established rates to be paid by members to helpers who are also union members. The rate to be paid by the puddler to his helper was fixed in 1891 at "one third and five per cent." of the puddler's rate.[3]

[1] Pittsburgh Scale of Prices for year ending June 30, 1888.

[2] For instance, Proceedings, 1892, p. 4412; Proceedings, 1903, pp. 6667, 7022; Proceedings, 1904, p. 7055.

[3] Proceedings, 1891, pp. 3274, 3324, 3353, 4221; Western Scale of Prices in Rolling Mills, for year ending June 30, 1892.

The puddler frequently pays his helper more than this. Sometimes the two men work the furnace on equal shares. In 1880 an agreement was made by a joint committee of rollers and of roughers and catchers on sheet mills for the rates to be paid by the former to the latter in the Pittsburgh district, and inserted in the scale.[1] The wage rates of other workers paid by the roller have since been included in the scale of prices. The constitution provides the rate to be paid by the sheet heater to his helper, if he should employ one.[2] The constitution also provides rates for helpers on tin-plate mills. Rates to be paid by the roller to members of his crew on finishing mills have also been established by the union.[3] Many men who are not "regular" members of the crews in the scale sense but who are members of the union are employed about the rolls by the rollers, roughers, catchers, or heaters. Such men make their own terms with the members who employ them, but their rates may be increased by appeal to their local unions at the time of scale revision. Their wages may not be reduced during the scale year, and are subject to the sliding scale to the same extent as those of members specified in the scale.[4]

The Association's policy in recent years has been directed toward having all workers whose rates are specified in the scale paid directly by the manufacturer. The muck roller still pays all the workers in his crew except the "bloom boy," of whose wages he pays half. In sheet mills the roller paid the rougher and the catcher until 1905.[5] Down

[1] Pittsburgh scale, 1881–1882.

[2] Constitution, 1901, Art. XIX, sec. 3; Constitution, 1908, Art. XIX, sec. 3.

[3] Pittsburgh, Cincinnati, and Wheeling Scales of prices, 1881–1882; Pittsburgh Scale of Prices for Rolling Mills for year ending June 30, 1890; Western Scale of Prices, 1890–1891, scales for bar, structural, and 12 inch mills; Proceedings, 1905, p. 7182.

[4] Proceedings, 1899, pp. 5565, 5620; Proceedings, 1905, p. 7366; Constitution, 1901, Art. XVII, sec. 22; Constitution, 1908, Art. XVII, sec. 21.

[5] Pittsburgh Scale of Prices, 1881–2; Cincinnati Scale of Prices, June, 1881–June, 1882; Wheeling Scale of Prices, June, 1881–June, 1882; Pittsburgh Sheet Mill Scale, in Proceedings, 1880, Appendix; Amalgamated Journal, July 6, 1905; Western Scale of Prices, 1905–6, note 28 to the Sheet Mill Scale.

to 1890 many members of crews were paid by the rollers in the various classes of finishing mills; since that time it has been exceptional for regular members of the crew to be paid by the roller.[1]

III

Abnormally Difficult Conditions of Production

Liability to defective or deficient materials or to the emergence of physical conditions which make production of goods of the proper quality abnormally difficult has raised issues which have been of importance in several trades. The establishment of rules as to when special provisions for payment to meet such conditions shall come into force has given quite as much difficulty as the decision of what is to be paid. Workers of molten iron and glass are especially hindered in securing output by poor materials, and the rules for the determination of when materials shall be considered too poor to be worked at the regular list prices have demanded much attention in these trades.

The questions as to when the molder shall be paid for bad castings due to "dull" iron and for molds which cannot be "poured off" on the same day on which they are prepared because of insufficient iron, and what the molder shall receive under these circumstances, were for years troublesome questions in the stove-molding trade. There was no general rule on these points and the practice varied[2] prior to the adoption of a rule in the conference of 1896 by the molders and the Stove Founders' National Defence Association. Whenever sufficient good iron was not furnished to pour off the molds, except in case of unavoidable accident, the molder was to be paid one-half the regular price for such work as remained over.[3] It was also agreed then

[1] Cincinnati Scale for Guide Mills, 1880–1881, in Proceedings, 1880, Appendix; Proceedings, 1891, pp. 2819, 3518; Proceedings, 1893, p. 4207; Western Scale of Prices, 1890–1; Proceedings, 1905, p. 7182.

[2] Proceedings of the Iron Molders, 1890, pp. 19, 21; Iron Molders' Journal, February, 1891, p. 4; June, 1896, p. 245.

[3] Conference Agreements, Clause 12; Iron Molders' Journal, April, 1896.

that payment should be made for work lost through "dull" iron only after the foreman's attention had been called to the fact that the heat was bad and he had then ordered the iron poured. The aim of this provision was to secure assurance that the iron was poor when it came from the cupola and that the castings had not been "lost" through the carelessness of individual molders in allowing the iron to cool.

The provision adopted in 1896 with reference to insufficient iron has remained unchanged, but the provision concerning dull iron did not work out satisfactorily to the Molders. In the 1903 conference they offered an amendment providing that payment should be made for all work lost through dull iron when the aggregate loss from this cause amounted to four per cent. of the value of the work (to the molder) poured in the same heat. This was not accepted by the foundrymen.[1] The following year the union modified its proposal so that payment should be made when ten per cent. of the molders should lose five per cent. of their work in any one heat on account of dull iron. This resolution was also defeated by the employers.[2] In 1905 the union proposed that a loss of two per cent. of the work measured from the standpoint of its aggregate piece prices should be the line of division.[3] A compromise was finally reached in the 1906 conference by which payment is made for all work lost through dull iron when the aggregate loss on that account amounts to four per cent. of the total price of the work poured in any one heat. When the aggregate loss is less than four per cent., but ten per cent. of the molders lose ten per cent. of their day's work, these men shall be paid for all loss in excess of four per cent.[4]

Bad glass, particularly "stony" glass, has given the Window Glass Workers considerable trouble. A rule was early

[1] Iron Molders' Journal, 1903, p. 252.
[2] Ibid., 1904, p. 241.
[3] Ibid., 1905, p. 249.
[4] Ibid., 1906, p. 225; Conference Agreements, Iron Molders and Stove Founders, Clause 12.

established in this union that where there was question as to the fitness of the glass for working this was to be referred for decision to the manager and the master blower, and their decision was to be final. If the employer ordered the glass worked after a decision that it was not in standard condition the workers were to receive a guarantee.[1] The present rule is that in case of dispute over poor glass the manager may require the glass to be worked at the regular list prices for glass of proper quality, unless the glass is "stony," in which case the manufacturer shall guarantee an average day's wages if he insists on having it worked. When a general guarantee is offered at any plant to protect the blower, gatherer and flattener from poor glass it may be accepted by the president and council of the local union, subject to ratification by the national president or executive board. Should the glass worked under the guarantee exceed the amount guaranteed the workers are to receive the excess.[2]

In the trade agreements relating to glass bottle blowing the rule as to bad glass requires the blowers to wait two and one-half hours from the starting time for the glass to be gotten into condition for working, and to make every effort to get it into condition meanwhile. After the expiration of that time if the glass is in poor condition the members may go home or demand payment if they remain. If the employer requests them to work the glass previous to the expiration of that time and is willing to pay for the glass blown, the members may work if they wish.[3] In the machine jar and bottle branch there is a time limit of one and one-half hours for waiting for machines to be put into proper condition. This was formerly one-half hour.[4]

[1] Report of Convention, 1884, p. 11; By-Laws, 1886, secs. 18, 37; Proceedings, 1895, p. 78.

[2] Wage Agreement in effect to June 11, 1909.

[3] Wage Scale, 1908–9, sec. 19; Wage Scale, applying to Covered Pots only, 1908–9, sec. 20; Proceedings, 1907, p. 76.

[4] Proceedings, 1900, p. 41; Proceedings, 1903, p. 60; Wage Scale for Machine Jars and Bottles, 1908–9, secs. 4, 6, 10, 28.

The Flint Glass Workers in 1884 adopted a resolution on the recommendation of the Chimney department, "that the blowers sustain no loss for bad or so-called stony glass when the manager permits or orders the men to work it."[1] For years, however, the workers in this department complained of such losses. The employers were unwilling to pay for chimneys that would not pass as "seconds" and the men complained that the glass was sometimes so bad in a number of factories that "seconds" were secured with great difficulty. They also charged that there was too "close" a selection of the chimneys with which the men were credited and that they lost ware when the fault was in the glass furnished. The workers also objected to not having a chance to work at something else when the glass was bad.[2]

Poor materials, particularly coal and iron, have demanded attention in the puddling division of the Amalgamated Association of Iron, Steel and Tin Workers. In 1877 there was a strike of puddlers because they had been required to fire their furnaces with refuse slack coal, which did not produce sufficient heat and greatly increased their labor. In the same year a strike against poor ore was brought to the attention of the convention.[3] Grievances over poor coal and ore were numerous enough in the next few years[4] to induce the convention of 1883 to take up the question of how much time a puddler should spend on a heat before giving it up if the materials were unsatisfactory.[5] An amendment to the constitution was then adopted to the effect that any iron worked in a boiling furnace which required more than one and three-fourths hours to make a heat should constitute a grievance and should be reported as such to the employer or his representative. The course of action to compel better

[1] Report of Session, 1884, p. 79.
[2] Proceedings, 1887, pp. 21–22; Proceedings, 1892, p. 28; Proceedings, 1896, pp. 44–46; Proceedings, 1897, p. 29.
[3] Proceedings, 1877, pp. 46, 47.
[4] Proceedings, 1881, pp. 663–4, 668, 671, 673; Proceedings, 1882, p. 941.
[5] Proceedings, 1883, p. 1231.

iron if such were not given within three days was also laid down.[1] Later a clause was added to the scale that inferior coal should likewise be considered such a grievance.[2] These provisions did not, however, prevent misunderstanding and strikes on this issue.[3]

The Hatters have also had trouble at times with materials abnormally difficult to work. Disputes arising from this source have usually been settled by a change in the materials or an increase in price for those particular pieces.[4] Some protection is afforded the worker in this respect by the provision in the national constitution that prices must be so adjusted as to give an average earning capacity of at least a stipulated amount per week.[5] The Mule Spinners also have had disagreements with their employers over "stoppages" of the mules because of defects in the machinery or other causes outside the control of the spinner, and over bad material.[6] The Printers, too, when working under the piece system, provided in their scales for the compensation to be paid when the type furnished was defective.[7] Piece scales in some trades provide for the rates to be paid when men are given time work for a period on work of a character that does not easily permit of piece work.

The turn system.—The danger to the worker of occasional reductions in his earnings because of difficult or unfavorable conditions for production is greatly reduced where the "turn" system of working and payment is followed. This system is a combination of piece work with a guaranteed wage. The worker is paid a stipulated wage per "turn"—usually a half-day, but in some trades a day—and the number of pieces he is to make per turn is specified

[1] Constitution, 1884, Art. XVIII, sec. 21.
[2] Western Scale of Prices, 1902–3.
[3] Proceedings, 1891, pp. 3517, 3518, 3528, 3534, 3545; Proceedings, 1902, pp. 6411, 6437; Proceedings, 1903, pp. 6668, 6701, 6726, 6990; Proceedings, 1905, p. 7399.
[4] Journal of the United Hatters, September, October, 1899; April, May, 1902; January, February, 1903.
[5] Constitution, 1908, By-Laws, Art. V.
[6] Report of Convention, 1905; Report of Convention, 1906, p. 9.
[7] Barnett, p. 111.

in the scale. If he works through the turn and fails to reach the stipulated number, but not through his own fault, he is paid his turn's wage. If the number of pieces per turn is fixed as a limit of output, as was originally the case, the failure to reach the stipulated number brings him no loss in average earnings. This system was once generally followed in most departments of the Flint Glass Workers' Union, in the sheet and tin division of the Iron, Steel and Tin Workers' Association, and in the kiln-work branch of the Potters. It has been given up in recent years in these trades, except in a few of the Flint Glass Workers' departments.

The turn system, or "move" system, is older among flint-glass workers, in some branches of the trade at least, than the union itself.[1] Outside the Prescription department, in which straight piece work prevailed, the turn or "move" system of payment was general in the early years of the organization.[2] The Pressed Ware department was the first to break away from the system to any considerable extent. As a matter of fact it had not been universal in this department, not being in use in Pittsburgh, where the straight piece system had been introduced in 1878 after an unsuccessful strike. In 1885, after a strike in the Ohio Valley in which the change to the piece system was one of the issues involved, piece work was accepted in that section also.[3]

[1] Proceedings, 1897, p. 50.

[2] A "move" is both a turn and the number of pieces to be made per turn. It was the system worked in the Paste Mold (including then Punch Tumbler and Stem Ware), Iron Mold, Pressed Ware, Shade and Globe and Caster Place departments (Minutes of the National Union, 1883; Constitution, 1880–1). It was also worked for the most part in the Chimney branch, particularly in the West (Minutes of Session, 1883, p. 55; Report of the Convention, 1886, p. 92).

[3] The strike began in December, 1884, for the enforcement of the list adopted by the local unions of the Ohio Valley. The manufacturers refused to accept this on the ground that it made their labor cost higher than in Pittsburgh, and demanded the piece system as it existed in Pittsburgh. In the settlement the piece-work system was accepted by the union at somewhat lower prices than those first asked (Report of Convention, 1886, pp. 10–17). The president's summary of the results of the strike was as follows: "Regarded as

Thenceforth this department had two lists, one based on the turn system, the other on the piece system.[1]

The breaking down of the turn system came also through the removal of the limits for a turn's work as well as through overt changes to the piece system. When the "move" number, that is, the number to be done for the turn wage, ceased to be a fixed limit which might not be exceeded, the system became in essence an unlimited piece system. The worker turned out as many pieces per turn as he could, or would, and was paid for the excess above the move number a price per piece equal to the turn wage divided by the move number. As actual average wages grew to exceed the nominal turn wage the latter lost its efficiency as a guarantee of average wages. The Pressed Ware department gave up its limits in 1896.[2] Since that time most of the ware in three other turn departments, the Iron Mold, Paste Mold, and Stem Ware departments, has been put on the unlimited basis. The members cling tenaciously to the turn system where it still remains. The three departments just mentioned are trying to retain it for the ware still worked under it, and the four which have preserved it practically intact, the Shade and Globe, the Caster Place, the Electric Light Bulb, and the Chimney (hand-blown) departments, have repeatedly refused to give it up at the urgent request and even threats of their employers.[3] Their refusal proceeds in considerable measure, of course, from a preference for a limited over any kind of an unlimited system, but it is due in large part also to a prefer-

an effort on the part of the manufacturers to establish the piece-work system in the Ohio Valley, the settlement was a victory for the manufacturers. Regarded as a fight to crush out the union the settlement was a victory for the men."

[1] Report of Convention, 1886, pp. 65, 92. The limits of output were retained in the piece scale. In 1890 paste-mold blown tumblers were changed to a system of piece work with limits (Proceedings, 1892, p. 50).

[2] Proceedings, 1897, pp. 24, 37.

[3] Proceedings, 1901, pp. 24, 34; Proceedings, 1903, pp. 43, 45; Proceedings, 1904, pp. 18, 83; Proceedings, 1906, pp. 49, 142; Proceedings, 1907, pp. 4, 36, 141–2, 159; Proceedings, 1908, pp. 56, 138–142, 152, 155–8.

ence for a turn system as against straight piece work even with limits.

The turn limits in the sheet-mill division of the Iron, Steel, and Tin Workers were given up in 1905. Previous to that year the regular members of the crew were paid a fixed wage per turn, except the roller who was paid by the ton. Some members of the crew, notably the rougher and the catcher, were paid by the roller,[1] and their wages per turn and the number of pairs to be rolled per turn were fixed in 1880 and inserted in the scales.[2] These same limits were also set for the turn's work of those members of the crew paid by the manufacturers. The numbers of pairs per turn were several times increased, and the turn wage increased proportionally. In 1905 the limits were given up altogether.[3] Thereafter the turn workers were practically on an unlimited system, and in 1908 they were put on a straight piece system.[4]

The turn system of the kiln workers in the pottery trade has also been for years an unlimited one. Kilnmen are still paid, however, on the basis of a fixed rate per "day"; but a kilnman's day's work in the kiln is specified as a certain number of cubic feet of ware. This day's work is normally exceeded in practice and a proportional rate paid for the excess.[5]

The members of the railway brotherhoods engaged in train service[6] work under a system of payment resembling the turn system in many respects. The wages of engineers, firemen, conductors, and brakemen, except those in the switching service, are commonly paid at mileage rates, with guarantees of payment for a certain number of miles per hour for the time worked. The rates are expressed in terms

[1] See above pp. 62–64.
[2] Pittsburgh Scale of Prices, 1881.
[3] Amalgamated Journal, July 6, 1905; Wage Scale, 1905–6.
[4] Western Scale of Prices, 1908–9.
[5] Wage Scale, 1907.
[6] These are the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors, and the Brotherhood of Railroad Trainmen.

of cents per mile, not in hours, and for the most part, except in local and slow freight service, payment is in fact for miles actually covered. The railway unions have favored the system of payment by mileage and have done much to extend it, and they are largely responsible for the present form of the guarantees.[1]

The general practice is for all men in the freight-train service and for engineers and firemen in the passenger service to receive payment according to the number of miles covered. There are, however, two important modifications of this general principle. In the first place, if the miles covered do not reach the number agreed upon as "a day's run," usually one hundred, the latter is the number to be paid for. If a crew is sent out on the road it must be credited with at least a day's run when released even if it has not covered that number of miles. The general rule is that crews may be released only at terminals, and must be released there unless sent on further in the same direction. Nearly all runs are from one terminal to another, except "turn-back" runs, that is, scheduled runs from a terminal to an intermediate point on the line, such as a junction, and back to the first terminal.[2] When a crew reaches a terminal and is released it receives 100 miles, even though the distance be less than that and the time considerably under the number of hours agreed upon as a normal day's work.[3] If a crew should be sent back to the terminal from which it came after arriving at a terminal, it would be credited with two days' runs for that day.[4] The principle generally observed is that each time a crew leaves a terminal a dis-

[1] The engineers and firemen in particular have had to deal with differentiation in the mileage rates to compensate for differences in the difficulty of the work, and with problems growing out of definition of work. Their policies and problems, therefore, are more those of piece or turn-working than of time-working unions.

[2] A "turn back run" is paid for as one continuous trip.

[3] "One hundred miles or less, or ten hours or less shall be considered a day's work" is a common provision in the agreements.

[4] If a road has terminals which are considerably less than 100 miles apart it pays in a year a great deal of "constructive" mileage, that is, mileage not actually covered and not credited as overtime.

tinct "day's run" begins. It often happens that men in this way perform many more than thirty-one "days' work" in a month, and it is common for men in the through passenger service to make two hundred miles or more on each day worked, resting on alternate days. The day's run guarantee sometimes operates to give 100 miles to a crew which is sent out a few miles and brought back and released in a very few hours. Such occurrences are, however, very exceptional. A supplementary rule provides that if a man is called and not sent out he receives payment for one-fourth or one-half a day and "stands first out," that is, goes out on the next trip not regularly assigned, and he then begins a new day's work. If kept under orders one-half a day he usually receives credit for a day's run.

The second modification of the rule that payment is for mileage is the provision for "overtime." Overtime begins on most roads thirty-one or sixty-one minutes after the expiration of the number of hours agreed upon. Overtime is generally credited as a given number of miles; though sometimes it is provided for in cents per hour. The overtime mileage allowed in freight service, except fast freight, is generally equal to the number of miles in a "day's run" divided by the number of hours agreed upon as a day's work. In the fast freight and passenger service it is on most roads more than this—in the passenger service usually double—in order to bring the overtime mileage allowance into closer conformity with the mileage ordinarily made. If the mileage actually covered in overtime exceeds the allowance, the actual mileage is paid for. The overtime guarantee is important to the men in the ordinary freight service, as the wages received under the overtime clause averages on many roads nearly twenty per cent. of their total earnings.

There are many cases, particularly in the passenger service, in which regular trips are rated separately in agreements which provide in general for mileage payment. These trip rates are calculated on a mileage basis even if the agree-

ment stipulates the amount to be paid for the trip instead of the number of miles to be allowed for it. Usually a separately stated trip rate is higher than actual mileage would be, and the trips are generally rated separately because the average number of miles for the time worked cannot be easily made on them.[1] Passenger conductors and trainmen are also often paid by the month. On some roads they are given mileage rates and guaranteed a certain number of miles or trips per month. In some cases daily guarantees are in force. Monthly rates and individual trip rates, each made up separately on the basis of the time required for the run, were once general in the railway service; but the unions have steadily urged the universal use of mileage rates with guarantees.

It is evident that under such a system of payment rules must be established as to how runs shall be assigned to crews. Since some assignments return more than others in proportion to the time worked, some rules must be adopted for their equitable distribution, from the standpoint of the men. The rule generally followed, and favored by the unions, is that of choice in order of seniority in the service. In the passenger service generally and in the freight service to a considerable extent, the man first in order has the right to a regular trip which has become vacant. In the freight service among the enginemen, the undesirable assigned regular runs are passed on to the newer men. The newer men are to be found on such of the regular runs as men above them have not cared to take, and in what is known as the "board list." From these positions they pass into the "pool" in order of seniority, if they so choose. The engineers in the group known as the "pool" go out on the unassigned runs in their turn, each man having his chance in order before the first man is sent out again, according to the rule of "first in, first out." When the pool is exhausted the men in the "board list" stand "first

[1] Long through passenger runs on fast trains are sometimes given trip rates that are less than the mileage would amount to.

out" in order. The number in the pool is generally regulated so that each man in it has an opportunity to make at least a given mileage per month, usually in the neighborhood of 2600. The men in the pool have the choice in the order of seniority of the "preferred" runs.

The trainmen and conductors are opposed to the regular assignment of the "preferred runs" in the freight service. Except where trains have to be regularly assigned for good cause they insist on the men who have attained the through-freight group sharing all runs on the principle of "first in, first out." The local-freight runs are assigned, but are looked upon as less desirable than through-freight runs. The men have the choice of passing into the through-freight group in order of seniority as among the engineers. The conductors' and trainmen's unions also favor the establishment of guarantees for the men retained in the service.[1]

There is some classification of the work in the train service as a basis for making differences in mileage rates similar to the distinctions in the rates for different varieties of product in other trades. The rates for engineers and firemen vary to some extent with the size of the engines. For trainmen and conductors the rates are the same for men of the same rank; but local freight pays more per mile, as the mileage made in the time worked is less. The trainmen and conductors want higher rates per mile when "double-heading"—putting on an extra engine to carry a train up an incline—is resorted to. Their contention is that it increases the length of the train for the trip and makes more work for the crew. There have been questions of definition of the work, too, of engineers and firemen, particularly the latter, as to when "work" shall begin and end. The schedule of rules covering questions of this kind makes up a very important part of the wage agreements of these two unions.

[1] It is a general rule of the railway unions that when the force is reduced, the men are "let out" in the reverse order to that in which they were taken on, and each man drops into the vacated place just below him.

CHAPTER II

THE STANDARD TIME RATE

The prevailing method of regulating time wages in American trade unions is by fixing a standard rate, that is, a rate binding on a group of workers. This rate in nearly all cases is set as a minimum and not an actual or maximum rate. There have, however, been instances of unions fixing time rates for individuals instead of for groups, and of unions adopting group rates which were not minimum rates. It will be expedient to consider these exceptional classes of rates before entering upon the discussion of minimum standard rates.

Unions have found it feasible at times to make agreements with employers specifying the rates to be paid to individuals designated by name. Or a union, stopping short of such an agreement may fix rates for individual members directly, or through its officers, shop stewards or business agent. This has been done by the Pattern Makers, whose local unions are comparatively small, compact organizations. The Baltimore Coat Makers, a local union of the United Garment Workers, has also followed this practice for the lower grades of assistant operators, baisters, and finishers on coats, because of the difficulty of adopting and enforcing an equitable minimum for inexperienced workers of widely varying capacity. These individual demands are usually supported by the withdrawal of the individual worker so rated, if the wage is refused by the employer.

A union may also take action affecting the wage rates of a number of workers without adopting a standard rate for the group. It may agree with the employers for a given absolute increase per day for all, or, as is more common, for a given percentage increase. If the union has heretofore had no standard rate a union rate is thus established for

each member by agreement. This has been done, for instance, by the textile unions of Fall River in their present sliding scale agreement. The wages of the members, which up to that time had not been to any considerable extent standardized, thereby come to be increased or decreased by a uniform percentage. Another form of action affecting uniformly the time rates of a group of workers occurs where a local union with a piece-price list provides that the rates to be paid time workers shall be based on their piece earnings. Local unions, notably among the Granite Cutters, have occasionally agreed with employers that each time worker is to be separately rated at what his work averages by the piece bill. Unions may enforce percentage advances or flat advances or may require that time wages shall be equivalent to piece earnings and may at the same time enforce standard minimum rates, as will be shown later. The cases noted here are peculiar in that they are cases in which no standard rates are fixed.

The standard minimum rate has been long in use among American trade unions. The establishment of such rates in this country probably goes back as far as the regulation of time wages by unions. The New York Printers' scale of 1809 provided that "No journeyman working at press on a morning daily paper shall receive a less sum than nine dollars for his weekly services; nor those on an evening paper a less sum than eight dollars." Journeymen employed under the time system on composition were "in book or evening daily paper offices, to receive not less than eight dollars per week. On morning daily papers nine dollars."[1]

In the revival of unionism after the Civil War we find several unions with "standard" time rates of wages, notably the Bricklayers,[2] Plasterers, Carpenters, and Iron Molders.[3]

[1] Barnett, pp. 367–369.

[2] MS. Proceedings, International Union of Bricklayers of North America, 1867, pp. 21, 37–8, 42–44; Proceedings of the Bricklayers' National Union of the United States, 1871, p. 27.

[3] International Journal (Iron Molders'), November, 1866; January, 1867.

It is certain that these rates were in many instances not intended as actual or maximum rates and it appears that they were binding on all as minimum rates. Bricklayers' Union, No. 1, of Missouri, adopted a resolution in 1867 that after May first of that year no member should be allowed to work for less than five dollars per day.[1] The "rate" of the Newark Iron Molders in 1866 was the "lowest any can accept."[2] A correspondent wrote to the Molders' Journal from New York in January, 1867, that the Bricklayers' Society rate was four dollars, but employers gave fifty cents a day more for good workmen, and bricklayers received from four to five dollars; he also noted that the Plasterers' Society rate was four dollars and a half, but that more was paid in some instances to good workmen.

By 1875 the use of the minimum standard rate was evidently widespread among the strong time-working trade unions. A writer in the Molders' Journal of August, 1874, defends the trade-union practice of fixing a rate of wages below which no member is allowed to work. This, he says, is the one practice charged against trade unions with which more than any other the employers find fault. The minimum rate, the writer affirms, is not intended to be a maximum though the employers are inclined to make it such.[3] In August, 1875, an article is quoted with approval in the same journal from the Fall River Labor Journal in defense of the policy of setting a minimum rate pursued by "carpenters, painters, mechanics, and other classes of skilled help." This writer also declares that the rate is intended as a minimum, not as a maximum.[4]

There have been some exceptions to the general rule that standard rates are minimum rates. Some of the local unions of the Granite Cutters, particularly in New England, were long in coming to the adoption of minimum rates. These

[1] MS. Proceedings, 1867.
[2] International Journal, December, 1866, p. 286. In the Iron Molders' Journal of July, 1899 (p. 356), the editor stated that the minimum wage is as old as the union itself.
[3] International Journal, August, 1874, p. 6.
[4] Iron Molders' Journal, August, 1875, p. 396.

unions were at first very largely piece-working unions. For years "the rate" or "the standard rate" meant in many of the New England local unions the average or "basic" rate.[1] The Providence branch, for instance, had in 1880 "standard" wages of $2.25; some received less than that amount, but it seems to have been the predominant rate or the presumptive rate.[2] In some places where both the piece system and the time system of payment were in use, the "standard wages" was the amount the average man earned by the piece bill, and so a presumptive rate as applied to time workers.[3] Yet the Philadelphia and the New York union rates were in 1881 minimum rates, though the unions had some difficulty in enforcing them.[4] Boston's "standard" rate also was in 1883 a minimum rate.[5] The "standard" rate gradually changed from what most of the men received or the average rate into a minimum rate. With the passing of the piece system in the nineties,[6] and the agitation for a national minimum rate the union rate came to be known as the "minimum" rate and to be in most of the branches an actual minimum.[7]

There were a few branches, however, which had not adopted minimum rates when the national minimum of three dollars came into force in 1900. The Barre (Vermont) branch was one of these which attracted much attention. In 1900 that branch obtained a sixteen and two-thirds per cent. increase for all members, but not the recognition of a minimum. The competent workmen were to receive thirty-five cents an hour and this was known as the average rate. Those not up to that level of competency were to receive what they were worth as judged from the piece-price list, and the better men were to receive thirty-seven and a half

[1] Granite Cutters' Journal, September, December, 1878; October, November, December, 1879; March, April, May, August, 1880.
[2] Ibid., March, 1881.
[3] Ibid., April, 1882; September, 1891.
[4] Ibid., June, November, 1881.
[5] Ibid., May, 1883.
[6] See p. 193.
[7] Granite Cutters' Journal, March, 1897.

or forty cents an hour.[1] The national officers were opposed to "average" rates and urged the New England branches which had such rates, to try to secure minimum rates.[2] The Hardwick branch obtained a minimum instead of an "average" rate in the spring of 1902, being the first branch in Vermont to do so.[3] The officers continued to urge the policy of the minimum rate upon the locals,[4] but Barre did not fix a minimum rate until 1908.[5]

There have been, and still are, local unions in many trades which, though favoring the policy of the minimum rate, have not adopted one because they are not strong enough to enforce a rate sufficiently high to seem worth while to the mass of the workers, without excluding some whose adherence is needed. For example, the Philadelphia Garment Workers devoted their energies to building up their union for two years after their organization in 1897, before they adopted a minimum, which every member was to obtain when making a new contract.[6] The Granite Cutters have recently begun to organize the granite polishers and to take them into the same local unions with the cutters. They desire to secure minimum rates for the polishers wherever feasible. The Barre agreement for 1908–11, for instance, provides a minimum to be paid to all polishers by March 1, 1909. In some other localities, however, minimum rates have not yet been adopted for the polishers. In the Quincy and Concord agreements for 1908–1911 a minimum rate is set for polishers working by the day, but it is provided that if any man cannot earn this rate his wages are to be fixed

[1] Granite Cutters' Journal, March, 1900, p. 4.
[2] Ibid., February, 1902, p. 4.
[3] Ibid., March, April, 1902.
[4] Ibid., December, 1902; January, February, 1903. The lack of a minimum in Barre was the cause of considerable contention between that branch and the national officers.
[5] Ibid., February, March, 1903; January, March, May, 1908. In 1903 the Quincy Branch asked for "a minimum of $2.90 and an average of $3.08." Their feeling was that the fixing of a minimum would allow those to obtain employment who could not secure it at the average (Ibid., January, 1903, p. 9).
[6] Weekly Bulletin, May 13, 1904; Garment Worker, August, December, 1898.

by a joint committee in case of dispute. The Stony Creek agreement for the same period provides that polishers must be union men and not work more than eight hours a day; but they are to make their own terms as to wages.[1]

The Iron Molders' Union, as has been noted, was strongly in favor of the minimum-rate policy from early in its history,[2] but even in the nineties many local unions did not enforce minimum rates. In some places this was due to a decrease in the strength of local unions;[3] in others to the prevalence of piece work. In Boston and vicinity a minimum was established and piece work abolished in 1895.[4] In 1899 and 1900 there was a general movement for the establishment of minimum rates. In 1899 St. Louis regained the minimum,[5] and in the same year minimum rates were established in Buffalo,[6] Springfield, Worcester, Providence, Lowell and Bridgeport, and in other cities.[7]

I

Rate Grouping by Kind of Work

In the use of the time standard rate the most important question is as to the grouping of the members for purposes

[1] The Cutting Die and Cutter Makers have not yet adopted scales. The union is but a few years old and the varied character of the work is a difficulty in the way of setting a standard rate. There are occasionally instances of union time workers not subject to minimum rates, because of their relative fewness. In some places there are scattered day workers in the piece-working branches of such unions as the Boot and Shoe Workers, the Garment Workers, and the Cloth Hat and Cap Makers for whom no minimum day rates have been adopted. Some time-working unions have a few members in auxiliary branches of the trade, as the felters in the Print Cutters' Union, and the stone grinders in the Lithographers' Union for whom they have not thought it necessary to adopt rates.

[2] See above, p. 79; also Proceedings, 1888, pp. 23, 78; Iron Molders' Journal, April, 1890, p. 6.

[3] In 1900 Toledo was reported as disorganized, and with wages there the worst in the state. In 1884 Toledo had a minimum of $2.75 (Iron Molders' Journal, March, 1900, p. 143).

[4] Ibid., January, 1896, p. 12.

[5] Ibid., May, 1899, p. 231.

[6] Ibid., March, November, 1899.

[7] Ibid., 1899, pp. 348, 648–50. For accounts of the general movement, Ibid., 1899, pp. 175, 407, 459, 463, 587; 1900, pp. 341, 403–4, 467, 470, 535; 1901, pp. 483, 485, 760, 763; Proceedings, 1899, pp. 8, 27, 29, 30.

of uniform minimum rating. As has been pointed out in the Introduction, the line of demarcation between groups subject to different minimum rates has nearly always to do with the kind of work the members are performing, not with the degree of competency shown in doing work of the same kind. In many trades there are two or more separate kinds of work which are recognized as constituting distinct branches or subdivisions of the trade or craft, each in itself the special, and for the most part exclusive, occupation of those who follow it.[1] Where there are such occupational groups within the membership of a union—and in most time-working trades there are at least two, and often several—the general union policy is to establish different minimum rates for groups recognized as requiring different grades of skill.

The differences in occupation within the membership of a union are often wider than those within what may be considered a trade or craft. Some unions, the so-called "industrial" unions, include workmen of several trades within their membership. The Brewery Workmen, for instance, admit to membership the engineers, firemen, coopers, teamsters, and stablemen employed by the breweries as well as the workers actually engaged in making, bottling, and otherwise preparing the product for shipment. The engineers, firemen, coopers, teamsters, and stablemen are not specialized brewery workmen; nearly all could pass from the brewery to employment in other industries without change of occupation. The United Mine Workers is another union of this type. The Illinois miners' "top day wage scale" includes rates for carpenters, blacksmiths, dynamo men, firemen, engine coalers, and engineers, all workers in occupations distinct from mining. The Longshoremen, Marine and Transport Workers' Association includes not only men

[1] If any considerable part of the workmen in a trade are engaged on work that they are expected to perform regularly, and which other members are not expected to do, save perhaps on exceptional occasions, they may be regarded as engaged on a "distinct" kind of work in the sense in which that term is here used.

engaged in loading and unloading vessels on the Great Lakes, together with engineers, firemen and hoisters engaged on machinery for loading and unloading, but also steam shovel and dredgemen, dredge workers, drill-boat workers, tugmen, tug firemen and linemen, gill-net fishermen and fish packers. In such unions as these, the question of rating naturally resolves itself at the outset into a separate determination for each of the distinct trades.

Many unions are composed of the members of trades which have been much subdivided in recent years in consequence of advances in productive methods. The Garment Workers, Ladies' Garment Workers, Boot and Shoe Workers, Bookbinders, and Laundry Workers, are conspicuous examples of this class.[1] In each of these trades there are subdivisions which require no common apprenticeship, and from one to another of which workers do not ordinarily pass. Each of these subdivisions is virtually a distinct trade or craft from the standpoint of wage rating and is recognized as such by the unions.

There are other unions which, while made up very largely of workmen of one trade, include some members of another trade whose work is closely conected with that of the major trade. The tool sharpeners, who are members of the Granite Cutters' Union, are specialized blacksmiths; the machine tenders in the Typographical Union are specialized machinists. Where such workers are skilled and comparatively few in number, as in these cases, the tendency is to give them the same rate as other members of the union if it can be secured for them. Some crafts practically distinct in large places, but followed to a considerable extent by the same persons in the smaller cities and towns are joined in the same union, such as the bricklayers, masons and plaster-

[1] The two garment-working unions and the Boot and Shoe Workers are predominantly piece-working unions. In many places, however, they have to maintain minimum time rates for various divisions of their trades. The Textile Workers, also a predominantly piece-working union, includes within its membership several distinct occupations remunerated under the time system; but these are for the most part not subdivisions of what was formerly a single craft.

ers,[1] the plumbers and gas fitters, and the paper hangers and painters. In the large cities each craft in such a union has its distinct minimum rate. In the smaller places, particularly if there is much interchanging, the rate is likely to be the same for both.[2]

There are several unions in the building trades which, as a result of specialization and the introduction of machinery, include groups of members who work at a lower rate per hour than the general rate for the men on the buildings. One class of these are the "inside" men employed in shops in the preparation of materials, as the shopmen of the Structural Iron Workers, the shopmen in the Operative Plasterers' Association, and the cabinet makers and other millmen in the Carpenters and Joiners.[3] Another important case in point is that of the men engaged in yards in preparing stone. The marble bed-rubbers, sawyers, and polishers in New York City have separate minimum rates differing from each other and lower than the rate for cutters and setters. The

[1] There is a distinct union of plasterers, the International Association of Operative Plasterers, with branches in most cities of considerable size. Where there are no Operative Plasterers' local unions, men who do plastering belong to the Bricklayers and Masons' Union.

[2] Sometimes the inclusion of two branches of a craft or two distinct crafts in the same union leads to the fixing of the same rate for both, whereas if separate unions were maintained one would be likely to get less than the other. In these cases there is a feeling among the members of the branch which would receive less pay that the effort or skill required is equal to that in the other branch and that a strong union is alone necessary to secure equal compensation. In 1903 the core makers who had been previously organized in a separate union, were taken into the Iron Molders' Union. At that time their rates were in most places lower than those of the molders, and for a time a lower rate was set for them in the molders' union (Iron Molders' Journal, 1904, pp. 99, 147, 251, 486, 518, 599). The core makers still have lower rates in most places. In the New York district, for instance, their rate is twenty-five cents a day less than the molders' rate (Ibid., January, 1907, p. 48). At the 1907 convention of the Iron Molders, however, it was declared to be the policy of the union to secure for them the same rate as for the molders. This policy was adopted on the ground that the core makers deserve as high wages as the molders and failed to secure equal wages before only because they were not well organized.

[3] A separate union of cabinet makers and other wood workers, known as the Amalgamated Wood Workers, is now in process of consolidation with the Carpenters and Joiners.

polishers in the Granite Cutters' Union also, as has been noted, have a lower rate than the cutters. In all of these cases the separate rates are for divisions of the trade which are regarded as distinct occupations for those now engaged in them, and from which they are not ordinarily expected to pass to the higher-rated division.[1] In those unions to which helpers are admitted, as the Asbestos Workers, Blacksmiths, Boiler Makers and Iron Shipbuilders, Cement Workers, Elevator Constructors, Electrical Workers, Bridge and Structural Iron Workers, Marble Workers, Plumbers and Gas Fitters, Steam Fitters, and Tile Layers, the rates for helpers are, of course, lower than for journeymen.

Finally, there are unions which maintain distinct minimum rates for groups of workers divided according to the stages of advancement which they have reached in the trade. The International Printing Pressmen's Union is such a union. Outside the large newspaper offices the apprentice on becoming a journeyman and being given charge of a press is entitled to the lowest minimum rate set for journeymen. As he advances in skill he is normally promoted to a larger press. The union rate for journeymen varies with the kind of presses of which they have charge, or, on the largest presses, with the position held on the press. In the large newspaper offices the positions on the presses are generally rated, and assistant pressmen on these are regarded practically as journeymen and given as high rates as men in charge of smaller presses in book and job offices.[2] Men

[1] There are, of course, many other unions made up of workers following branches of what was once a single trade or of workers in allied trades carried on in close conjunction, which maintain, in many places at least, two or more separate rates of wages. Among these unions are the Bakers, Carriage and Wagon Workers, Cloth Hat and Cap Workers, Car Workers, Electrical Workers, Amalgamated Glass Workers, Glove Workers, Hotel and Restaurant Employees, Machine Printers and Color Mixers, Metal Polishers, Buffers, and Platers, Pavers and Rammermen, Photo-Engravers, Railway Carmen, Seamen, Theatrical Stage Employees, Stereotypers and Electrotypers, Teamsters, and Wood, Wire and Metal Lathers.

[2] There has been a tendency recently to group the assistants on these presses as journeymen at one rate, instead of distinguishing between them in rating, leaving the pressmen in charge with a rate higher than the assistants' rate.

who have learned to run presses in the smaller book and job offices often transfer to the more highly paid newspaper or magazine presses. The Lithographers also fix a series of rates of wide range for their members in charge of presses, according to the size of the press. The Machine Printers' rates for printing wall paper vary in similar fashion with the number of colors printed.

There are many other instances of differentiation in rates within a union according to degree of proficiency. Among the Garment Workers, coat operators, baisters, finishers, and pressers are rated according to the work on which they are generally engaged. The Bookbinders, Bakers, Marine Cooks and Stewards (of the Seamen's Union), Seamen, Steam Engineers, Laundry Workers, and the Pavers and Rammermen maintain distinct rates for different positions which mark the stages of advancement attained by the worker. The rates of the Compressed Air Workers vary according to the pounds of pressure under which the work is done. This is partly a matter of physical strength, but also a matter of experience in more difficult work.

There are also unions which set higher rates for groups of men who have specialized on work which is above the skill of the ordinary journeyman. For example, tool makers and die-sinkers are general machinists with special training in these higher classes of work. Their rate is usually fifty cents a day more than the rate for "competent machinists." The linotype operators are generally recognized as men of more skill as a class than other members of the Typographical Union and in many places have a higher rate. Similar cases are those of the decorators in the Brotherhood of Painters and Decorators, the "molders" in the Stereotypers' and Electrotypers' Union, the carvers in the Granite Cutters' and Marble Workers' Unions, sewer-builders in the Bricklayers' Union, and mortar makers and cement mixers in the Hod Carriers' and Building Laborers' Union. In some trades, too, foremen and men "in charge of gangs" are given higher minimum rates. In nearly all of these

unions the higher-rated men are in the same unions with the members following the common branch of the trade. Where men are not separately rated, although engaged regularly on work recognized as requiring more skill than is expected of the average journeyman, it is usually because these men are comparatively few in number, or do not feel the need of a higher union rate to secure higher wages, or because the union does not wish the work to be assigned to a specialized class of workmen.

Sometimes a distinction is made in the minimum rate for other reasons than differences in trade skill. The Granite Cutters have a higher rate for outside work than for work done under shelter, to compensate for the exposure and greater lack of regularity in the former. Men working on surface machines are also usually given higher rates in this union, not because the work requires greater than average skill but on account of the exposure to the fine dust. The Granite Cutters often set lower rates, too, for monumental work than for work on buildings, on the ground that at an equal rate with the building rate, other material, particularly marble, would be substituted for granite and the members lose the chance to do this work. The Stone Cutters have had at times a lower rate for limestone for a similar reason.[1] Sometimes men in the building trades, particularly bricklayers and carpenters, are allowed by their local unions to take special yearly jobs at rates that amount to less per day than the union minimum. These are usually positions with corporations with large establishments which do their own repair work and undertake no building contracts. These positions are exempted from the regular daily rate because the work is not done in competition with contractors in the trade and because the men earn more in the year than members at the minimum.

There are some cases in which a differentiation in rating once accepted by the union is now opposed. The Blacksmiths in large specialty shops, and particularly in railroad

[1] Stone Cutters' Journal, April, 1895; March, 1904.

shops, often have a series of separate rates for journeymen according to the kind of work done. For the general contract shops there is in many places a minimum for the majority of the workers, with higher rates for men engaged at the "big fire" and in spring making, and for hammermen. The officers of the union favor the latter form of scale. They think that men at the "big fire" and at spring making should receive higher rates because the work requires more skill and that hammermen should receive more than the general run of journeymen because the work is harder. But they oppose distinctions in union rates for journeymen at the other fires, on the ground that the work requires on the whole about the same skill for all.[1] They believe that a uniform minimum checks specialization, which they look upon as undesirable. It is highly probable that the greater convenience in bargaining and enforcing, and the greater solidarity of interest engendered by a single rate, also makes the uniform minimum attractive to the unions. The Painters also oppose differentiation in rates in the railroad shops. The Boiler Makers favor uniform minimum rates for all journeymen, but there are still some local unions with separate minimum rates for different classes of work. Until recently the Wood Workers undertook to organize the men in mills making doors, sash and trim, and fixtures, and this union set separate rates for men engaged on different kinds of wood-working machinery, and a higher rate for bench men. The Brotherhood of Carpenters and Joiners, which for years has had some millmen in its membership and is absorbing the Wood Workers, favors the plan of having a single minimum rate for all millmen.

The Machinists follow the same policy in fixing minimum rates for "specialists." These are workmen whose work is limited to tending a semi-automatic machine of a particular kind or to executing a single kind of work on a lathe, milling-machine, slotting-machine, planer, or other machine

[1] The Blacksmiths were not strongly organized in these shops until a few years ago.

on which a variety of work may be done. Until very recently they were denied membership in the Machinists' Association on the ground that they were not journeymen machinists. With improvements in machinery, more and more of the journeyman's work has been taken by "specialists," particularly in the large specialty shops in the East.[1] The officers of the Machinists' Union became convinced that the union was losing control of an increasingly large part of their trade, and urged that "specialists" should be admitted.[2] This was done in 1903.[3] Many locals, however, particularly in the West, where "specialists" are not so numerous and their competition not so threatening, have not attempted to organize them.[4] Where they are organized, it is the union's policy to set a single minimum rate for all, but in many places distinctions in rates which had grown up before they were organized have been retained. This is especially true in the railroad shops.[5]

Questions relating to the grouping of members for wage rating have been more discussed among the Iron Molders in recent years than in any other American trade union. A somewhat detailed consideration of their policies in this respect will illustrate the considerations which prevail in determining the policy of a strong union. The Iron Molders for several years have worked for the abolition of the differential, in force in some sections, between the minimum rate for bench molders and that for floor molders. This distinction rested upon the assumption that work molded on the bench, as it was smaller, required less skill and exertion. The 1899 convention, however, declared it to be the policy of the union to secure the same rate for bench as for floor molding and urged that every effort be made to bring

[1] A national official stated to the writer that in one shop there are at least 2,000 specialists and not more than 300 journeymen.

[2] Machinists' Monthly Journal, 1903, pp. 256, 276, 484, 493.

[3] Proceedings, 1903, in Machinists' Journal, July, 1903, pp. 552–5; Constitution, 1903, Art. XXIV; Constitution, 1905, Art. I, sec. 1.

[4] Proceedings, 1907, p. 103.

[5] In some railroad shops the Machinists have until very recently had more than one rate even for journeymen, according to the kind of work done.

the former rate up to the level of the latter.[1] From 1900 to 1904[2] the propriety of the differential was a prominent subject of discussion in the series of conferences between the Iron Molders and the representatives of the National Founders' Association. The employers wished to make provision for a lower rate for bench molding in the proposed agreement, but the Molders opposed the extension or the recognition of the differential. This disagreement developed as early as the conference of June, 1900.[3] In April, 1902, the employers suggested that the differential should be made a part of the agreement,[4] and in October of the same year repeated the request, stating that their membership was "practically unanimous" on this point.[5]

The Molders maintained that the differential never should have existed, as bench work was on the whole worth as much as floor work, especially in machinery and jobbing foundries, which were the foundries to which the agreement was to apply. They argued, too, that the differential had been granted in only a few cities and would be an innovation in the great majority of places. At a conference

[1] Proceedings, 1899, pp. 82, 103, 107.

[2] Conferences between representatives of the Iron Molders' Union and the National Founders' Association continued from 1899 until 1904. It was hoped that a general conciliation agreement which had been entered into would pave the way to an agreement governing such matters as apprenticeship, hours of labor, regulation of output, and wage rates, similar to that existing in the stove trade (Iron Molders' Journal, 1899, pp. 157, 286, 302). In May, 1899, the joint arbitration committee, which had been provided in the conciliation agreement made in March preceding, met to adjust the difficulties between the molders and their employers in Worcester and Providence, where the molders had gone out on strike for the establishment of a minimum rate. The committee disagreed on the question of the recognition of a minimum rate. Another joint conference was then called (Ibid., 1899, p. 349). Throughout the whole series of conferences, the minimum wage was one of the chief subjects of discussion and the chief source of disagreement. Although it appeared at times that the two sides were close to an agreement providing for a national settlement of wages and conditions of employment, the minimum wage proved an insuperable obstacle.

[3] MS. Minutes of Joint Conference Committee, N.F.A. and I.M.U., Detroit, June, 1900.

[4] Iron Molders' Journal, 1902, p. 201.

[5] MS. Minutes of the National Conference between the N.F.A. and I.M.U., Detroit, October, 1902.

held in the following February the Molders produced statistics to support this contention.[1] They also expressed the fear that if the differential were granted the employers would put work on the bench that had formerly been done on the floor and declared that this has been done where the differential was in force. In this conference of February, 1903, the employers merged the claim for a lower rate for bench molders with claims for lower rates for less competent members, and in payment for plainer work, and it was not further discussed as an independent differential. The union has persisted in the policy of abolishing the differential where possible, and in many places has accomplished its purpose.[2] In January, 1907, the business agent of the New York local union reported that after several years of contention the rate for bench men had been raised to that of the floor men in the New York district, embracing Brooklyn and Jersey City as well as New York City proper, and including 53 shops and 1500 men.[3] There are, however, many places in which the difference in the rates still exists.[4]

The manufacturers also vainly endeavored from the outset to secure a lower rate for men engaged on the plainer work.[5] An editorial in the Journal of July, 1899, expressed

[1] MS. Minutes of the National Conference, N.F.A. and I.M.U., February, 1903. The Molders' figures were for all places in which there were local unions and covered machinery and jobbing and hardware foundries. Of 304 localities including 1,907 foundries and 31,362 molders, of whom 6,352 were bench molders, 2,044 bench molders in 61 localities were subject to a lower rate than floor molders. The differential was more frequently used in New York, New Jersey, and the North Central States. According to information furnished by the National Founders' Association in 1904, separate minimum rates for bench and floor molders prevailed in 23 cities out of 111 given (Bulletin of the Bureau of Labor, March, 1904, p. 435).

[2] Iron Molders' Journal, 1904, p. 344; March, April, May, 1907; Constitution, 1907, Resolutions, No. 27.

[3] Iron Molders' Journal, January, p. 48, March, 1907.

[4] Ibid., January, February, April, May, 1907; Proceedings, 1907, pp. 56, 117.

[5] The employers' proposal was discussed at times as a lower rate for coarser work, at other times as a lower rate for less skilled men. The union representatives steadily refused to agree to allow a lower rate for coarser work, to recognize a lower rate class in any

the union opinion that any grading of the members in the same foundry according to the work they do would prove impracticable in machinery and jobbing foundries, though it might work in specialty shops. The lines of demarcation would be difficult to fix, and work and wages would tend to gravitate to the lowest grades, as had been the case where there was a difference between bench and floor rates. In April, 1901, the editor of the Iron Molders' Journal, though admitting that there is some work in all foundries that does not require a high degree of skill, defended the union's refusal to accept a lower rate therefor, on the grounds that such a plan was impracticable, and that the output demanded on plainer work was greater. The union representatives in the conference of October, 1902, admitted that some concession ought to be made in the rate for plainer work in some foundries, but would agree to no general wage differential, preferring to deal with each case on its merits.[1] In the February, 1903, conference they again maintained that

foundry or to surrender the coarse work to men not members of the union (Iron Molders' Journal, 1899, pp. 356, 643; 1901, p. 213; 1902, p. 284; MS. Minutes of the Conference, February, 1903). In the final conference held in April, 1904, the employers proposed that men on coarse work should be allowed to make their own agreements as to wages with their employers free from any union minimum. The union representatives refused even to consider this (MS. Minutes of Conference, April, 1904).

[1] In March, 1901, an agreement was made by the local union of molders in Philadelphia and the members of the N.F.A. in that city which contained the following clause: "There being in some foundries a grade of work calling for less skill than is required by the ordinary molder—this grade of work being limited in quantity—it is agreed that nothing in this agreement shall be construed as prohibiting the foundrymen from employing a molder to make such work and paying for the same at a rate that may be mutually agreed upon between the molder and the foundryman. It is understood that a molder who is working for and receiving a rate of wages of twenty-seven and one-half cents per hour, or over, is not to be asked or expected to make the grade of work referred to above for any less wage rate than he is regularly entitled to under this agreement. This does not give the molder the right to refuse to make the work if it is offered to him at his regular wage rate." The union refused to admit this case as a precedent, regarding it as an agreement made under peculiar circumstances (Iron Molders' Journal, July, 1902, p. 475). As noted above, the Molders in the conference of April, 1904, refused a proposal to make this settlement general.

in the machinery and jobbing foundries there were not such quantities of low-grade work as to justify a general lower rate.[1]

Throughout the series of conferences with the National Founders' Association the Molders from the first showed themselves willing to consider the establishment of different rates for different classes of foundries,[2] although unwilling to agree to the establishment of different rates in the same foundry.

II

Rate Grouping by Competency

The suggestion has often been made to time-working unions that instead of setting a single rate for all men engaged in the same kind of work they should divide their members into classes on the basis of competency and fix a separate rate for each class. Nearly all important time-working unions have at some time or other faced a proposal of this kind emanating from the employers or from its own members. The employers have urged that such a plan

[1] This position was reaffirmed in May, 1904 (Iron Molders' Journal, 1904, p. 317). The union has in some places recently adopted lower rates for men employed on molding machines. These men are recognized as not being of journeyman status, and the kind of work on which they are engaged is clearly differentiated.

[2] Iron Molders' Journal, July, 1899, p. 349. In the Cleveland conference of March, 1901, a resolution was adopted embodying the points on which agreement had been reached. It recited that there was a disposition on each side to favor the establishment by joint agreement of equitable wage rates for "different kinds of molding." It was explained that the intent of this provision was that a rate in any locality need not apply uniformly to such subdivisions of the industry as a malleable iron foundry and a machinery foundry, but that such subdivisions might properly be placed on a different basis as to wage rates (Ibid., April, 1901, p. 191). In the Detroit conference of 1902 a resolution was adopted looking toward a general agreement, national in its scope, "for each class of foundries." An agreement was discussed for machinery and jobbing foundries. There are instances of differential rates being set by the molders for different classes of shops. There were two rates in Erie, Pa., for instance, in 1902; the rate for machinery and jobbing foundries being higher (Ibid., June, 1902, p. 384). A lower minimum rate has been set by some local unions for railroad shops, in which the molders are usually on plain work of a special character. Most of the molders in railroad shops, however, work by the piece.

would remove the chief defect in the minimum rate, that is, the necessity which the employer is under of paying the less competent men the same rate as the good, average man. Within the unions the proposal has been advocated on the ground that it will allow the less proficient members to obtain work and at the same time make it possible to maintain a high minimum for the better men. This policy in rating has naturally been most strongly urged upon those unions in which the differences in efficiency among members doing the same work are very large, a circumstance which throws into greater relief the fact that a large number of men of varying competency are subject to the same minimum rate.

The classification of men on the basis of differences in competency has not, however, commended itself generally to the unions. Very few unions now look upon this method of rating with favor or are willing to adopt it except as a temporary expedient. Many of the important time-working unions have had experience with the plan and nearly all of these have fought for its abolition, in nearly all cases with success. Yet at least two unions in the building trades—the Lathers and the Wood Carvers—still accept it as an unobjectionable method of wage regulation.

In many cities the wood lathers are divided into two classes with separate minimum rates on the basis of the number of laths the workman ordinarily puts on in a day.[1] In Chicago, for instance, a lather who puts on no more than fifteen hundred laths a day is rated as of the "second class," and those who regularly exceed that number as "first class" lathers.[2] The rate for the first class men is usually from fifteen to twenty-five per cent. higher than for the second class. The reason given by the officers of the national union for the continuance of the system is that it allows the poorer men to obtain employment. They state that "speed counts for nearly everything in wood lathing," and therefore the

[1] Proceedings of the Wood, Wire, and Metal Lathers, 1907, pp. 75, 112.

[2] Ibid., p. 114.

slower men could not secure regular employment at a minimum rate that would be a fair rate for most of the members.[1] The men are usually assigned to their class by a committee of the local union.

The Wood Carvers divide their members into four classes according to competency. As a rule each member is allowed to choose his rate class in the first instance according to his own judgment of his competency. The shop delegate knows the work of the men in his shop and cases of underrating can be corrected by the local union. The secretary of the national union estimates that at least eighty per cent. of the members of a local union are in one class.[2]

Local unions in other trades have occasionally found it good policy to divide their members into two or three classes according to competency. When a union is first established in a locality or when a large plant is unionized the local union may find the new members grouped into two or three or even more fairly distinct wage classes. If the members have been working under the piece system there may be a considerable divergence in wages, particularly if the work is not highly skilled.[3] Under these circumstances it is difficult to find one rate that will be satisfactory as a minimum. The adoption of a single minimum if high would exclude the less capable men, and probably make it impossible to secure a wage agreement with the employer; a single low minimum would not be of much support to the men of higher earning capacity. Rather than take either of these courses local unions have in many cases preferred to establish two or three rates of wages. In such cases, however, the local union expects to eliminate the lower rate as soon

[1] The wood lathers also have piece scales and in many of the smaller cities the piece system is still the prevailing mode of payment.

[2] In New York the rates for the different classes in 1908 were $5.00, $4.50, $4.25, and $3.75. The majority of the men were in the $4.25 class.

[3] A case in point is the classification in the Machinists' Union of "specialists" who have been working under the piece system in large specialty shops.

as possible, and it is usually urged to do this by the national union.

The general rejection by the unions of the system of grading members for wage rating proceeds from the belief that it tends to reduce wages through the competition of the more poorly paid with the better paid workmen. It has usually been found extremely difficult to assign members to their grades so exactly as to insure that some men shall not be given a lower rate by the union than the general run of members of the same capacity are receiving and are required to demand. It is difficult, too, to insure that men of lower grades shall be transferred to a higher grade when their competency rises above that of their grade. The unions consider it a further objection that the maintenance of a rate or rates below the point at which a single minimum would be set makes for the retention in the trade of a class of inefficient or partially trained workmen.

The history of grading systems among the Stone Cutters illustrates the difficulties inherent in most trades in the working of such systems. The Stone Cutters at one time made wide use of the system of classifying men according to competency and setting a separate minimum rate for each grade. In the early nineties many local unions had more than one rate of wages for the same kind of work.[1] The minimum was practically a maximum for all but their first-class men and very few of these received more than the minimum rate for their class. In many cases it was the expectation of the local union that those below the first class would be in the minority. In New York, for instance, where the system was introduced in 1896, second and third class rates were adopted so that stone cutters of less than average ability who could not command the current rate might obtain employment, but all "practical" stone cutters were expected to be in the first class.[2] The common practice

[1] Stone Cutters' Circular, November, 1890; January, 1891; Stone Cutters' Journal, February, May, July, October, 1893; February, 1895; February, May, October, 1899.

[2] Ibid., February, 1898, p. 10. The rates were $4.50, $4.00 and $3.50 (Ibid., November, 1897).

seems to have been to allow the member to classify himself, subject to correction by the union. Often the member's class was marked on his union membership card. The constitution of the Buffalo local union in 1894 provided, "No member will be allowed to work for second rate of wages when the majority in his shop, together with the shop steward, decide that he is worth first rate, and any employer offering such a man second rate shall be dealt with as the association thinks proper."[1] The New York union required every employer to have at least one-third of his men in the first class and as many second class men as third class men.[2]

From about 1895 opposition to the plan of having "more than one rate of wages" steadily increased in the national union. At the time that New York adopted the three-rate system other local unions were reducing the number of classes from three to two or insisting on a single minimum rate.[3] The chief ground of opposition was that men would work for less wages than their work warranted in comparison with that of their fellows. There was complaint that second grade men did more work in proportion to their pay than first grade men, and there was a tendency to limit the amount of work that second and third class men should be allowed to turn out. It was also charged that the system created jealousy and dissension in the membership.[4] In November, 1899, a member of the national executive board urged that advantage should be taken of the approaching revision of the constitution to abolish the "two rate of wages" system. He argued that every workman competent enough to be admitted to the union was a first class workman and that the local unions should base their rates on

[1] Stone Cutters' Journal, July, 1894, p. 11. The wages of first class men were to be not less than forty-four cents per hour; of second class men, not less than thirty-eight cents. There were about as many men in the second class as in the first (Ibid., April, 1895).
[2] Ibid., June, 1902, p. 12.
[3] Ibid., February, March, April, 1895.
[4] Ibid., February, 1898; November, 1899; January, 1900, Supplement, p. 10.

the assumption that every union member was a first class workman. When the constitution was revised in 1900 a clause was inserted that "this Association thoroughly discourages the principle of more than one rate of wages."[1] Although some local unions continued to follow the plan for several years its practical abolition has been secured.[2]

As early as 1887 the national executive board of the Carpenters declared their disapproval of the system of rating according to competency.[3] In the following year the secretary of the union called the attention of the convention to the importance of defining its position on the subject.[4] The policy of the national union was set forth by the convention in the following resolution, which was adopted and inserted in the general laws: "We are opposed to any system of grading wages in the local unions, as we deem the same demoralizing to the trade, and a further incentive to reckless competition, having the ultimate tendency when work is scarce, to allow first class men to offer their labor at third class prices. We hold that the plan of fixing a minimum price for a day's work to be the safest and best, and let the employers grade the wages above that minimum."[5] Minimum rates graded according to competency are found even now among the Carpenters, but practically all of these occur in

[1] Stone Cutters' Journal, January, 1900, Supplement, p. 22; Constitution, 1900, Art. XXXIII. Article XXXI in the 1907 Constitution reads "No Branch to be allowed to have more than one rate of wages." Stone Cutters' Journal, May, 1900; April, May, September, 1902; August, 1903; Proceedings, 1906 (in Supplement to Journal), p. 37.

[2] Stone Cutters' Journal, March, 1901; February, April, October, 1902; February, 1904, p. 19. In New York City the three-rate system is still in vogue. The national officers and the secretary of the New York local union explain that the organization there is weak, and is obliged to follow the three-rate system because this system is maintained by the Journeyman Stone Cutters' Society, a rival organization not connected with the Journeyman Stone Cutters' Association of North America. The latter is affiliated with the American Federation of Labor and is the organization referred to here as the Stone Cutters.

[3] The Carpenters' national union was organized in 1881.

[4] Proceedings, 1888, p. 20.

[5] Constitution, 1888, General Laws, p. 30.

new or weak local unions, and the lower rates are eliminated as soon as possible.[1]

The Painters and Paperhangers are also opposed to graded scales. The 1898 constitution provided that the general executive board should not give its approval to any local graded wage scale, "as it is demoralizing to the trade and an incentive to reckless competition, and when work is scarce, causes first class men to offer their labor at a second or third class price."[2] The adoption of a system of graded wages has been proposed by members of the Granite Cutters' union as an alternative to piece-work as a means of removing the incentive in a single rate to the "rushing" of the slower men, but the suggestion has not met with favor.[3]

The Machinists have had to fight long against the grading system, particularly in railroad and large specialty shops. In many railroad shops the machinists were graded before the union was established and the system has been abolished only after years of struggle.[4] The grading of journeymen according to competency in railroad and locomotive shops was naturally combined with classification according to the kind of work to which the men were assigned. The union has secured the gradual elimination of the lower rates and the introduction of a single minimum rate for all journeymen.[5] There are at present some local unions which classify "specialists" in large shops for separate rating; but this is looked upon as a temporary condition. The Freight Handlers have also recently opposed with success the graded system. The Boiler Makers struck against it on a Cana-

[1] The Carpenter, March, p. 33, June, p. 22, 1905; March, p. 24, April, p. 39, May, p. 42, July, p. 30, 1906; March, p. 44, 1908.

[2] Constitution, 1898. After 1902 the words "or third" were dropped. The present wording is "at a second class price" (Constitution, 1908).

[3] Granite Cutters' Journal, April, 1886; July, 1902. See also Plumbers' Gas and Steam Fitters' Official Journal, June, 1905, p. 11; Bricklayers, Annual Reports, 1907, p. 17.

[4] Machinists' and Blacksmiths' Journal, April, 1871, pp. 181–4; Proceedings, May, 1893, p. xxxiv.

[5] See below, however, p. 103.

dian road in 1908.[1] On some roads it is still followed for some trades.[2]

The grading of men according to length of service has not ordinarily been approved by the unions. The Street Railway Employees insist, where they are strong enough to secure wage agreements, on the same minimum rate for all men after the first year of service. Rates graded according to the number of years in service have prevailed widely in railroad work. Some years ago, when engineers were generally paid by the month, it was customary to divide engineers into several wage grades according to the length of service. The Locomotive Engineers have fought for years against such a system of rating and successfully. The Brotherhood contended that a man assigned regularly to the engineer service should receive "first class" wages at once. Classification according to length of service did not represent differences in competency, but merely resulted in the employers' securing first class service from a number of men for less than the first class rate of wages.

The graded system of rates has also been urged upon the union by the employers in the printing trade, but without favorable response from the former. The employing printers have from time to time expressed the opinion that the rate should be graded directly according to the efficiency of the workmen. In 1887 the United Typothetae, the national association of employing job and book printers, appointed a committee to consider the subject of a "Graded Scale of Wages." After some consideration, the committee recommended that in all places where printers' unions are in existence such unions be requested to inaugurate a system of graded scales of wages among their members according to efficiency. In 1899 another committee appointed to consider the same subject, showed in its report a perfect apprehension of the difficulty involved. "As we understand the matter," they said, "what is called a 'scale' is supposed to

[1] Boiler Makers' Journal, 1908, pp. 778, 853.
[2] Railway Carmen's Journal, 1908, pp. 357, 359, 420.

represent the wage value of the poorest journeymen, the minimum wage for minimum ability; the expectation being that a better man will receive higher pay than 'scale.' In any case, it seems to us that any grading must be done privately between the two parties at interest and that it would be impossible to satisfactorily grade all workmen, except by an elaborate system of examination which would be appalling to undertake as well as unsatisfactory to most of those graded below first." No local union has ever attempted to classify printers directly according to efficiency.[1]

The final proposals of the National Founders' Association to the Iron Molders' union in 1904 included one for the establishment of a graded system of wages for journeymen molders. The employers' proposal was that they should be allowed to employ forty per cent. of their journeymen molders at a rate not more than ten per cent. below the "basic" rate. The "basic" rate was to be the minimum rate for not less than sixty per cent. of the journeymen. It was intended that the employer should decide which men were to receive the lower rate.[2] The basis of distinction between the two classes was to be that of comparative efficiency. The second rate was not to be paid simply to men doing coarse work; the employers submitted a supplementary proposal that men on coarse work should be allowed to work at any rate the employer and the workmen might agree

[1] Barnett, p. 136.

[2] The employers proposed in the conference of March, 1901, that they should be allowed to employ twenty per cent. of their molders at twenty-five cents a day less than the standard rate, and twenty per cent. more at fifty cents a day less than the standard. This concession was urged partly on the ground that under its provisions coarse work might be done for less than the standard rate per hour and was suggested as an alternative to the proposal of the employers that a lower rate be set for the plainer work as such, to which the union had declined to accede (Iron Molders' Journal, 1901, pp. 191, 213; 1902, p. 284). The later proposal was intended also to cover the case of the less efficient men. In the conference held in March, 1903, the employers' representatives modified their request and asked that they might be allowed to employ forty per cent. of the total number of bench and floor molders who had served a regular apprenticeship of four years at a differential rate ten per cent. less than the "basic" rate (Ibid., 1903, pp. 248, 346).

upon. The union representatives were not willing to agree to any general rule that journeymen molders employed in foundries of the same class, apart from those incapacitated by old age and young men just out of apprenticeship, should be grouped for separate union rating on the basis of difference in competency.[1]

In some unions there are systems of rating which closely resemble grouping according to competency. Several unions allow young men just out of apprenticeship to work for three or six months or a year at specified rates lower than the regular minimum. Permission to work at a lower rate is granted to young journeymen who have just finished their apprenticeship more frequently by the metal-trades and railroad-shop unions than by the building-trades unions. In the first two classes of trades there are such differences in the character of the work done in different shops that a man who has served his apprenticeship in one and sought employment in another may require several months to attain average proficiency in the shop. The Machinists particularly have many agreements with railroads allowing the payment of lower rates to men just out of apprenticeship. This lower rate usually prevails only for three months.[2] This does not, of course, prevent a number of young men from receiving the regular rate from the start. The Molders pursue the same policy. Early in the conferences between that union and the National Founders' Association it was agreed that the minimum rate should not apply for a reasonable period to young men of "inexperience or mechanical inferiority" just out of apprenticeship.[3]

[1] MS. Minutes of Conference, Detroit, April, 1904. The molders offered the following resolution as a substitute for the employers' proposal, "The wage-rate clause of a local agreement in its application shall be subject to such differentials as may be mutually agreed to by the local or national representatives of the two associations or a conference committee to whom the subject has been referred under the provisions of the New York agreement."

[2] Machinists' Journal, 1904, p. 1102; 1906, pp. 12, 1026; 1907, pp. 442, 650.

[3] This resolution was adopted at the March, 1901, conference (Iron Molders' Journal, April, 1901, p. 191).

By the creation of a separate class of "improvers" some unions have avoided the dilemma of either requiring the payment to a recognizedly incompetent man of the minimum rate or of excluding him from the union and forcing him to work for what he can get in competition with union men. These unions allow a small number of men below the level of competency and too old for an additional year or more of apprenticeship to become members as "improvers" and work a specified period under instruction for a lower rate. This rate may be general for all "improvers" or it may be fixed separately for each one. In the former case the "improvers" form a group specially rated on the basis of competency. Such groups differ from the lower groups in ordinary systems of grading in that the workmen in them are regarded as being under instruction and in that the part of the total number of workmen in the group is very small. Improvers are found more frequently in the building trades than in any of the other groups. They have been admitted to membership, for instance, by local unions of the Carpenters, the Bricklayers, the Granite Cutters, the Marble Workers, the Plumbers and Gas Fitters, the Plasterers, the Painters, and the Tile Layers. In some local unions in which helpers are expected in time to become journeymen there is recognized a special class of improvers who are a grade above the helpers but not yet admitted to membership as journeymen.[1]

In most trades there is a feeling against the admission of men as improvers. Strong unions which have a well established apprenticeship system and do not commonly admit men who have acquired their knowledge of the trade while serving as helpers are particularly opposed to the recognition of the improver. This position is due in part to a belief that the admission of such men tends to lower the general level of competency expected for journeymen;

[1] In some local unions, as for instance, the Marble Workers, the Plumbers and the Tile Layers, there is a distinct class of advanced helpers, known as "improvers" or "juniors," which may include apprentices in the last year or two of their instruction.

but it may also be ascribed to a fear that the system will afford to some members who are proficient enough to deserve the minimum, an opportunity to work for less. The Granite Cutters have come to reject the system on the latter ground, and the national union now condemns it.[1] As early as 1882 the Washington branch abolished the system because they believed improvers to be "only an evasion of the bill."[2] The employment of improvers was prohibited in the New York agreement of 1890, and a similar provision exists in many current wage agreements.

Nearly all unions permit members who have become unable to command the minimum rate because of old age or physical infirmity to work for what they can get. There are a few time-working unions which have no rule to this effect, because the nature of the work is such that experience offsets the loss of physical vigor,[3] or because physical vigor counts for so much in the work that old men are not wanted by the employers even at lower rates.[4] Some local unions which have both piece-price lists and time rates, as in a few of the Granite Cutters' branches, provide that old men employed by the hour or day shall be paid according to what their work averages by the piece bill. Some other local unions stipulate that the wages of the exempted men shall be agreed upon by a union committee in conference with the employer.[5] In very few local unions does the

[1] Granite Cutters' Journal, July, 1902; June, 1905.
[2] Ibid., October, 1882.
[3] This is stated by the national officials to be the case in the Stereotypers' and Electrotypers' Union.
[4] The Steam Fitters, the Elevator Constructors, and the Bridge and Structural Iron Workers are such unions. Old men in the print cutters' trade drop to "felting," a minor branch of the union's jurisdiction, for which no rate is set by the union because it is usually done by the old members.
[5] This is the general practice among the Stone Cutters' branches, and many of the Granite Cutters' agreements make similar provisions. In Quincy in 1905 the employers wished to construe "physical disability" in the exemption clause to mean slowness. The union denied that this was a proper interpretation (Granite Cutters' Journal, April, June, 1905). Old men are also exempted by the Granite Cutters from the national minimum of three dollars (Constitution, 1905, sec. 207).

number of exempted men exceed five per cent. of the membership, and the exemption is made on a much more ascertainable basis than competency.

III

The Union Rate and Actual Wages

The standard minimum rate, as has already been several times noted, is in intent only a minimum, not a maximum. Union officials, in answer to the charge that the union wishes all members to be paid at the same rate, explain that the purpose of the union is to establish a rate below which no regular journeyman may go, and above which the employers are expected to grade the better men.[1]

Provision for payment above the minimum.—A small group of unions provide specifically for payments above the minimum. The wage system usually followed by the Barbers has, for instance, both a minimum and a differential feature. The rates usually set include a minimum weekly wage, say ten or twelve dollars, and a percentage, usually fifty, of all that the journeyman takes in over a certain amount, say eighteen or twenty dollars. Some classes of drivers, notably milk drivers and brewery drivers, also stipulate in their agreements for a commission in addition to the minimum wage. For brewery drivers this is usually based on the number of cases of empty bottles brought back from their customers. Retail Clerks also not infrequently have provisions for commissions in their wage agreements.

Moreover, in making agreements for the establishment of a higher minimum, local unions sometimes insist on a provision that the members who have been receiving more than the old minimum shall receive the same advance in their wages as the new minimum is over the old. Sometimes the

[1] For example, Iron Molders' Journal, August, 1874, p. 6; July, 1876, p. 12; July, 1887; June, 1897, p. 271; March, 1900, pp. 147–8; Granite Cutters' Journal, July, 1902, p. 5; The Carpenter, January, 1906, p. 2; Plumbers' Journal, October, 1904; The Woodworker, October, 1906, p. 282; Machinists' Journal, 1900, p. 6; 1903, pp. 693, 947; 1907, p. 485.

increase thus obtained is a percentage of the former rate, but more often it is a flat increase. The more highly paid members thereby retain the same differential above the new minimum that they received over the old. While the differentials which are thus perpetuated must first be secured by individual bargaining,[1] such action by the union undoubtedly influences the wages of the more highly paid members, since the retention of differentials by individual bargaining after the minimum rate has been raised is by no means a matter of course.

The Machinists, in particular, follow the practice of securing advances for all in their agreements establishing new minimum rates. By the Chicago agreement of 1907, for instance, the minimum for journeymen machinists as well as that for tool makers and die-sinkers was raised twenty-five cents a day, and an increase of twenty-five cents a day secured for all who were receiving more than the old minimum rates.[2] The Iron Molders also often secure the same daily increase for all in their wage agreements.[3] Other unions, as, for instance, the Blacksmiths, the Carpenters, and the Wood Workers, follow the same practice, but less frequently.

Another and more common form of union agreement for the payment of wages above the minimum is that of providing against the reduction of the wages of men who

[1] A few of the Granite Cutters' local unions in New England still insist that differential wages shall be determined by the worker's average output in terms of the piece bill. This practice is very exceptional, however, and is a partial survival of the provision that men should be rated above or below a "basic" rate according to what their work averaged by the piece-price list.

[2] Machinists' Journal, 1900, p. 478; 1901, p. 380; 1903, pp. 6, 282, 726, 743; 1906, p. 559; 1907, pp. 74, 437, 439, 744. Sometimes the increase is the same percentage increase for all (Ibid., 1903, p. 141; 1906, p. 348; 1907, pp. 262–3, 304, 354, 748, 753, 830). The Machinists also have a rule that a member who takes a position which has been vacated by a member who received more than the minimum rate must within thirty days receive the rate formerly paid (Constitution, 1901, Art. XXV; Machinists' Journal, 1903, pp. 439, 622, 639; Constitution, 1903, Art. XXIV, clause 4).

[3] Iron Molders' Journal, 1901, p. 759; 1902, pp. 384, 551, 802, 970; 1903, pp. 281–2, 381, 386, 389, 558, 641, 647.

have been receiving more than the new minimum established in the agreement. Here the member who has been receiving more than the new minimum is secured in his rate by union bargaining; but union action in these cases does not, as in those previously discussed, retain the relative differentials for the higher paid men. Such provisions are common, particularly in building-trade agreements. They are in many cases merely the result of an excess of caution; but in not a few cases they are the result of experience of such reductions as they aim specifically to prevent.[1]

Union policy and the minimum.—On the other hand, there are in many unions policies or attitudes with reference to the relation of output and wages which discourage the payment of wages above the union minimum. The union rule or attitude in these cases does not have its origin in any opposition to the receiving of wages above the minimum. The prevention of "rushing" and of increasing the output expected of the average workman as "a day's work" is the direct end aimed at.

One union, the Stone Cutters, goes so far as to forbid any member receiving more than the other men on the same "job." The officers defend this rule on the ground that it is the only way to prevent a few men in return for twenty-five or fifty cents more a day from setting a swifter pace for the others and so increasing the day's output demanded for the minimum wage. Unless all men on the same job receive more than the minimum, which rarely occurs, except when men are in great demand, this prohibition amounts to making the minimum a union maximum. Other building-trades unions offer less explicit discouragement to receiving more than the minimum rate for greater speed in working, but in general the sentiment of the men is against a few men receiving more than the others on the same job simply on account of greater speed. A few unions have specific

[1] For instance, Granite Cutters' Journal, September, 1906, p. 4; May, 1907, p. 5.

regulations against rushing or setting a pace.[1] The result is that in trades where speed can be compared men do about the same amount of work and payment above the minimum is usually for general competency or workmanship of a higher grade and not for speed.[2]

A few unions effectually discourage very great variation in wages on account of speed by the adoption of limits to the amount of work to be done in a day. The Lathers limit the day's work of wood lathers in many places, and a resolution establishing a national limit was adopted by the 1907 convention.[3] "Stints" are observed in many local unions of other trades where the character of the work makes their enforcement feasible. Sometimes, as among the coat operators and the cutters in the Garment Workers' Union and among the local unions of the art glass workers, these rules are adopted as defences against the enforcement of larger tasks by the employers. The Meat Cutters, when a strong union, gave much attention to limiting the day's work of time workers. At a meeting of the national executive board in 1901 to consider the formulation of a scale of wages "it was declared the sense of the executive board that in order to avoid the unjust methods that are often adopted by many superintendents and foremen in forcing unjust conditions by crowding the men that the amount of work to be performed and considered a fair day's work should be determined, the same to be based on a ten hour day."[4] In the 1902 convention the president of the union, in pointing out

[1] For instance, Bricklayers' and Masons' National Constitution, 1908, Art. XX, sec. 2; Constitution and By-Laws of the Bricklayers' Union, Number One of Maryland, 1904, By-Laws, Art. VIII, sec. 1. The 1880 Constitution of the Granite Cutters contained a resolution against "rushing."

[2] The "rusher," the unions contend, relies simply on his physical strength to do a large amount of work of one kind, and usually is poor at other kinds. He wears himself out and in the long run loses by this course, while injuring the interests of his fellow workman. General competency and not mere speed, they argue, should be encouraged by higher wages. See, for instance, Granite Cutters' Journal, July, 1878; February, p. 10, July, p. 4, 1904.

[3] Proceedings, 1907, p. 112.

[4] Proceedings, 1902, p. 25.

that the time had not yet come to adopt a uniform scale for hog butchers stated that the prevention of rushing should be enforced before anything else.[1] The Chicago local unions, while they were able, enforced limits which considerably reduced the average output.[2]

It has long been common among the Iron Molders to observe a "set day's work." Originally, a "set" was the number of castings which a man was expected by the employer to do.[3] The workmen later began in many localities to adopt "sets" for themselves, and the amount of work which was to be regarded as a "set" came finally to be the subject of agreement between the employer and the shop committee.[4] The union regards the establishment of a "set" by the shop committee[5] as necessary at times for the protection of the workers against rushing, and refuses to give up the practice.[6] The Molders' representatives in the conferences with the National Founders' Association were willing to agree that no local union should establish a "set" without the consent of the national executive board,[7] but would not agree that "sets" should not be established without the consent of the employer.[8]

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[1] Proceedings, 1902, pp. 38–41, 50.

[2] Official Journal, March, 1903. An editorial in the Granite Cutters' Journal for July, 1902, while admitting the evils of "rushing," opposed the setting of a limit to the day's work. There is a tendency in this union now to require that the faster men shall receive wages proportional to their output (Granite Cutters' Journal, June, 1902, p. 6; June, 1905, p. 4). The Boston local union places a fine on a member who does more than an average day's work without receiving proportionate wages (Ibid., July, 1905, p. 4).

[3] Iron Molders' Journal, May, 1874, p. 367; December, 1885; October, 1886; October, 1887; August, 1891.

[4] Ibid., March, 1887; July, 1904, p. 520; Proceedings, 1890, p. 30; Proceedings, 1899, pp. 23, 24.

[5] The "set" is established only for castings which are to be made in considerable number. The average daily output of the man who first makes the castings is usually recognized by the shop committee as the established "set."

[6] Iron Molders' Journal, 1897, p. 271; 1900, p. 530; Proceedings, 1907, p. 12.

[7] MS. Minutes of conferences, April, 1902, and October, 1902; Iron Molders' Journal, May, 1902.

[8] The union offered the following counter resolution: "That arbitrary limitation of output on the part of the molders or excessive demands for output on the part of the foundryman or his represen-

The union opposition to "premium" and "bonus" plans is also a barrier in the way of certain workers' obtaining more than the minimum rate. The essential feature of the "premium" and "bonus" plans is that the worker for extra output receives pay above his daily time rate. In some cases the extra pay is given if he exceeds a stipulated output, which is usually the average attained before the introduction of the plan; in other cases, the extra pay is given only if he reaches a specified output considerably in excess of the previous average output. The rate per piece offered for the additional output in nearly all of these plans is less than the labor cost per piece before the plan was adopted.[1]

Premium and bonus plans of remuneration have met with opposition particularly in the metal trades; for it is in this group of trades that they have been most frequently offered to union members.[2] The Machinists in particular have vigorously opposed the plans.[3] The convention held in 1905 declared it to be the policy of the union to secure the withdrawal of such systems of payment in the shops in which they had been introduced and forbade members under pain of expulsion to accept payment under such a plan in any shop in which it was not already established.[4] The 1907 convention repeated this declaration of opposition.[5] The Iron Molders also have opposed these methods of remuneration for years. As early as 1887 there was objection on

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tative shall not be permitted, nor shall the practice of employing a "pace-maker" be given any countenance whatever, and it shall not be considered a violation of this provision if a molder does not duplicate the output of one so employed; but on the other hand, a molder shall be required to do at all times a fair and reasonable day's work" (Iron Molders' Journal, May, 1903, p. 346). The Molders adhered to this position in the final conference in 1904.

[1] The union opposition to premium and bonus plans is treated here as a discouragement of differential wages rather than in connection with the union attitude toward forms of the standard rate, because in nearly all cases the employer offers the plan to the workmen as individuals and not to the union as an alternative form of payment to the time or piece system. See, however, below p. 112.

[2] See Appendix B for a description by their advocates of some of the best known of these plans.

[3] Machinists' Journal, 1900, p. 104; 1903, p. 722; August, 1904.

[4] Proceedings, 1905, p. 78.

[5] Proceedings, 1907, pp. 47, 68.

the part of the union to the "day and a dollar," or "day and a quarter" or "day and a half" system of payment, under which a man or group of men who reduced by a specified amount the average time for turning out a specified amount of product received a dollar or a fraction of a day's wage in addition to the regular daily rate.[1] The same attitude of hostility is maintained by the Boiler Makers[2] and the Blacksmiths.[3]

Other unions, whose members willingly work under the piece system, oppose the introduction of the premium and bonus systems. The officers of the Boot and Shoe Workers and of the Garment Workers, for instance, state that the bonus and premium systems are not often offered to their members, but are refused when they are. Both these unions are predominantly piece-working unions. A few local unions of the Typographical Union permit their members to work under the bonus plan. The national union in 1893 forbade machine operators to accept bonuses paid for greater output; but the prohibition was repealed the next year. In 1902 the rule was adopted that no machine operator can accept a bonus "not provided for in the scale of prices."[4]

The unions oppose the premium and bonus systems on two grounds. In the first place, the unions object to these systems because they are intended to stimulate the worker to exceed the amount he has been producing. This stimulus is especially strong when the bonus is paid only if a high specified output is reached, and systems with such a provision are particularly obnoxious from the union standpoint. The unions assume that the production of the increased output will require such an increase of effort and

[1] Iron Molders' Journal, October, 1887; August, 1891; 1903, pp. 26, 189; 1904, pp. 170, 173; Proceedings, 1895; Proceedings, 1899, p. 30; Proceedings, 1907, pp. 148, 160, 170.
[2] Boiler Makers' Journal, 1908, p. 478; Constitution, 1908, Art. XIV, sec. 13.
[3] Blacksmiths' Journal, January, 1903, p. 14.
[4] Barnett, pp. 133, 202–3.

nervous strain as to injure the health of the workers.[1] Moreover, it is feared that after a large output has been reached by some workers under the stimulus of the extra payments, the new output will become the task required from all, and that then the premiums or bonuses will be greatly reduced or withdrawn or offered only as a reward for still more intense effort, so that the daily tasks will have been considerably increased without an appreciable permanent increase in the daily rate.[2] The second ground of opposition by the unions is that the worker is offered a lower rate per piece for the additional output than he has been receiving.[3] It is for this reason chiefly that unions

[1] It is a common belief among unionists that workmen are now required to work with an intensity which is close to, if not beyond, the limit consistent with a proper length of working life. The advocates of the premium and bonus systems described in Appendix B. assume, on the contrary, that most workers could greatly exceed their present intensity of effort without undue exhaustion or injury to health. But the advocates of the most recent of these systems put emphasis also on the possibilities of increased output from improved methods of application of human energy. Their bonus payments are intended both to stimulate the worker to greater effort and to induce him to adopt the more scientific methods of accomplishing his tasks which it is an essential part of their plans to discover and point out to him. See Appendix B.

[2] A series of resolutions adopted by the Molders in their 1907 convention condemning every system of payment which "in its application may work an injury to our membership" included the following: "Any system which in practice may result in abnormally increasing the amount of work which a molder must perform, any shop practice which allows an over-reaching employer to use the most active and powerful to set the pace which all must follow is unfair and injurious to the man of average capacity. The premium system as generally in practice tends to increase the molders' output without a corresponding increase in wages and is therefore unfair. The day and a dollar, day and a half, and kindred systems have been and are being used to unduly increase the amount of labor a molder must give each day to his employer and as a result of both of these general systems the molder in middle age finds it difficult to secure work in shops where they prevail, as the standard of output has been set so high that only the younger and more vigorous members can maintain it" (Proceedings, 1907, p. 170).

[3] Some employers defend the lower rate for the extra output on the ground that the extra payment is an inducement to the worker to do better than he otherwise would, and so results in his receiving higher wages than he would attain under the straight day wage system. The advocates of the more recent bonus plans described in Appendix B expect the increased output to come largely from more intelligent organization of the work and from the more scientific

almost without exception prefer the straight piece system to premium or bonus systems.

Wages and efficiency.—Very little seems to be known as to the differences in efficiency among men engaged in the same kind of work. It is safe to assume, however, that they are not reflected in time-working trades with any exactness by the wages paid, even where there is no union minimum. When the union confines its action in wage rating to the establishment of a single minimum rate for members engaged in the same kind of work, it is obvious that the adjustment of individual earnings to individual capacity is not as likely to be secured as under the piece-rate system. Even where the union does not discourage large outputs, the time wages of the better men do not exceed the minimum in the same proportion that the men show efficiency above the average. It is safe to state that generally when men whose earning capacity is above that of the average journeyman are left dependent upon individual bargaining for wages above the minimum, they do not receive additional wages commensurate with their superior capacity.

Of most time-working unions it can be said, however, that the variations in efficiency within the membership are not as wide as among men in the same trades outside the union. The mere insistence on a minimum rate which is intended to be almost as much, if not as much, as the average member can successfully demand, necessarily excludes from the union men much below the average of competency. Such men cannot obtain regular employment at the union rate, and it is consequently useless for them to retain union membership.

But time-working unions do not rely solely upon a high minimum to keep their membership clear of men considerably below the average in competency. Practically all of the skilled trades require that candidates for membership

application of effort. The worker receives the bonus partly as an inducement to cooperate in the introduction of the new methods. See Appendix B. The system of payment is in these cases only a part of a wider plan.

must prove their competency or be vouched for as competent by members who have worked with them. Where the testimony of members on the same "job" is accepted as sufficient evidence of competency the test is practically reduced to ability to secure employment at the minimum rate. In a number of unions, however, as, for instance, the Plumbers, the Electrical Workers, the Stereotypers and Electrotypers, and the Bricklayers, the candidate must prove his competency by passing a serious examination set by a special board or committee. Finally, many time-working unions attempt to insure that the membership shall be recruited from competent journeymen by recognizing a normal method of learning the trade under union auspices. The apprenticeship regulations of the unions are directed in large part to this end, as are the provisions made by a number of unions for advancement from the status of helper to that of journeyman after a given number of years under instruction in the former capacity.

The maintenance of a minimum rate by a union also in another way tends to make wages uniform. The fact that a given rate is the "union" rate, and as such becomes the center of attention and the subject of negotiation and even of conflict—this makes it the presumptive rate. Moreover, many employers who are brought with much reluctance to agree to observe the minimum look upon the minimum as a "lump" rate which they have agreed to pay the union for the labor of its members. These employers often take the ground that they should not be expected or can not afford to pay the better men more than the minimum, because they are compelled to pay the union rate to many men who are not worth it. The provisions in agreements noted above against reducing the higher men are evidences of this feeling. The union officials assert that some employers' associations have a rule against paying men more than the minimum.[1] There is, of course, a greater likelihood of

[1] Granite Cutters' Journal, September, 1906, p. 4. Such agreements are said to exist among the employers in several of the building trades in New York City.

united action against the payment of differential wages when the minimum is established by agreement of the union and the employers as a body.

The same forces that lead to the payment of wages above the average rate where there is no union minimum, however, often operate to cause the payment of wages above the union minimum, even though their effectiveness is reduced by the union regulations noted above. The chief of these forces is, of course, competition. Employers are often compelled to comply with the demands of the more efficient men for higher wages in order to retain them. There are many employers, too, who pay the better men more than the minimum, as a matter of course, as compensation for superior service and as an inducement to the men to put forth their best efforts.[1]

In any attempt to estimate the extent to which men receive wages above the minimum on account of superior efficiency, it is important to bear in mind that the minimum in different scales may stand in very different relation to the modal or predominant wage. The proportion of men receiving more than the union minimum in a trade is frequently large because the competitive wage has increased since the minimum was established. Where the minimum is established by an agreement it is customary to make it binding for a specified period, and if in that time the competitive wage for men increases considerably the employers will frequently offer wages above the minimum to men of no more than average competency.[2] Sometimes the union

[1] The payment of a wage rate above the minimum is not the sole form of differential compensation. Often the better men receive the same hourly rate but are given more regular employment, the cleanest and most desirable work, and even overtime payment for merely nominal work. Because of such considerations workmen in the building trades will often remain with an employer at the minimum rate when other employers are offering two or three cents an hour more.

[2] Iron Molders' Journal, 1900, pp. 147, 212; Machinists' Journal, 1906, pp. 642, 824, 827; The Carpenter, August, 1905, pp. 29, 40; October, 1905, p. 29; July, p. 42, November, p. 42, 1906; February, 1907, p. 49; Stone Cutters' Journal, 1907, passim; Plumbers' Journal, October, 1905, p. 10.

refrains from raising the minimum when an increased demand for men would make that possible. In 1906 the secretary of the Bricklayers' and Masons' Union cautioned the local unions against putting up the rate when the demand is brisk to a point at which it can be permanently maintained only by throwing some members out of regular employment.[1] A few branches of the Granite Cutters have provisions in their agreements to the effect that if an employer advertises for men at more than the minimum rate he shall pay the higher rate to all in his employ.[2]

The union minimum is sometimes fixed for other reasons below the wage rates of most of the men to whom it applies. The rate may be kept low in order to permit men to secure employment who would not be able to do so if the predominant wage were taken as the minimum. This policy has been followed in some cities by the local unions of masons in the Bricklayers' and Masons' Union. Local unions of the Machinists, too, occasionally set a low minimum rate rather than a starting rate and a higher regular minimum.[3] Again, a group of workers who usually command a higher rate of pay than other journeymen in the trade may not be given a separate union rate. An instance in point is that of cabinet makers or "bench men" in the Carpenters' Union who are given the same minimum rate as machine wood workers.

The extent to which differential wages are paid above the union minimum, when that rate is the rate actually paid to the men whose efficiency is about the average, varies widely in different trades. There are trades in which differential

[1] Annual Reports, 1906, p. 299. Members may not strike for more than the minimum rate. But men may strike to enforce payment of more than the minimum from a contractor who has agreed to pay more and later refuses (Ibid., p. 28).

[2] Agreement for Ortonville, Minn., 1902; Agreement for Burlington, Iowa, 1903; Granite Cutters' Journal, July, 1901, pp. 4, 10; August, p. 7, September, p. 2, 1906; June, 1908, p. 9. The Granite Cutters' agreements as a rule run for longer periods than those of other building-trades unions.

[3] Machinists' Journal, 1904, p. 1004; 1905, pp. 139, 625; 1906, pp. 437, 441, 642, 1006; 1907, pp. 117, 646; The Carpenter, June, 1905, p. 30.

payments of this character are very exceptional. Unskilled laborers, such as the ordinary building laborers, are commonly paid one flat rate whether organized or not. The same is largely true of men paid by the day or hour in street railway or railroad service. In union agreements with the street railway companies, the minimum rate is usually the same for all after the first year of service, and the companies almost without exception make this the actual rate. Men in the railroad yard service are paid by the hour and yard engineers, firemen, conductors, and trainmen practically all receive the minimum rates set for their respective classes. Men employed in railroad shops rarely receive more than the minimum rates, although in these same trades in the contract shops a considerable part of the men receive wages above the minimum. Standardization of workmen and of work and the practice of dealing with large bodies of men as classes tend to standardize the wages paid in the railway service more than in trades calling for similar grades of skill in other industries.[1]

In the building trades, the higher rates in the large cities tend to attract the better men and keep out the poorer and this tends to reduce the variations in competency from the average. The employment of men in larger numbers and the more frequent changing of the men, together with the existence of employers' associations for dealing with the unions, also make for greater uniformity in actual payment in the large cities than in the smaller places.[2] Wages among the Stone Cutters and the Granite Cutters seem to conform more closely to the minimum than in the other building

[1] The tendency toward uniform rates for men engaged in the same kind of work is stronger in large establishments than in small establishments for the same reasons.

[2] It is difficult to get anything more than estimates of the percentage of men receiving wages above the minimum. The secretary of the Composition Roofers estimates that not more than two per cent. of the members in New York City receive more than the minimum. An official of the Steam Fitters estimates that for his union in New York City the proportion is not less than five nor more than ten per cent.

trades.[1] The reason for this in the case of the Stone Cutters has been indicated.

In the printing trades, particularly among the compositors and the stereotypers and electrotypers,[2] and in the metal trades the proportion of workmen receiving more than the minimum is larger than in the building trades. The diversified nature of the work included within the trade and the consequent differences in experience and skill among the membership, combined with the absence of graded union rates, account largely for the prevalence of differential payments among the Molders[3] and Machinists.[4]

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[1] See, however, Granite Cutters' Journal, May, 1907, p. 4, May, 1908, p. 10.

[2] An officer of the local union of the Stereotypers' and Electrotypers' Union estimates that about 50 out of 650 members in New York City receive more than the minimum. The electrotype finishers, but not the electrotype founders, are included in the organization there. In Boston where both branches are included, the secretary estimates that forty per cent. receive more than the minimum.

[3] A national official of the Molders' Union estimates that at least thirty per cent. of the members receive more than the minimum. This is the highest estimate obtained for any union. In the Iron Molders' Journal for September, 1900 (p. 532), a correspondent declares that there is not a foundry in the country in which some men do not get more than the minimum. In the number for March, 1900 (p. 147), it was reported that in Milwaukee where the minimum was $2.75 "some of our best men get $3.50."

[4] Machinists' Journal, 1906, p. 642; 1907, pp. 74, 354, 437, 441, 744.

CHAPTER III

THE AREA OF THE STANDARD RATE

The extent of territory over which a standard rate is binding, that is to say, the "area" of the standard rate, varies greatly from union to union and even within certain unions. Some rates are standard only for a shop or plant; others are standard for a city; others, for a district or a section embracing a number of cities, or for a single state, or for a group of states; many others are standard for all shops under the jurisdiction of the national union. The majority of American trade unionists work under rates applicable only to single localities. The next largest number work under "district" rates. Those working under "national" rates constitute the smallest class; but they are for the most part included in the membership of old and established unions.

A distinction is immediately observable in the matter of the area of standard rates between time-working and piece-working unions. The great bulk of time-working unions have only "local" rates, that is, rates standard for a town, a city, or a city and suburbs; whereas in piece-working unions rates are, for the most part, standard either for only a single shop or for all the shops in a territory much wider than a single locality. Piece rates are, therefore, much more frequently district or national rates than local rates. This difference is due in large measure, of course, to a corresponding difference in the influences affecting the application of these respective rates. Difficulties are often met in trying to make piece rates standard throughout a locality which are absent in the case of time rates—technical difficulties in constructing a scale which will account for diversities in work and in working conditions in different shops. On the other hand, where these difficulties are absent, forces

which do not operate to nearly the same degree on time rates are usually at work tending to widen the area of application of piece rates beyond the single locality. In the present chapter the area of standard rates will be examined, first, as to piece rates, second, as to time rates.

I

Area of Piece Scales

The smallest practicable area of a standard piece scale is the shop. Many local unions which now have uniform local lists or are subject to lists of wider than local application had at one time separate shop scales for similar work. This is particularly true in those trades in which there is considerable variety in product within each shop, as in garment working. In such cases the first step of the workmen toward wage regulation has been to secure a recognized list of prices in each shop.[1] The shop does not, however, ordinarily continue a satisfactory unit of scale uniformity. Most unions which have had separate shop lists in the same locality have early aimed to extend the area of the rates or of the scale basis. If this has been impracticable they have in many cases favored the abolition of piece work altogether. Where unions still have entirely separate shop lists in the same locality it will usually be found that work or conditions vary considerably from shop to shop or that the union is weak or but recently organized.

Some strong unions maintain separate shop lists as a matter of accepted policy where these lists are included within a local or wider system of wage "equalization."[2] When shop lists are equalized, although each shop has its own separate list, all the lists are subject to a common basis, and are intended to give under diverse conditions or under diverse methods of production equal rates of remu-

[1] The early local unions of the Molders directed attention in the matter of prices first to securing a recognized list in each shop (Iron Molders' Journal, September, 1875, p. 426; August, 1876, p. 69).

[2] The term "equalization" is sometimes used also in the sense of uniformity in prices.

neration, and to provide the same rate for identical work where done under the same conditions. The unions which maintain equalized lists would probably be strong enough to maintain uniform lists for the same territory, if work and working conditions were uniform.

The movement toward local equalization began early among the Molders.[1] In 1862 the Philadelphia union, the leading union in the trade, with a membership of 440, and with the best prices in the trade, compromised a demand for an increase in wages by accepting equalization of prices among the shops.[2] The Molders of Troy secured an equalization in the same year,[3] and in several other cities similar movements were set on foot.[4] But in some cities the equalization movement made but slow headway. As late as 1880 there was complaint that in various places prices for similar work varied from ten to twenty-five per cent.[5] By the late eighties, however, complaints of local inequalities had ceased and attention was directed toward attaining uniformity over wider areas.

The Hatters' lists of prices also are shop lists subject to local equalization, being equalized over "districts" small enough to be considered localities. Newark, for instance, constitutes one district, whereas the Oranges are in a separate district. No district contains more than two local unions. The Hatters have always tried to keep district prices equalized,[6] but in 1898 and 1899 a special attempt was made to remove inequalities, which was regarded as successful.[7] There is now a national minimum bill for stiff hats which must be observed in the shop prices for this class of work.[8]

[1] The lists are now equalized over districts much larger than a single city. See below, p. 139.

[2] Iron Molders' Journal, June, 1874, p. 385; May, 1881. The Philadelphia union was the first local union in the trade to maintain its existence for any considerable time; it was organized in 1855. The national union was organized in 1859. See above, p. 48.

[3] International Journal, April, 1866, p. 3; May, 1866, p. 49.

[4] Ibid., July, 1866.

[5] Iron Molders' Journal, June, 1880, p. 2.

[6] Journal of the United Hatters, September, 1898.

[7] Ibid., September, 1898; April, 1899, p. 4; September, 1899.

[8] See below, p. 162.

A large number of differences in work or in working conditons between the several shops in the same locality, particularly if the patterns are frequently changing, make a system of careful equalization of individual prices practically impossible. All that can be hoped for is an evening-up of the average earnings which can be made by persons of approximately the same efficiency in the various shops. Equalization requires for its successful working that the finished articles at least[1] shall be similar enough and stable enough to afford a basis of comparison of the prices for the articles in the lists of the various shops. Frequent changes and numerous differences in styles and in the conditions under which work is carried on discourage nearly all of the branches of the Ladies' Garment Workers' Union in New York City from attempts to establish uniform or equalized lists. The Boot and Shoe Workers, too, have separate shop scales, largely because of differences in working conditions. In Brockton, for instance, there were in 1908 eight piece-working local unions representing different branches of the trade, and of these only one had a uniform price list. In the other seven branches there are differences between the shops in the task to be done for the rate, in the amount of each kind of work to be done without change to another kind, and in other conditions affecting output, which would result in varied earning power under a uniform price list. Workers often earn higher wages in the shops with the lowest prices. The workers, though favoring uniform lists and uniform conditions as ideals, are for the most part inclined to accept the existing differences as serious obstacles to either.[2] Similar differences in conditions and in patterns

[1] As distinguished from the patterns of the component parts as in a garment or shoe.

[2] President's Report to the 1904 Convention. See also Report of the Chief of the Bureau of Information established by the 1904 Convention to secure complete lists of prices paid (Proceedings, 1906, p. 49).

A few separate shop lists are found also in trades which as a rule have uniform local or national price lists. Unions with national scales like the Flint Glass Workers, the Potters, the Iron, Steel and Tin Workers have here and there a shop or plant turning out work

account in part for the separate shop lists of the Metal Polishers and of the Leather Workers. Here as in the two unions just discussed it is doubtful if all the equalization possible under present conditions has been secured.[1] If these unions were stronger and had faced the problem for a longer period, they would doubtless have secured a closer approach to uniformity in prices, and thus ultimately to uniformity in conditions.

Separate shop scales are still maintained in trades in which uniform lists, or a close approach to uniformity in rates, seem technically feasible. Such apparently are the lists in the local spinning (other than mule spinning) and weaving unions of the Textile Workers in the large textile centers, in some branches of the United Garment Workers in a number of cities, in some branches of the Glove Workers, in the Brushmakers, in the Travellers' Goods and Leather Novelty Workers, and in the Piano and Organ Workers. Certain branches of the Garment Workers have separate shop lists in some cities and uniform lists in others.[2] The Brushmakers have a uniform list in New York, but not in other cities. The lack of uniform lists in these unions is not due chiefly to important differences in conditions or diversities in product, but to the comparative weakness of the union or to its unfamiliarity with the problem.[3]

Local scales.—In those piece-working trades in which the product is simple and not subject to many variations requiring separate rating, the earliest union scales have probably

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under special conditions, for which a separate list is made. Other unions which are almost entirely time-working unions have occasional shops working under the piece system with shop lists. These are isolated cases, not groups of shops in the same locality.

[1] The Ladies' Garment Workers, the Metal Polishers, and the Leather Workers are comparatively weak unions. The Boot and Shoe Workers have been strong in most of the branches here referred to only in recent years and must move slowly in local wage matters because bound by arbitration contracts.

[2] For instance, the Baltimore Pants Makers do not have a uniform list of prices although those of New York, including Brooklyn, and Boston have.

[3] The Piano and Organ Workers, the Glove Workers, and the Travellers' Goods and Leather Novelty Workers are opposed to the piece system. If strong enough they would abolish it altogether.

been for localities rather than for single shops. This has been true at least of the scales of some of the earliest local unions. The oldest Printers' scales of which we have knowledge were city scales. In New York and Philadelphia the unions were organized to "raise and establish prices," and the resulting lists were for all the shops in the city.[1] It is probable that in prices so easily compared as the price per thousand ems for each of the few sizes of type, and for common matter and the few variations from it then recognized, there was practical uniformity in the shops of each city before the local society made its influence on prices felt.[2]

The Cigar Makers' first union price lists were, in some cases at least, uniform lists for the city. Before any union price list was adopted in Baltimore, the prices in the various shops conformed closely, and union action was taken only in cases of attempted reduction from the prices previously paid in the given shop.[3] It was also a well-understood rule that no member should offer to make cigars for less than was paid another member.[4] But the union did not establish separate price lists for different shops. In 1861 an attempt was made by the union to establish certain local minimum prices applicable to all the shops, but the attempt was not sustained.[5] In 1879 Baltimore joined with other cities in a movement towards uniform local bills of prices, a movement which was generally successful,[6] but not in Baltimore,[7] where a uniform local list was not secured until 1886.

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[1] Barnett, pp. 3, 6, Appendix V.

[2] The New York master printers in a counter proposal to the Typographical Society in 1809 as to their proposed list of prices refer to "the customary wages" (Barnett, p. 363).

[3] The union frequently sustained members in refusing to accept reductions (MS. Minutes of Baltimore Cigar Makers' Union, February 6, 1863; March 18, May 7, 14, 28, August 19, 1881).

[4] MS. Minutes of Baltimore Cigar Makers' Union, February 1, 1861.

[5] Ibid., November 13 and 17, 1861.

[6] Cigar Makers' Journal, September, October, November, 1879; February, April, 1880; September, 1881; MS. Minutes of Cigar Makers' Union, No. 1, of Baltimore, May 17, 23, 30, June 7, 28, July 5, 1881.

[7] MS. Minutes of Maryland Association of Cigar Makers, November 7, 14, 1879; January 12, March 9, 18, April 6, May 28, 31, August 6, 1880.

The Puddlers' union scale was originally a scale for all the mills in and around Pittsburgh. The price for puddling was the chief item in the scale and it was here easy to enforce uniformity.[1] There are other piece-working unions in which uniform local lists are now the rule rather than the exception. The United Garment Workers have such scales in most of their piece-working branches in those cities in which they are strong. The pants makers and vest makers particularly insist on uniform scales. The Coopers, the Tailors, the Broom Makers and the Tobacco Workers also maintain uniform local lists. The few typographical local unions which permit piece work have local piece scales, as do the remaining piece-working branches of the Granite Cutters, and, for the most part, those of the Bookbinders.

The locality is a much more desirable unit of piece-scale application than is the shop; yet for most trades the locality is not regarded as setting natural limits to the extent of uniformity in piece rates. This is true particularly of those trades whose product is to a considerable extent sold in a competitive market extending beyond the localities in which it is produced. If a uniform price list is practicable in such a trade for the shops in a city, one is usually also technically feasible for shops more widely scattered. Moreover, as comparisons between the prices paid in the competing cities can be made with relative ease, forces will be set in motion toward the establishment of a uniform list for all the shops within the area of competition. The local unions with the higher prices will struggle to bring up the lower cities to their own level, and will urge the adoption of a uniform list to insure that such competition shall not again creep in.

Several instances of such movements for lists of wider application may be found among the unions which still maintain local lists. There is a strong feeling in some of the

[1] The continuous organization of the puddlers dates from 1858, but as early as 1849 there was a great strike against a reduction in the price of puddling (Annual Report of the Bureau of Industrial Statistics, State of Pennsylvania, 1878–79, pp. 52, 151).

local unions in the pants-making and vest-making branches of the United Garment Workers for national lists. The pants makers, particularly in the higher-priced cities, are eager for a uniform price list for the whole country.[1] The Hatters, too, have adopted a national minimum bill for soft hats and have voted in favor of one for stiff hats.[2] The Tailors also hold to a uniform price bill as an ideal.[3]

For many years there has been a movement for a wider extent of scale application, and even for national uniformity in prices among the Cigar Makers. As early as 1854 the Cigar Makers of New York State met in convention at the call of the unions of Troy, Syracuse, Rochester, Utica, Albany, and Auburn. One of the objects of the convention was to establish state-wide prices. No permanent organization was formed; but the prices agreed upon were used generally as a guide, for a few years at least.[4] In the convention held in 1866, two years after the organization of the national union, a motion to establish a minimum national price for a certain kind of cigars was laid on the table only after a long debate.[5] When the local unions were moving for uniformity in local bills in 1879–1881 the agitation for a uniform national price list arose again.[6] The depressing effect exerted upon prices by competition from places with low price lists was urged as a reason for uniformity.[7] The president of the national union pointed out that some local unions could not advance prices as readily as others, and discouraged the movement.[8] Since that time it has been

[1] Weekly Bulletin, March 4, 1903; Proceedings, 1906. See also, Garment Worker, December, 1895; November, 1901; Weekly Bulletin, October 28, November 4, 1903; December 23, 1904; September 7, 1906; August 30, 1907; Proceedings, 1900; Proceedings, 1904.

[2] See below, p. 162.

[3] The Tailor, March, 1906.

[4] Journal and Programme of the Twentieth Session, 1893, p. 43.

[5] Proceedings, 1866, p. 90.

[6] Proceedings, 1880, in Cigar Makers' Journal, October, 1880, p. 6.

[7] Cigar Makers' Journal, March, July, 1883.

[8] President's Report to the Fourteenth Session, in Cigar Makers' Journal, October, 1881.

discussed at intervals,[1] and complaints are still made by the local unions working under higher prices.[2]

The Boot and Shoe Workers are not at the present time making serious attempts to secure uniform or equalized lists, but, instead of this, are seeking to make contracts with employers wherein all disputed wage questions in each shop are left to arbitration. This policy precludes a general movement for equalization or uniformity. But it is not the union's intention to accept permanently the present variations in prices among union shops. The endeavor of the union is to subordinate wage movements to the movement for the increase of the number of factories under contracts with the union until enough factories shall have been unionized to make it possible for union manufacturers to raise wages without losing trade in competition with non-union factories. The president has repeatedly declared that a permanent raising of the wage level cannot be secured until the union factories are numerous enough to dispel the fear of competition from non-union factories.[3] In some local unions there is now a desire for more vigorous action against inequalities in the prices paid in union factories in neighboring places, and it is urged that these inequalities tend to reduce prices in the better-paying factories; but the conventions steadily vote to continue the present policy.[4]

Sectional scales.—Intermediate between the scales for single localities and the national scales come a number of scales applicable over sections of territory of varying size. These are grouped here under the term "district" scales,

[1] Cigar Makers' Journal, July, 1906, p. 9.

[2] Ibid., April, May, 1906; May, July, 1907. The Cigar Makers have a national minimum price per thousand for cigars on which the label is used (Constitution, eighteenth edition, sec. 156). The greater part of the cigars made in most cities find a market within a short distance.

[3] This policy was first adopted at the Rochester Convention in 1899, and has often been reaffirmed (Proceedings, 1899, pp. 6, 11, 23; Proceedings, 1903, pp. 8, 34; Proceedings, 1904, p. 49; Boot and Shoe Worker, January, April, 1900; January, February, April, May, July, August, 1901).

[4] Proceedings, 1904, p. 19; Proceedings, 1906, pp. 62, 106, 125; Proceedings, 1907, pp. 148–149.

although there are wide differences in the area covered. In some cases the area in the price district has embraced over half of the territory under union jurisdiction; in others it has been but a small fraction thereof. In several unions the district scale has marked merely a stage in the progress toward a national uniform scale, and in some present instances also it has the appearance of a temporary or opportunist arrangement. In other unions the district is accepted as a satisfactory permanent area of scale application.

Prominent among the unions in which the district was only a temporary area of scale application have been the Amalgamated Association of Iron, Steel and Tin Workers, the Window Glass Workers, and the Flint Glass Workers.

The Sons of Vulcan had district scales very early. In 1867 the union jurisdiction was divided into districts instead of into states as theretofore, the purpose being to include in each district forges which should be governed by similar prices.[1] By 1876 the districts west of the Alleghany Mountains had each a scale for puddling[2] and an attempt had been made to secure a district scale in the East.[3] The Puddlers were in general in advance of the rolling branches of the iron trade in securing district prices, though the Guide Mill Rollers of the Pittsburgh district, at the time affiliated with the Associated Brotherhood of Iron and Steel Heaters, Rollers, and Roughers of the United States,[4] had made a scale

[1] The national organization of puddlers, the National Forge of Sons of Vulcan, was organized in 1862 (Souvenir of the Eleventh Annual Reunion of A.A. of I.S. & T.W. of the U. S., 1890). In 1868 there were five districts. The first included Pittsburgh and vicinity and Pennsylvania and Maryland west of the Susquehanna. The center of the second was at Wheeling, and it ran as far west as Columbus, Ohio. The third had its headquarters at Newcastle, Pa., in 1868, but in 1869 it centered about Cincinnati; the fourth covered Illinois, Michigan, Indiana, and Wisconsin. In 1868 it included southern Ohio and Kentucky also. The fifth was an Eastern district, covering eastern Pennsylvania, New York and New Jersey (Vulcan Record, I, nos. 2, 4).

[2] Vulcan Record, I, no. 6 (1870), p. 10; Proceedings of Amalgamated Association of Iron and Steel Workers, 1877, p. 65.

[3] Vulcan Record, I, no. 14, p. 13.

[4] Organized in 1872.

for their district by agreement with their employers in 1872.[1] In the convention of 1877, the first to be held after the rolling branches had amalgamated with the puddlers,[2] the president urged upon the several branches the necessity of uniform prices for each district to prevent manufacturers forcing reductions on the ground that other mills in the district paid lower prices, and recommended that the lodges should hold district conventions in each district for the formulation of uniform district scales.[3] The convention adopted this recommendation and inserted an article in the constitution to the effect that each district should have a district scale for all the mills in the district.[4] The Amalgamated Association thus definitely adopted the policy of district scales.[5]

The earliest district scales, however, did not cover all branches of work. Uniformity was hard to introduce and at first only the fundamental operations were put in the scale, and rates provided only for the leading members of the crew.[6] Two of the districts, the fourth—in which all

[1] This agreement is given in the Appendix to the Proceedings of the 1880 convention of the Amalgamated Association of Iron and Steel Workers.

[2] In 1876 the Associated Brotherhood of Iron and Steel Heaters, Rollers, and Roughers of the United States (organized in 1872) and the National Union of the Iron and Steel Roll Hands of the United States (organized 1873) joined with the United Sons of Vulcan to form the A.A. of I. and S.W. of the U. S. The United Nailers were admitted at the first convention (Report of Proceedings of the National Grand Lodge of the Iron and Steel Heaters, Rollers, and Roughers of the U. S., 1876; Proceedings of the Iron and Steel Roll Hands' Union, 1876; Proceedings of the Iron and Steel Workers of the United States, 1876).

[3] Proceedings, 1877, p. 57.

[4] Ibid., p. 73; Constitution, 1878, Art. XIV. The lodges were to try to have the scales signed in district conferences with the manufacturers, and failing in this, to present the scale separately at each mill.

[5] The Amalgamated Association adopted the districts of the Sons of Vulcan of which there were eight in 1876. The five districts of 1869 had been retained with some modifications of boundaries and three more had been added.

[6] Not until 1879 were prices set in the Pittsburgh and Cincinnati district scales for such operations as scrapping, shingling, and muck rolling (Proceedings, 1880, p. 343; Proceedings 1881, p. 562; Proceedings, 1882, p. 802; Proceedings, 1883, p. 1249).

but a few of the mills were steel mills[1]—and the Eastern district, east of the mountains—in which the mills were poorly organized—were unable to enforce uniform district scales.[2] There were also some lodges outside any district which followed as closely as they could the prices of the nearest district or those of the Pittsburgh district, as, for instance, the Birmingham, Alabama, lodge in 1882.[3] Mills which did special work or had special equipment in rolls were given special prices differing from the district scale. A steel rail mill in Chicago, for instance, where more than the usual amount of automatic machinery was used, was given a special scale.[4] The Carnegie Bros.' mill at Pittsburgh had special scales for rolling,[5] and there were other similar instances.[6] The "Memorandum of Agreement" prefacing the scale provided that on mills running on specialties separate contracts might be made between the manufacturers and the rollers. Any manufacturer in the district was to be given the same prices as had been extended to any other using the same special equipment.[7]

The Window Glass Workers retained for years three scale districts with different rates of wages. There had been a national organization of the four branches of the window

[1] Proceedings, 1884, p. 1340; Proceedings, 1885, p. 1561. The steel mill lodges had been authorized by the National Association in 1881 to hold separate district conventions, and draw up district scales (Proceedings, 1881, p. 712; Constitution, 1882, Art. X, sec. 8). In 1882 representatives of steel mill lodges held a convention and adopted a scale for the fourth district but were not very successful in their attempts to establish it. Later another convention was held and a reduced scale adoped, but it was not widely enforced (Proceedings, 1883, pp. 1183–1194; Proceedings, 1884, p. 1340). The union never was able to establish successfully a district or national scale for the steel mills.

[2] In 1881, a scale was agreed upon for "Philadelphia and vicinity" (Proceedings, 1881, Appendix). Prices in nearby places, however, varied considerably from this scale.

[3] Proceedings, 1882, p. 802.

[4] Proceedings, 1884, p. 1320.

[5] Proceedings, 1881, Appendix, "Scale expiring May 31, 1882." In the Pittsburgh Price List for 1884–5 this scale appears as "Scale for Carnegie Bros.' Mills and mills similar to them."

[6] Proceedings, 1880, Appendix.

[7] Proceedings, 1884, p. 1401.

glass trade since 1879;[1] but it was not until 1901 that a uniform wage list was reached. In the early conventions each of the three wage districts, the Western, which included the factories west of the Alleghany Mountains, the Northern, covering Eastern Pennsylvania and New York, and the Eastern, confined practically to New Jersey, had its own wage committee. After the scale for each district had been passed on by the convention, the district conference committee obtained what it could in conference with the manufacturers of its district. The Western scale was, however, usually followed as a guide by the other districts.[2] The Northern scale was generally ten per cent. lower than the Western, and the Eastern was lower to a varying extent. In 1900 and 1901 both the Eastern and Northern scales were seven and one-half per cent. lower than the Western.[3] There were also minor differences in the scales as to working rules.[4]

In most branches of the Flint Glass Workers' Union[5] sectional scales preceded national uniform scales. The earliest uniform scales were adopted for the local unions west of the Alleghany Mountains. The Prescription department had a list for local unions west of the mountains in 1881, which made a list previously enforced by three local unions[6] uniformly operative throughout the West. In 1883

[1] For several years prior to 1879 the blowers, the gatherers, and the cutters each had a distinct organization within the Knights of Labor. In 1879 the Blowers' Assembly and the Gatherers' Assembly consolidated, and a few months later absorbed the Cutters' Assembly in their new organization. The following year they admitted the flatteners who had belonged to the Knights of Labor as individuals. The national organization of the four subdivisions of the window glass trade was then complete (Complete History of the Manufacture of Window Glass together with a Review of Labor Organizations, by Wm. F. Hendrickson, 1898).

[2] Report of the Convention, 1884.

[3] Scale of Wages and Rules for Working, for Blast ending June 15, 1900; Ibid., for Blast ending June 30, 1901.

[4] Report of Convention, 1884, p. 29; Constitution, 1886, Art. IX; Scale of Wages and Rules of Working, for Blast ending June 30, 1892, for Northern District; Ibid., for Western District.

[5] The American Flint Glass Workers' Union was organized in 1878.

[6] Minutes of Session of 1880, p. 50; Minutes of Session of 1881, p. 58.

the Pressed Ware department in grappling with the problem of introducing uniformity in its price lists shrank from the proposal to formulate and enforce a uniform list for all factories under union jurisdiction, but recommended that the local unions of the East and those of the West should present uniform lists for their respective sections at the next convention.[1] In 1884 the Shade department adopted a Western list for certain classes of ware, and the Eastern local unions were urged to adopt a similar list for themselves.[2] In the 1887 convention uniform Eastern and Western lists were urged by the Iron Mold committee as giving much greater uniformity than had hitherto been attained and as tending toward a national uniform list for that department.[3] In all of these departments[4] the sectional lists gave way after a few years to national uniform scales.[5]

The sectional lists of the Chain Makers may be considered as a step toward desired national uniformity. The Chain Makers have different sectional scales East and West of Pittsburgh for scarf-link chains and the union hopes ultimately to reach a national uniform scale for this work.[6] The Shingle Weavers have three districts, each with full power to adopt its own scale.[7] These district scales are,

[1] Minutes of Session of 1883, p. 57.

[2] Proceedings, 1884, pp. 83–85. In 1884 the local unions of the Ohio Valley and the West also began a movement for uniformity in lists in the various departments in general flint glass factories under their jurisdiction (Ibid., p. 13).

[3] Proceedings, 1888, p. 25. A Western list had been proposed in the 1886 convention (Proceedings, 1887, pp. 85, 111).

[4] In 1887 the possibility of giving up uniformity in the list in order to secure a higher list in the East than it was possible to enforce in the West was suggested to the Prescription department; but the suggestion was not followed (Proceedings, 1887, p. 39).

[5] See below, pp. 150–152. In glass bottle blowing and in the pottery trade there were for several years separate union price lists for Eastern and Western factories, but for most of this time there were also separate organizations in these sections, each with a uniform list for its own jurisdiction. See below, pp. 155–160.

[6] Proceedings, 1907, pp. 35–36; Proceedings, 1908, pp. 31, 66; Constitution, 1908, Art. XII, secs. 2 and 3; Proceedings, 1904, pp. 6, 18, 21.

[7] The Shingle Weaver, January, February, 1903; January, 1904; Constitution, 1909, Art. IX. The three districts are: (1) Washington, Oregon, and British Columbia; (2) Michigan, Wisconsin and Minnesota; (3) California.

however, intended as minimum and not as uniform scales, for local unions are expected to demand higher prices where conditions are less than normally favorable.[1] The Shingle Weavers are moving for a national scale, but the scale desired is a scale of minimum day rates, for the organization favors the abolition of piece work entirely.[2]

Some of the most powerful American trade unions, notably the Mine Workers, the Iron Molders and the railway brotherhoods, use the district as an area in rate making with no apparent tendency toward a wider area for the application of a uniform scale basis. While the rates among the Mine Workers in each competitive field are not uniform, they are derived by the application of recognized differentials to a basic rate. The competitive district has been the unit in rate application since 1898 in the "central competitive field," which includes the bituminous mines of Western Pennsylvania, Ohio, Indiana, and Illinois.[3] Though in 1906 there was no interstate settlement, the operators of each state making agreements separately with the union,[4] and though in 1908 the Illinois operators were not included in the interstate conference in which the scale was agreed on for the other three states,[5] the rates adopted stood in the

[1] The Shingle Weaver, February, 1905; Minutes of the Convention, 1905, p. 12; Proceedings, 1907, p. 37.

[2] See below, p. 200. In 1904 the Meat Cutters adopted a scale for the packing centers of the West which included a piece price list, and were moving toward a national uniform scale. The Longshoremen had maintained for several years prior to 1908 a scale of piece rates for unloading ore, coal, stone, etc., at the Lake Erie ports, by an agreement with the Dock Owners and Managers of Lake Erie (Proceedings, 1905, p. 110). This agreement was renewed in 1906 after a brief strike, but was not renewed in 1908 (Proceedings, 1907, pp. 19–22; Proceedings, 1908, pp. 21–22). The union has also many local port piece scales, as for instance, those for unloading lumber at various ports, and for unloading grain at Buffalo.

[3] For an account of the attempts before 1898 to maintain a basic rate for the central competitive field and for details of the present system, see an article in the Bulletin of the Bureau of Labor, March, 1904, by F. Julian Warne; also Warne, "The Coal Mine Workers."

[4] Minutes of the Special Convention, 1906, pp. 11, 56–92; Proceedings, 1907, pp. 35–38.

[5] The union favored the renewal of the plan of an interstate conference for a settlement for the four states in 1908 (Proceedings, 1907, p. 39; Proceedings of the Nineteenth Annual Convention, 1908,

same relation to each other as in the years when the interstate conferences were in full vigor.

When the plan for an interstate settlement of the rates to be paid for mining in the central competitive field was adopted in 1898, neither the union nor the operators contemplated the establishment of a uniform rate for mining over the whole field. The design was to give "all fields and districts fair competing opportunity," which necessarily meant different rates, but rates differing in such a way as to secure differentials equivalent to the relative advantages or disadvantages of geographical position. A uniform basic price was adopted for screened coal in Western Pennsylvania, Ohio, and Indiana. Illinois operators were to continue to pay on the "run of mine" or unscreened coal basis, and the Illinois basic price was fixed at an agreed upon differential below the basic price for screened coal in the other three states. The Indiana operators were to have their choice of paying on the Illinois or the tri-state basis.[1]

The union grew rapidly after 1898, and in 1903 an interstate agreement similar to that for the central competitive field took the place of separate state agreements in the "Southwestern competitive field," including the states of Missouri, Kansas, Arkansas, and the Indian Territory.[2] Texas was also included in this agreement from 1904 to 1906.[3] Outside of these two competitive fields the union

pp. 30, 355, 366; Proceedings of the Reconvened Nineteenth Annual Convention, 1908; Proceedings, 1909, pp. 52–54; United Mine Workers' Journal, May 14, 1908).

[1] Proceedings of Joint Conference, 1898. The run-of-mine price is approximately sixty-one per cent. of the screened-coal price. The agreement also provided that if run-of-mine coal was paid for in the Western Pennsylvania and Ohio districts, and this was at the option of the operator, the price was to be determined by the actual percentage of screenings passing through a uniform screen defined in the agreement.

[2] Minutes of the Convention, 1904, pp. 27–28; Joint Agreement for scale year from September, 1903, to August 31, 1904, the Southwestern Coal Operators and the United Mine Workers of America; Joint Agreement adopted June 16, 1906, for period ending March 31, 1908, for Missouri, Kansas, Arkansas, and Indian Territory; Proceedings, 1907, p. 39; Proceedings, 1909, p. 55.

[3] Joint Agreement, 1904–1906, the Southwestern Interstate Coal Operators Association and U.M.W.A.; Proceedings of Reconvened Convention, 1908, pp. 46, 53.

makes agreements for states, and for districts and even for single mines when scales of wider application cannot be secured.[1]

Within the central competitive field the standard rates actually to be paid are derived from the basic rate by the application of differentials. In the Indiana bituminous district the rates are practically uniform; in Ohio there is some adjusting of rates from the Hocking Valley rate as a basis. In Illinois the rate actually paid varies from the basic rate very frequently. The basic Illinois rate, which is fixed in connection with the basic rate for the other three states of the competitive field, is the rate paid at Danville. The practice is to fix the rates actually paid in each of the eight other sub-districts of the Illinois district after the Danville rate has been determined. Each sub-district has its own admitted differential from the Danville rate. These other rates are so adjusted as to enable all the fields to compete. Where abnormal physical conditions exist, local adjustments are made from the sub-district rate.[2] This system of differentials was established in Illinois in 1898 and there has been no material change in it since.

The Iron Molders were the first union to adopt and continuously retain a system of prices with the competitive district as the recognized permanent unit. Though each stove foundry has its separate price list, all prices for similar work within the competitive district are the same, and the prices of different patterns vary in proportion to the difficulty of the work. The system has also a national basis, inasmuch as all increases or decreases are percentage changes affecting all prices alike, and inasmuch, also, as the maintenance of equalized prices in each district is secured under a national agreement. The present system of district equalization with a national scheme of uniform percentage

[1] Proceedings of Reconvened Convention, 1908, p. 46.

[2] The number of local questions which had to be settled by the Illinois Operators and Miners after the adjournment of the interstate conference was given as a reason by the Operators for not going into that conference in 1908 (Proceedings of Reconvened Convention, 1908, pp. 11, 71, 108; Proceedings, 1909, p. 52).

changes in existing prices was not instituted until 1892. It was preceded, however, by years of striving on the part of the union toward uniformity in prices or equalization of price lists throughout the entire union jurisdiction, and was inspired by a desire for some system of fixing prices on a national uniform basis.

In the circular calling the first national convention in 1859 the Philadelphia union included "one standard of prices throughout the country" as one of the benefits to be secured by national organization.[1] In 1866 the Cincinnati local union submitted a tentative list as a basis for a uniform price list.[2] The idea of the uniform list seems to have been slowly abandoned with increasing diversity of patterns in favor of a national system of equalization. A resolution favoring the appointment of a national wage committee to adopt a national uniform scale was passed over in the 1886 convention.[3] In 1887 there was another suggestion for a national system of piece prices, but these were to be per pound.[4] The president of the union in 1886 welcomed the foundation of the Stove Founders' National Defense Association in the hope that it would help to keep prices equalized.[5]

In the absence of a recognized national system of equalization before 1892, it was the policy of the union to keep prices in the different cities as nearly equalized as possible.[6] The officers believed that progress was being made in this direction. In February, 1874, the International Journal, the

[1] "Conciliation in the Stove Industry" by John P. Frey and John R. Commons in Bulletin of the Bureau of Labor, No. 62.
[2] International Journal, October, 1866, p. 222.
[3] Proceedings, 1886, p. 21.
[4] Iron Molders' Journal, January, 1887, p. 4.
[5] Proceedings, 1886, p. 4.
[6] In 1867, however, in answering the complaint of the Western manufacturers that prices were much higher in the West than in the East while the cost of living was not higher, the president of the Molders stated that prices ought to be twenty per cent. higher in the West on account of the higher cost of living and that there was not much more than that difference between Western and Eastern prices. He also complained that a manufacturers' association kept prices down in the East.

organ of the Union, claimed that prices were fairly well equalized East and West, though the East paid a little more.[1] The president of the union in 1876 regretted that some inequalities existed but denied that there were great differences for similar work.[2] In 1882 the Journal, in commenting on the demand of the foundrymen of Troy for a reduction on the ground that they could not compete with lower-priced places declared that prices in the different cities of the United States, taking everything into consideration, were as nearly uniform as it was practicable to make them.[3] In 1883 the Journal repeated that where facilities were equal prices were as nearly equalized as they could be.[4]

The movement for a national system of uniform or equalized prices derived its strength chiefly from the feeling that only by uniformity in labor cost could increases in wages be secured and reductions avoided. The union position for years has been that competition necessitates uniformity, irrespective of the differences in the cost of living. The editor of the Journal in advocating in March, 1875, the equalization of prices all over the country, declared that self-preservation demanded this course. Employers had to compete with each other and they would equalize prices if the union did not, but their equalization would be on the basis of the lowest rates. He also took the ground that it was unjust to a manufacturer to allow his competitor to pay lower wages.[5] In the agreement for district equalization with the Stove Founders' National Defense Association, equal prices for all competitors, irrespective of location or local differences in the cost of living, is the principle frankly followed.[6]

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[1] International Journal, February, 1874, p. 259.
[2] Iron Molders' Journal, July, 1876, Report of Thirteenth Session.
[3] Ibid., December, 1882, p. 6.
[4] Ibid., February, p. 9, March, p. 8, 1883.
[5] Ibid., March, 1875, p. 226. See also Ibid., December, 1866, p. 206; July, 1876; June, 1880, p. 2.
[6] The same policy was urged by the representatives of the union upon the National Founders' Association also. See below, p. 171. Something of this same feeling as to the effects of unequal prices exists among the molders of light hardware castings for "house

As early as 1887 the president of the Stove Founders' National Defense Association notified the president of the Iron Molders' Union, during negotiations for the settlement of a strike in St. Louis, that he favored a meeting of committees from each organization to settle on a scale of prices for the trade for the year.[1] The union favored the plan, but the executive board of the Defense Association was not ready to proceed with it then. The St. Louis strike led to a general struggle between the union and the Defense Association, and it was not until March, 1891, that a joint committee of the two organizations agreed upon a plan of conciliation for the prevention of strikes and recommended to their respective organizations "that they consider the desirability of annual agreements for the rate of wages."[2] In February of the following year an agreement was reached that a general rate of wages to hold for a year at least should be adopted by the two national organizations.[3] The prices then existing were to be taken as the established prices, except that inequalities were to be removed, and the prevailing prices were to be subject otherwise only to uniform changes. These percentage changes might be made only at the expiration of each year and only by the conference, after request, with notice, from one party. Inequalities in existing prices within a foundry or between foundries in the same district were to be adjusted on the comparative basis by agreement between the employer and the local union, with final appeal to the national joint committee. New work was to be priced locally on the same comparative

trimming goods." In 1891 a local union of New Haven appointed a committee to get in touch with other local unions engaged on that class of work so as to arrange for uniformity in prices for the same patterns throughout the country. The reason given was that when the molders in this line of work asked for an advance in some localities they were invariably told by the employers "We can't pay more than our competitors" (Iron Molders' Journal, November, 1891).

[1] Iron Molders' Journal, May, 1887, p. 7; Proceedings, 1888, pp. 5, 7.

[2] Proceedings, 1890, pp. 69, 83; Iron Molders' Journal, April, 1891, p. 4. For the history of these conferences, see Frey and Commons.

[3] Iron Molders' Journal, March, 1892, p. 4; Conference Agreements, Clauses 5, 6, 7, 8.

basis, so as to maintain equalized prices throughout each district.[1] This system, with amplifications, is still in force.[2]

The size of the competitive districts in stove molding varies and their boundaries have never been definitely laid down. New England is regarded as a single district as is New York, and as is Pennsylvania. In the Central West the districts run across state lines, and in the South several states are in one district. There is no formal system of equalization between the districts. Stoves are shipped from one district to another, but in large part these stoves are of different kind from those made in the districts into which they are shipped. Prices between districts do not vary enough to give rise to a demand for formal inter-district equalization. An official of the national union states: "There may be a stove manufacturer or two who would look with favor upon the plan of pricing the molding of stoves on the basis of the territory where they are to be sold, because this would give them some peculiar advantage, but I know that the great majority of stove manufacturers are well satisfied with the system as it is to-day."

The Stove Mounters, who erect or mount the stove from

[1] New work is priced by comparison with work already made in the foundry unless those prices are found to be not in accord with competitive prices in the district (Clause 7, 1892, as amended 1903; Iron Molders' Journal, 1903, p. 252). When no similar stoves are made in the same shop the prices are to be set by comparison with similar stoves made in the district (Clause 14, Conference, 1898; Iron Molders' Journal, 1898, p. 212).

[2] The policy of the union is to force all other employers to pay the same increases that are paid by the Stove Founders' National Defense Association. The membership of this organization includes the producers of seventy-five per cent. of the stoves made in the United States. In 1898 the Defense Association asked for a reduction in prices for 1898–99. It was agreed in the conference of 1898 that the existing prices were to hold for the following year and the union was to do all in its power to prevent any of its members accepting a reduction, but if five per cent. of the union stove molders in any district accepted a reduction a new conference might be called by the Defense Association and if no alternative was found the union would grant a similar reduction to the members of the Defense Association. The conference was not called (Iron Molders' Journal, 1898, p. 214). In 1899 when it was agreed in conference that there should be an increase in prices, the union forced employers who were not members of the Association to give the same increase (Ibid., 1899, pp. 161, 228).

the molded parts also have shop piece-lists, which the union has attempted to equalize locally for some years. In 1902 the union entered into an agreement with the Stove Founders' National Defense Association similar to that with the Molders for a system of district equalization and national percentage changes.[1] In 1907 the agreement was given up after a referendum vote for its abrogation.[2] The union tries to keep prices as uniform as it can without such an agreement.

The railroad unions' mileage rates for men in the train service are uniform for men in the same class of service for each road or system. Certain branches or runs are given separate mileage rates, but these are recognized differentials from an understood uniform mileage rate to meet differences in conditions affecting the actual mileage made. The unions are striving for uniformity of rates on all roads in the same section, but as yet the basis of negotiation for actual mileage rates, as well as the unit of application of the agreements establishing the rates is in the main the road or system.[3] In the West uniformity between systems has been much more nearly secured than in the Southeast and the East. There are well understood standard mileage rates which are enforced on all the Western systems, except where there are special conditions justifying departure therefrom. The officers of the Conductors and Trainmen have met several times in conference with the general managers of the Western roads to settle uniform demands on all these roads on such matters as hours of labor, percentage increases in the standard mileage rates, and "double-heading." After a general agreement is reached in such conferences on a wage demand the details of the settlement are worked out

[1] Proceedings, 1903, p. 21; Proceedings, 1906, p. 6.
[2] Proceedings, 1908, p. 6.
[3] The union wage committee is usually representative of all the men in that branch of the service under the same general manager. Except on the Pennsylvania railroad, which adopts separate schedules east and west of Pittsburgh, the practice is for each road through its general manager to make a schedule of mileage rates in agreement with the union committee for the road or system as a unit.

separately for each road. This practice was begun in 1902. In that year an organization was effected of the general committees of the Conductors and Trainmen on all the Western roads. The immediate purpose was common action on a uniform wage-increase demand on all of these roads. A uniform demand was agreed upon, and secured on one road after another.[1] The two unions retained this general committee of road committees and since 1902 it has several times met with a corresponding committee of general managers.

The railroad unions, particularly the Railroad Trainmen and the Railway Conductors,[2] are trying to secure in the East the same uniformity that exists in the West, by bringing up the lower paid roads to the level of the highest. The unions hold to the ideal of national uniformity in rates, but for the present the task of standardizing rates in the East is the immediate practical problem. Uniformity of rates on all roads in the same section is demanded by these unions not so much because unequal rates afford competitive advantage as because the unions are anxious to secure as high rates as possible for all roads, and because they do not admit that there is any good reason why some roads should be allowed to pay their men less than others for the same work.

National scales.—National piece scales are maintained by the Flint Glass Workers, the Glass Bottle Blowers, the Window Glass Workers, the Potters, the Lace Curtain Operatives, the Gold Beaters, the Table Knife Grinders,[3] the Elastic Goring Weavers,[4] the Wire Weavers, and the Tin Plate Workers. The scale of the Iron, Steel and Tin Workers is uniform west of the Alleghany Mountains, and the Association controls very few mills east of the moun-

[1] Proceedings of the Railway Conductors, 1903, pp. 18–25; Proceedings, 1905, p. 10; Proceedings of the Railroad Trainmen, 1905, p. 10.

[2] The Brotherhood of Railroad Trainmen, which includes conductors as well as brakemen and baggagemen, and the Order of Railway Conductors act jointly on nearly all roads in negotiating with the general manager for rates and working rules.

[3] This union is confined to Massachusetts and Connecticut.

[4] This union has now but two locals, both in Massachusetts.

tains. The shirt and overall workers of the United Garment Workers have a national minimum piece bill, and the Hatters have a national minimum bill for stiff hats and have voted in favor of a bill for soft hats. The Brushmakers in 1904 attempted to put in force a uniform scale, but unsuccessfully.

The unions which first attained national scales were unions in highly skilled trades, concentrated in a comparatively small number of localities, such as the iron and steel, and glass trades. These characteristics were important sources of union strength, and made possible vigorous agitation for uniformity in wage scales. In such trades also differences in piece rates were more likely to be noted, the manufacturers in each locality being more on the alert to avoid having higher rates imposed upon them than were paid in other places. National lists were attained in several of these trades shortly after district or sectional scales had been well established. These district scales had shown the feasibility from a technical standpoint of framing a single list of prices to apply to a number of plants in separate localities, and served to bring to the attention of manufacturers in the higher rated districts the differences in prices between sections. Even before competition between manufacturers in different sections had become keenly felt in these trades the manufacturers in the districts with the higher lists were averse to paying more per unit for work than manufacturers elsewhere. The disinclination of the manufacturers in the higher-rated districts to continue to pay more than was paid in other districts was one of the reasons for the desire of the union to bring the lower-rated districts up to the level of the higher.

The Iron, Steel and Tin Workers obtained a uniform national scale for nearly all of the branches of its membership by 1885. This scale applied west of the mountains only; but as the organization was never strong enough in the East to maintain a separate Eastern scale for successive years, the Western scale may be regarded as a uniform scale

for its practical jurisdiction. From the beginning there were tendencies toward uniformity in the several district scales of the Association. The price for boiling throughout the trade had long been affected by the Pittsburgh price, and union agreements were made in some districts on the basis that prices should be certain amounts more or less than Pittsburgh prices.[1] The Cincinnati or third district scale for finishing mills adopted in July, 1881, was specifically the Pittsburgh scale with ten per cent. added,[2] and the Wheeling or second district scale for the rolling branches in 1881–1882 was the same as the Pittsburgh scale.[3] In the fourth district the manufacturers agreed in 1881 to the Pittsburgh scales for puddling and for some of the finishing branches.[4] When the nail-plate rollers, pursuant to an instruction of the 1881 convention, met in separate convention in 1882 to formulate a uniform scale for nail-plate rolling west of the mountains they adopted the Pittsburgh scale as the uniform scale.[5]

The convention of 1880 required that all district scales should be referred to national committees of their respective branches for approval before presentation to the employers.[6] As a further step toward uniformity, and to make universal a practice common in some branches, the convention of 1881 enacted that all the other districts should take the scale adopted by the first or Pittsburgh district as the basis of their scales.[7] In 1882 the first district struck for an advance in prices and nearly every mill in the other districts became involved.[8] Both divisions of the third district, the Cincinnati division and the St. Louis division, soon returned

[1] Proceedings, 1880, pp. 408, 459, Appendices; Proceedings, 1881, p. 799.
[2] Proceedings, 1881, p. 574; Proceedings, 1880, Appendices.
[3] Wheeling Scales of Prices, 1881–2.
[4] Proceedings, 1881, p. 665; Proceedings, 1882, p. 799.
[5] Proceedings, 1881, p. 682; Proceedings, 1882, p. 800. The nailers withdrew from the Amalgamated Association in 1885 to form an independent organization known as the "United Nailers of America" (Proceedings, 1885, pp. 1556–9).
[6] Proceedings, 1880, p. 462.
[7] Proceedings, 1881, p. 693; Constitution, 1882, Art. XIV.
[8] Proceedings, 1882, p. 814.

to work on the understanding that they were to receive the same prices as Pittsburgh when the Pittsburgh scale should be settled, the previous prices to hold until that time.[1] The second district retained its differential of twenty-five cents above the Pittsburgh price when a settlement was finally reached for the first, fourth and sixth districts.[2] The settlement of 1882 thus left the scales for the various branches, except the steel converter and furnace men and steel rail rollers,[3] uniform west of the mountains, save for the twenty-five cent higher rate in the second district for boiling.

But before uniformity in all branches could be adopted as a definite policy by the Association the second, third and fifth districts had to relinquish their claims for differentials above the Pittsburgh rates. Although both divisions of the third district had been compelled to accept Pittsburgh prices in 1882, neither the Cincinnati division nor the St. Louis division, which became the fifth district in 1882, was willing to accept the loss of differentials above Pittsburgh prices as permanent.

The plan of taking the first district scale as the basis in all the districts having proved unsatisfactory,[4] the convention in 1882 enacted that all the district scales for iron mills[5] should be referred each year to a national "scale convention" which should meet before the regular convention. The scales were still to be presented to the manufacturers in separate district conferences by conference committees, appointed by the president of the national union.[6] As ratified by the first scale convention in 1883, the price for puddling in the fifth district scale was $6.00 per ton—fifty cents

[1] Proceedings, 1882, pp. 804–6, 814–17; Proceedings, 1883, p. 1197.
[2] Proceedings, 1883, p. 1085.
[3] The iron and steel rollers had made an attempt in 1880 to formulate a uniform scale west of the mountains but were unable to agree on more than basic prices (Proceedings, 1880, p. 460; Proceedings, 1881, pp. 561–2). The other steel branches failed to establish even a district scale; see above p. 131, note.
[4] Proceedings, 1882, pp. 946, 967, 799, 800.
[5] The steel converters and furnacemen and the steel rollers were empowered to make district scales separately for themselves.
[6] Constitution, 1882, Art. X.

above the Pittsburgh rate, and the prices for finishing were also higher than Pittsburgh prices.[1] The third district also adopted the $6.00 boiling price and prices ten per cent. above Pittsburgh for finishing mills, the differential which it had attempted to gain in 1881.[2] In both districts the attempt to sustain prices above Pittsburgh met with failure. The organization was weak in the third district and failed from the outset to enforce the scale generally.[3] In the fifth district only four mills signed the district scale and finally, with the consent of the national union, the district returned to work for practically Pittsburgh prices.[4]

In the scale adopted by the 1884 convention there was again uniformity except for the twenty-five cents higher price for boiling in the second district.[5] This scale was put into operation generally except in the third and fifth districts, these districts being badly demoralized.[6] The 1885 scale convention agreed to ask for the existing prices, if they could be obtained, and to make the price of boiling uniform west of the Alleghany Mountains.[7] This made the scale

[1] Proceedings, 1883, pp. 1082, 1197–99. This had been the boiling price sanctioned late in 1882 for 1882–3 but it had been difficult to enforce it.

[2] Ibid., p. 1179.

[3] Ibid., pp. 1082, 1179. The district was then very much disorganized. During the fall and winter efforts were made to reorganize the lodges in the vicinity of Cincinnati, and in June, 1884, a meeting was held with the manufacturers and an agreement made to observe Pittsburgh prices. The manufacturers objected to the words "Third District" appearing in the scale and "Pittsburgh Scale" was substituted with the following clause added: "We agree to abide by the Pittsburgh Scale of Prices as per agreement of November 7th, 1882."

[4] Proceedings, 1884, pp. 1346–48, 1420–23. An attempt was made to secure an agreement with the manufacturers to pay the Wheeling price of $5.75 for boiling when it was seen that the $6.00 rate could not be enforced, but this could not be obtained.

[5] Scales, 1884–5; Proceedings, 1884, pp. 1333–5. The manufacturers in 1883 refused to go into conference with district committees for the first, second, fourth, and sixth districts and demanded that a general committee deal with them. The general committee of the scale convention agreed to do that (Proceedings, 1883, p. 1078).

[6] Proceedings, 1885, pp. 1560, 1590, 1633, 1639.

[7] Ibid., p. 1551. In January, 1885, the president sent out a circular urging the advisability of accepting a reduction on account of con-

practically uniform. After a failure of the union to arrive at an agreement with the manufacturers as a whole, the Pittsburgh manufacturers accepted the scale for their district, and the scale so accepted was sent by the union to all the sub-lodges in the other districts as the union scale for all districts. Any mill in any other district might start up under this scale.[1] A uniform scale was thus enforced west of the Alleghany Mountains in the iron and iron and steel finishing mills in 1885.[2] The scale was then uniform practically for as many branches and for as much of the union jurisdiction as was ever covered by a single scale.[3] This uniformity was, however, obviously brought about by the refusal of manufacturers in one district to pay more than those in another and not by the union's bringing up the lower-priced districts to the level of the higher in order to prevent reductions in the latter.

A uniform scale was never secured for the men in the steel converting and steel-rail rolling mills. After the attempt to establish district scales for them had failed,[4] each

ditions then prevailing. In this he urged the second district to give up its twenty-five cents above Pittsburgh in the boiling price in order to make that uniform (Ibid., p. 1579).

[1] Proceedings, 1885, pp. 1554, 1557–1558.

[2] A change was made after 1885 in the method of determining the scale on the union side. On the recommendation of the president of the union, the 1885 convention did away with the scale convention and thereafter the national convention dealt with the scale directly. The convention, which had up to this time met in August, thereafter met in June, as the scale year began July first. The negotiations with the manufacturers were carried on by conferees for each division appointed at the convention (Proceedings, 1885, pp. 1581, 1657–59, 1690; Proceedings, 1886, p. 1825; Proceedings, 1887, p. 1969).

[3] Many attempts were made to maintain a scale for the Eastern district, but they were not very successful. In some years such a scale was adopted for most of the branches included in the Western scale (Vulcan Record, I, no. 14 (1874), p. 13; Eastern Scale of Prices, for year ending June 30, 1891). In other years a scale was adopted for Philadelphia and vicinity (Proceedings. 1880, Appendix; Proceedings, 1881, Appendix; Proceedings, 1887, p. 1951; Proceedings, 1889, pp. 2611, 2763; Philadelphia Scale of Prices, for the year ending June 30, 1890; Proceedings, 1891, pp. 3312, 3560). But in 1889 when there was a Philadelphia scale, only three mills outside of Philadelphia paid the same prices (Proceedings, 1889, p. 2763). An attempt in 1903–4 to formulate an Eastern scale failed because of the variations in prices paid (Proceedings, 1904, pp. 7070, 7081–2).

[4] See above p. 131, note.

steel plant continued to have its own scale. These differed with equipment and other important conditions.[1] Another effort for a uniform scale was made in 1887. In that year a special steel workers' convention formulated a scale, but only as a suggestion toward uniformity.[2] The steel workers' wage committee reported to the convention in 1888 that it would not be wise to attempt to enforce a uniform scale at that time. This recommendation was followed, and separate scales for the various plants recommended by this committee were adopted by the convention.[3] This practice of adopting scales for the several mills individually on the recommendation of a steel workers' wage committee was followed by subsequent conventions.[4] The Association lost ground in the steel mills after the Homestead strike in 1892, and by the secession of the steel finishers, who withdrew to form the National Union of Iron and Steel Workers of the United States.[5] In 1900 the steel mills were but little organized,[6] and the attempt to gain ground failed in the strike of 1901.

Since 1885 the policy of the Association has been to maintain uniform rates west of the mountains where work and conditions are similar. If reductions are given to any manufacturers the same reductions are given to all other manufacturers working under the scale.[7] In 1894, after futile conferences with the associated manufacturers, a few manu-

[1] Proceedings, 1886, p. 1825; Proceedings, 1887, pp. 1922–4, 1946–7.
[1] Proceedings, 1886, p. 1825; Proceedings, 1887, pp. 1946–7, 1922–4.
[2] Proceedings, 1887, pp. 2145–7, 2337; Programme of Business of Thirteenth Session, 1888, p. 50.
[3] Proceedings, 1888, pp. 2221, 2275.
[4] Proceedings, 1889, pp. 2601–3; Proceedings, 1890, pp. 2937, 2940.
[5] Proceedings, 1893, pp. 4282, 4324, 4326.
[6] Proceedings, 1899, pp. 5664–6; Proceedings, 1900, p. 5909.
[7] Since 1893 the following clause has appeared in the "Memorandum of Agreement": "Whenever deviations from the Western Iron Scale signed for by any Manufacturer and the Amalgamated Association are made, and evidence is produced to prove it the Amalgamated Association and Manufacturers agree to make every effort to correct the same, provided the Trains and Furnaces are similar, but if the deviations continue to be tolerated by the Amalgamated Association, all other mills shall receive the same. All Manufacturers and workmen governed by this scale hereby agree not to make any deviations from the scale agreed to" (Proceedings, 1893, p. 4246).

facturers signed a scale and this was issued as the Association scale. In September a scale reduced in some particulars was signed with another group of manufacturers and these reductions were made in the scale for all, including those who had signed before.[1] The Amalgamated Association has lost many members since 1901, but it still maintains its old policy as to uniform scales west of the mountains. Its practice is to hold two conferences on the puddling and finishing scales after they have been adopted by the convention, one with a single company and another with an association of iron manufacturers, and the lowest items agreed on with either become part of the uniform scale.[2] The convention scales for the sheet and tin division are also taken up in conference, usually with one company,[3] the most important producer; but the other producers may have a separate conference if they wish. The same rule holds as in the iron conferences—a reduction given to one is given to all.

Not all the union mills have their rates provided in the national scale. A number of mills and departments of mills have from time to time been given separate special scales because of variations from the regular types.[4] The few mills in the East controlled by the union also have separate scales. Finally, there are some workers in mills working under the uniform scale who do not have their rates specifically provided in the scale. Thus some regular hands particularly on muck mills and finishing mills are left out of the scale. The officials of the national union have often tried to secure uniform scales for these workers but have failed because of non-uniformity in the amount of work they are called upon to do.[5] Many of these workers are

[1] Proceedings, 1894, pp. 4533–7; Proceedings, 1895, p. 4800.

[2] These conferences are held with the Republic Iron and Steel Company and the Western Bar Iron Association (Amalgamated Journal, June 21, 1906; June 13, 20, July 4, 11, 18, August 15, 1907; June 26, July 16, 1908).

[3] The American Tin Plate Company (Ibid., June 29, July 6, 1905; June 21, 28, 1906; June 20, 27, 1907; June 25, July 2, 1908).

[4] See, for instance, Proceedings, 1889, pp. 2603, 2786; Proceedings, 1904, pp. 7018–20, 7024, 7044, 7048, 7351; Proceedings, 1905, pp. 7374, 7389.

[5] Proceedings, 1882, p. 802; Proceedings, 1883, p. 1249; Proceedings, 1888, pp. 2289–90; Proceedings, 1890, p. 3031.

union men and are employed by the roller; these may complain to their local lodges if they think their wages should be raised. A local union may also take up with the employer the wage of any of its members not provided for in the scale. The wages of these men must go up and down with the sliding scale.[1]

As pointed out above, most of the branches of the Flint Glass Workers' Union came to adopt national price lists after maintaining sectional lists. The Prescription branch, which obtained a Western list in 1881,[2] had a national uniform list in 1883.[3] In the same year committees were appointed from each of the other branches to consider revision of these various lists with a view to greater uniformity.[4] The feeling in favor of single uniform lists was strong, but diversities in methods, in working conditions and in bargaining power kept the departments from attempting to enforce uniform lists in that year, although greater uniformity was introduced in the lists, particularly in the West.[5]

In 1885 an attempt was made to secure uniform lists in the various departments; but it was on the whole unsuccessful. The Pressed Ware list was refused by both the manufacturers of the Ohio Valley and those of Pittsburgh, the situation having been complicated by a struggle by the local unions of the Ohio Valley against the substitution of piece work for the limited turn system. A compromise list was accepted in the Ohio Valley after a protracted strike, and Pittsburgh, badly disorganized, was excused from the operation of the list. In the Shade department several of the Eastern local unions did not attempt to enforce the list, and separate lists were finally put in force in the East. The

[1] There are some workmen who are not provided for in the scale largely because they are admitted to membership by only a few local unions.

[2] Minutes, 1880, p. 50; Minutes, 1881, p. 58.

[3] Proceedings, 1883, p. 54; Proceedings, 1884, p. 86. This is the first continuous national uniform list known to the writer.

[4] Proceedings, 1883, pp. 34, 40–41.

[5] Ibid., pp. 55–58.

Caster Place list was modified for certain manufacturers, and the Iron Mold list was withdrawn. The Paste Mold list was successfully enforced, and apparently the Chimney list also.[1]

The strike brought on by the attempt to enforce uniformity in 1885, and the failure of the movement in the branches in which there had been greatest diversity, led the union officers to urge for the future a more cautious advance.[2] The president advised that the lists be made uniform gradually by starting with a list of the more staple articles and adding to them each year until the rates should be standard for all wares. But uniformity was attained sooner than had been expected. In 1887, at the request of the manufacturers, a committee was appointed from the Prescription branch to confer with a committee appointed by the manufacturers.[3] Trouble arose in the attempt to establish the lists of the other departments and conferences were held with the manufacturers in these also. As a result of these conferences, which were interrupted several times by strikes, uniform lists were agreed upon in the spring of 1888 for the Pressed Ware and Iron Mold and Caster Place departments and a considerable advance made toward uniformity in the Shade department.[4] By these settlements the union secured uniform lists for all the important original departments in the trade except the Shade department, and even here the same end was attained by 1891.[5]

The remaining departments of the Flint Glass Workers have also, in the main, secured national lists. The 1887–88 list of the Chimney department was a uniform list.[6]

[1] For the history of these attempts, see Proceedings, 1886, pp. 9–23, 28, 30, 31, 38, 39, 65, 83, 90–92.

[2] Proceedings, 1886, p. 28.

[3] Proceedings, 1887, p. 91.

[4] Proceedings, 1888, pp. 29–31, 57, 123.

[5] Ibid., pp. 31, 39, 116; Proceedings, 1891, pp. 124–126; Proceedings, 1892, pp. 31, 195.

[6] Proceedings, 1888, pp. 26, 88–89. There are still in the Chimney department an "Eastern" and a "Western" list, but these are not separate lists for the same work applying only in the East and in the West respectively. There are two methods or "styles" of working, two ways of organizing the "shop" or team for making

The Stopperers succeeded in 1891 in enforcing a uniform list.[1] The Cutters and the Engravers were admitted to the Flint Glass Workers' Union in 1886, and the Mold Makers in 1885.[2] The Cutters then had separate lists in each shop in which the piece system was worked.[3] This department has never had a uniform piece list; but it has a national minimum rate for both time and piece workers.[4] The Engravers adopted a minimum list in the 1887 convention.[5] The Electric Bulb department and the Punch Tumbler and Stem Ware department are outgrowths of the Past Mold department. Both these departments have uniform lists. The Machine Jar and Bottle Makers' department, an offshoot from the Pressed Ware department, also has its uniform national price list. The Lamp Workers' department, instituted in 1891 when these workers joined the Flint Glass Workers' Union, has no uniform list. It was never strong and is now almost defunct. All the departments, therefore, now have uniform lists except the cutters, who work under the time system largely, and the Mold Makers who work for time wages exclusively.

The officers of the union stated to the convention in 1888 that uniformity could not have been secured so early in the Pressed Ware and Iron Mold departments but for the coöperation of the manufacturers.[6] Yet uniformity was attained only after several years of earnest striving by the national union. The seriousness of the union's intention to establish uniform lists is evidenced by the attempt to enforce uniformity in 1885. It was suggested during the

chimneys, known as the Eastern and the Western styles. Each list applies uniformly over the country wherever its method is worked. There is but little difference in the cost per dozen between the two methods. There is a similar difference between Eastern and Western styles of working in the Electric Bulb department (Proceedings, 1891, Report of Electric Incandescent Bulb Committee).

[1] Proceedings, 1888, pp. 25, 35, 48, 98, 102–3; Proceedings, 1891, p. 109.

[2] Proceedings, 1886, pp. 69, 71, 77.

[3] Proceedings, 1887, p. 20; Proceedings, 1888, p. 47.

[4] Proceedings, 1888, pp. 102–104.

[5] Proceedings, 1887, p. 81; Proceedings, 1888, pp. 35, 93–6.

[6] Proceedings, 1888, pp. 29–30, 57.

conferences in 1887–88, after two months had been spent without success in an attempt to formulate a satisfactory list for the Pressed Ware department, that a settlement could more easily be effected on the basis of the existing sectional lists; but the union refused to yield. The president of the union in commenting on this refusal said, "Too much time and money had been spent in this and in previous years to try to gain uniformity to abandon the pursuit of it now when the object seemed to be within our grasp."

Two of the departments, however, had previously shown great reluctance to grant a uniform reduction when forced to concede it in one locality. The Pressed Ware department in 1885 failed to enforce a list in the Pittsburgh district which had been adopted for both Pittsburgh and the Ohio Valley. The union fought for a long time in the latter section before it accepted as a compromise a reduction from its original list which made the prices paid in Pittsburgh the basis of the Ohio Valley prices.[1] Another and very striking case was the attempt of the Prescription department in the same year to prevent a reduction in the Pittsburgh district from being made general. In 1885 the union had to concede ten per cent. "off" the prescription list in and around Pittsburgh. There was an understanding that this reduction should be kept secret, but by the end of two months the news had leaked out in the East and in St. Louis, and the manufacturers in those districts demanded that the same reduction should be given them. The Eastern manufacturers said, to quote one of the union officers, "You have made the list universal, and if the Western manufacturers have this advantage you are doing yourselves and us an injustice." A special convention of the Prescription branches was held in January at Pittsburgh and it was voted to give the reduction to all who had not already received it.[2]

[1] Proceedings, 1886, pp. 11–17.

[2] Ibid., p. 40. In the next convention this department refrained from adopting a suggestion that a separate list be adopted for the East in order to regain the previous prices. See above, p. 133, note.

The Window Glass Workers did not attain a uniform scale throughout the union jurisdiction until 1901. As has been noted, from a few years after its organization in 1879 the union had a uniform scale west of the mountains, and Eastern and Northern district scales which followed the Western as a guide and basis.[1] The Eastern and Northern scales were regarded as concessions from the dominant or regular scale.[2] There was sentiment in the union very early in favor of removing the differences between the districts if possible.[3] The Eastern and Northern districts, however, seem to have been unable to force their wages up to the Western level. The wage committees of the various districts sometimes acted together on common affairs, particularly in the matter of working rules. For instance, in 1888 the Western and Northern committees joined in making an agreement with the manufacturers for the regulation of production for the blast of 1888–1889.[4] In 1899 the same scale was issued in all the districts, but with provision for seven and a half per cent. discount from the rates in the Eastern and Northern districts. In 1900 the Eastern and Northern districts had the same discount.[5]

When the scale for 1901–2 was to be signed, the union glass workers were divided into two rival organizations. One of these signed a scale for the blast of 1901–2 uniform in all districts.[6] This practice has since been followed. In 1903 the new organization and the old Knights of Labor Assembly 300, signed a "joint scale" for the blast of 1903–4 which was uniform for all parts of the United States. It was specifically provided that no discounts were to be

[1] See above, p. 131.

[2] The Western scale of the Window Glass Workers stood in the eyes of the union in much the same relation to the other two scales as did the Western scale of the Iron, Steel and Tin Workers to the other scales.

[3] Proceedings, 1884, pp. 28–29.

[4] Proceedings, 1889, p. 8.

[5] Wage Scale and Working Rules, for Blast of 1899–1900; Ibid., for Blast of 1900–1.

[6] Circular to members of Knights of Labor Assembly 300, signed by J. L. Denny, President, Pittsburgh, August 3, 1901.

granted to the manufacturers in the Eastern or Northern districts.

A uniform national scale for glass bottle blowing, aside from that for the Prescription division of the Flint Glass Workers, was not secured until 1890. Its attainment was undoubtedly retarded by the fact that prior to 1890 there were two unions of green-glass bottle blowers, one an Eastern and the other a Western union. The attainment of the uniform list is practically the story of the amalgamation of the Eastern and Western unions. There is reason to believe that there was a union in the glass bottle blowing trade in the East in 1842 which was considerably more than a local organization. The first strong organization in the East after the Civil War seems to have been the Druggists' Ware Glass Blowers' League of America, which was probably organized in 1866. This union established a uniform price list in the East; at one time there had been three district lists, though these were not printed and so were not followed exactly. The union began to hold conferences with the employers for the establishment of the Eastern list about 1880.[1] In July, 1886, the Eastern union dissolved and reorganized as District Assembly No. 149, of the Knights of Labor. A part of the membership, dissatisfied with this step and with the apprenticeship policy of the Assembly, formed a rival organization. In 1889, however, this "League" was absorbed by District Assembly No. 149.[2] There was little or no organization of glass bottle blowers in the West until after the Civil War. The united Western organization was well established by 1880.[3] This "Western Green League" also became a District Assembly of the Knights of Labor in 1886.[4]

[1] For the facts concerning the early history of organization in the glass bottle blowing trade, the writer is indebted to Secretary Launer of the Glass Bottle Blowers' Association.

[2] Proceedings of District Assembly, No. 149, Knights of Labor, 1887, pp. 7–18; Proceedings, 1889, pp. 11–16.

[3] Proceedings of the Green Glass Workers' Association, 1894, pp. 18, 26.

[4] Proceedings of American Flint Glass Workers' Union, 1886, p. 74.

The relations of the Eastern green-glass bottle blowers' organization, District Assembly No. 149, Knights of Labor, with the Western union, District Assembly No. 143, Knights of Labor, were very friendly. The two often met in joint session during their annual conventions, but each made up its wage list separately.[1] From 1887 on the sentiment for a union of the Eastern and Western District Assemblies was strong; but difficulties of detail stood in the way.[2] The Eastern Assembly was particularly anxious for consolidation, as it hoped thereby to secure a uniform list of prices and so put an end to the constant complaints of Eastern manufacturers concerning the lower Western prices.[3] The absorption in 1889 by District Assembly No. 149 of the rival Eastern organization which had broken off from it three years before hastened the consolidation of the Eastern and Western unions, which actually took place in 1890.[4] The new union was known as the Green Glass Workers' Association. One of the provisions of the consolidation insisted on by the Eastern union was a uniform scale of prices for the united body.[5] In 1895 the name of the union was changed to the Glass Bottle Blowers' Association. With minor exceptions[6] its lists are now uniform.

After the consolidation of the Eastern and Western

[1] Proceedings, District Assembly, No. 149, 1887, pp. 7, 43; Proceedings, 1888, pp. 57–8; Proceedings, 1889, pp. 43, 66, 69, 70.

[2] Proceedings, 1887, p. 45; Proceedings, 1888, p. 26; Proceedings, 1889, pp. 25–32, 43, 51, 67.

[3] Proceedings, 1889, p. 23. Contrary to the situation in other divisions of the glass industry the glass bottle unions were able in the late eighties to secure higher wages in the East than in the West (Proceedings, American Flint Glass Workers' Union, 1886, pp. 24, 33–36, 41; Proceedings, 1887, pp. 25, 39).

[4] That the actual consolidation was effected at that particular time was due also largely to the services rendered by President Arrington of the Western union to the Eastern organization during a severe strike and lockout in 1889–90. President Arrington came East and took charge of the struggle for the Eastern union at the request of its executive board. The executive boards of the two unions then effected a consolidation which was later ratified by their respective organizations.

[5] Proceedings, 1889, pp. 67, 79.

[6] There is, for instance, no uniform list for side-lever press ware (Proceedings, 1907, p. 212).

green-glass bottle blowers' unions the Flint Glass Workers, one of whose departments—the Prescription branch—was made up of bottle blowers, proposed to the Green Glass Workers that the latter should amalgamate with them. The Green Glass Workers were unwilling to consider amalgamation at that time, but were willing to confer as to price lists on ware made by both associations.[1] As the quantity of flint bottles blown from continuous tanks in what had been known as green-glass houses increased, an increasing amount of the ware formerly made in covered pots in flint houses under the price list of the Prescription branch of the Flints passed under the jurisdiction of the Green Glass Workers. The Flints consequently became more anxious that the Green Glass Workers should enforce the Flint prescription list on all bottles made of flint glass in the houses for which they made the wage agreements. The Green Glass Workers preferred, however, to follow their own list on this ware,[2] but were willing to consult with the Prescription branch of the Flints each year before making up their scale. In 1895 they instructed the conference committee to confer with the Prescription branch conference committee before meeting the manufacturers; the feeling was expressed in the convention that the manufacturers got the better of both committees by treating with each separately.[3]

In 1897 a proposed plan of amalgamation was defeated by the Glass Bottle Blowers' Association, as the Green Glass Workers' Union was now called. The two committees had discussed a joint price list, but had failed to agree. The Flint Prescription branch conference committee then suggested that their branch of the Flints might join the Glass Bottle Blowers, but the latter association was unwilling at that time to take them in against the wishes of the Flints.[4] But from 1897 differences between the two associations as to the work over which each should have jurisdiction and

[1] Proceedings, Green Glass Workers' Association, 1892, p. 110.
[2] Proceedings, 1894, pp. 167–8; Proceedings, 1896, p. 66.
[3] Proceedings, 1895, pp. 29–31; Proceedings, 1896, pp. 12–14.
[4] Proceedings, Glass Bottle Blowers' Association, 1897, pp. 24, 26.

over the control of union men in factories in which work was done which was claimed by both associations, constantly increased. In 1901 the majority of the members of the Prescription branch withdrew from the Flints and were received into the Glass Bottle Blowers' Association, against the protest of the former union.[1] Practically all the union "hand" bottle blowers are now members of the Bottle Blowers' Association, so that there is practically but one union list for such ware.[2]

The Potters have but recently obtained national uniform scales. As in the case of the Glass Bottle Blowers, the attainment of uniform lists was retarded by the existence for years of an Eastern and a Western union. The manufacturers forced a reduction in 1894 and the president of the Western union—the National Brotherhood of Operative Potters—declared that the acceptance of the reduction by the Eastern or Trenton potters had forced the Western or East Liverpool men to submit to the same reduction.[3] In 1895 the Western union attempted unsuccessfully to secure a uniform price list.[4] The union went on with its campaign and in 1897 persuaded the manufacturers to agree to a conference for drawing up a uniform list.[5] But the Eastern union was not then ready to accept a price list based on an average of Eastern and Western prices, since they feared that it would involve reductions for them. The Western union then tried to secure a uniform list for the West, but

[1] Proceedings, 1901, pp. 89–90; Proceedings, 1902, p. 17.

[2] See above, pp. 37, 42–43. There is a small amount of hand-blown ware other than bottles for which both unions now set prices. The Flint Glass Workers as well as the Glass Bottle Blowers have a price list for machine-blown jars and bottles.

[3] Proceedings of the National Brotherhood of Operative Potters, 1894, p. 6.

[4] Proceedings, 1895, pp. 37–38. The president of the Western union at this time deplored the inequalities then existing, terming it one of the greatest evils of the pottery trade. There was a traditional scale of prices in the trade known as "the 1885 list," but the manufacturers did not follow it and the local unions were not strong enough to force them to. There were still many non-union workers in East Liverpool. The Trenton Potters also refused to coöperate (Proceedings, 1896).

[5] Proceedings, 1897.

the manufacturers of the West would not accept it. The Eastern union also failed to secure an Eastern list.[1]

After the failure in 1898 to secure a uniform list or even sectional lists the Eastern union—the Potters' National Union of America—voted for consolidation with the Brotherhood, and their local unions were absorbed into the latter organization.[2] In December, 1899, the Sanitary Potters, who had seceded from the Brotherhood in 1895, again affiliated themselves.[3] The united organization kept on working for uniformity by collecting information as to prices and trying to win the coöperation of the manufacturers.[4] In 1900 a uniform list was agreed upon for work on general ware, that is, ware other than sanitary, except for decorating, kiln drawing, and printing.[5] Some local unions in Trenton, however, refused to accept the new list and continued to work under the old. This led the Eastern manufacturers to refuse to go on working under the "uniform" list.[6] The failure to enforce the scale in the East made it difficult in turn to hold the Western manufacturers to the scale prices and conditions.[7] The officers kept working to secure real uniformity, and after much difficulty succeeded in 1904 in enforcing the list in the East and so making it uniform.[8] In 1903 the union's persistent attempts to secure a uniform list in the sanitary branch of the trade also met with success. In that year a uniform list for the most im-

[1] Proceedings, 1898, pp. 5, 6.
[2] Ibid., p. 6.
[3] Proceedings, 1900, p. 8.
[4] Proceedings, 1899, pp. 9, 17. The president of the union in his address to the 1899 convention declared that when union prices were non-uniform the tendency was toward the lowest prices (Proceedings, pp. 9, 17, 43).
[5] Proceedings, 1900, p. 8.
[6] Proceedings, 1901, pp. 7, 81. The president of the union, replying in 1902 to the arguments advanced by some members in the East that there should be an Eastern and a Western list, expressed the opinion that the best policy was one list of prices for work done according to regular methods and under ordinary conditions, regardless of section, with extra prices where facilities were not so good, in order to enable the men to earn the ordinary wage (Proceedings, 1902, p. 10).
[7] Proceedings, 1904, pp. 9, 11.
[8] Officers' Reports to the 1905 Convention, p. 5.

portant departments of the sanitary branch was accepted by the manufacturers,[1] and in 1907 the agreements were renewed in both branches for uniform lists.[2]

The Garment Workers' national minimum bill for the shirt and overall branch and the Hatters' national minimum bill for stiff hats have both been established in recent years. The 1897 convention of the Garment Workers instructed its executive board to take the necessary steps to bring about a uniform scale in the overall factories.[3] The 1898 convention took similar action and the executive board, following its instructions, secured price lists of all factories using the union label. It then asked all factories paying less than the average to raise their prices to the average level or to give up the label.[4] In the 1899 convention a minimum price list for overalls and working clothing was adopted.[5] The scale was enforced by the union's action on each factory separately until 1905. In August of that year the representatives of the union met a committee of manufacturers for the first time, at the request of the latter, to confer on the price list.[6] At the present time the scale is first considered in joint conference and thereafter ratified by the convention. The national scale is a minimum, not a uniform scale. Certain manufacturers are required to pay higher prices than those in the scale because of inferior equipment or facilities, and some local unions which had higher scales before the minimum was put into effect, still maintain rates higher than the minimum.[7]

The Hatters' minimum wage list is the result of several

[1] Proceedings, 1904, p. 11; President's Report to the 1905 Convention.

[2] President's Report to the 1908 Convention. A number of members, however, are engaged in work not covered by the uniform scales.

[3] Garment Worker, January, 1898.

[4] Ibid., December, 1898.

[5] Ibid., November, 1899; February, 1900.

[6] Weekly Bulletin of the Clothing Trades, February 3, June 30, August 4, 1905; Proceedings, 1906; Proceedings, 1908, pp. 14–17.

[7] Garment Worker, November, 1901; Weekly Bulletin, February 3, 1905; August 16, 1907; Proceedings, 1904; Proceedings, 1908, p. 115.

years of vigorous agitation for a uniform or minimum bill in order to prevent competition between districts. In January, 1895, a resolution was reported in the convention reciting that reductions had been caused by differences in prices among the districts and emphasizing the need of a uniform bill to prevent them.[1] No effective move was made in that direction, however, until 1898. In that year there were serious complaints that employers in the higher-priced districts were using the lower prices in some districts to force reductions,[2] and a uniform bill was urged as a remedy. A committee was appointed by the executive board to devise plans for equalization,[3] and the matter was considered at every meeting of the board of directors for two years.[4] In 1899 the committee presented a minimum list for stiff hats, but the board of directors were not ready to adopt it and referred the matter to the convention.[5]

A proposal to adopt a uniform bill for soft and stiff hats was made in the convention of 1900 and was discussed at great length and decisively defeated.[6] But at the meeting of the board of directors in April, 1900, charges were made that two local unions were maintaining price lists so low as to compete unfairly with the other districts. After an investigation of these cases a committee was appointed to consider the establishment of a minimum or "bottom" bill. Following the report of this committee, the board devised a minimum list for machine-sizing and finishing and adopted a rule that no member should work for less than three dollars a day.[7] This action was ratified by the local unions by a referendum vote.[8]

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[1] Journal of the United Hatters, August, 1898.
[2] The secretary of the Danbury local union, however, asserted that the low prices in that district were for cheap work which was not in competition with "fair" shops but with non-union or "foul" shops (Ibid., March, 1899).
[3] Ibid., August, pp. 3–6, September, p. 4, 1898; January, February, March, September, 1899.
[4] Ibid., December, 1899, p. 4.
[5] Ibid., November, p. 6, December, p. 3, 1899; April, 1900, p. 4.
[6] Proceedings, 1900, pp. 342–344.
[7] Journal of the United Hatters, May, 1901.
[8] Ibid., August, 1901.

Complaints of losing work to other districts where lower prices prevailed continued and the agitation for a thoroughgoing minimum list of piece prices was kept up.[1] The matter was taken up again by the board of directors in March, 1902, and a minimum bill for sizing and finishing stiff hats was adopted which was afterwards ratified by an overwhelming vote of the members.[2] The national bill for stiff hats is in fact a minimum bill. Its prices are intended to apply only where the conditions are most favorable for production. Where the equipment and other conditions are less favorable higher prices are to be adopted locally and enforced. The manufacturers have opposed the recognition of the minimum bill in framing local bills, on the ground that differences in methods and improvements make earning power vary under the bill,[3] but the union has consistently enforced the bill.

Encouraged by the success of the minimum bill for stiff hats, the advocates of uniformity brought forward in the 1903 convention a proposal for a uniform bill in all branches. Their proposal was referred to the board of directors and to the general executive board, and no further action was taken upon it.[4] In 1907 resolutions were again offered favoring a uniform bill for soft hats, and a committee of the convention having the matter in charge reported a bill. This was referred to the incoming executive board,[5] but has not yet been put in force by the union. The many differences in working conditions and in manufacturing processes have proved for the present a sufficient obstacle.

The chief principle discernible in the policy of the piece-

[1] Journal of the United Hatters, May, September, 1901.

[2] Ibid., April, June, July, p. 17, August, p. 17, 1902. The president of the union reported to the 1903 convention that the increase in wages resulting from the adoption of this bill had been "from 33½ to 75 per cent. over the old prices" (Proceedings, 1903, p. 21).

[3] Proceedings, 1907, pp. 43, 49, 109. Proceedings of Board of Directors, July 16, 29, 30, 1907; Proceedings of Board of Directors, May 11–14, June 18, 1908.

[4] Proceedings, 1903, pp. 46, 75.

[5] Proceedings, 1907, pp. 55, 64, 116–119.

working unions as to the area of the rate is to make the real rate of remuneration uniform over as much as possible of the union jurisdiction and more particularly over such parts as lie within the same competitive district. It is evident that it is not so much one standard rate over the whole competitive area or over the whole union jurisdiction that is aimed at as an equal rate of remuneration, that is, uniformity of pay in proportion to effort and skill expended. This aim is naturally sought through the establishment of uniform lists where these seem feasible. But where there are numerous differences between shops within the area of desired uniformity, in the styles or patterns of the finished article, in the methods of subdividing the work at various stages in the processes of manufacture, or in the equipment or other physical conditions affecting output, the union instead of attempting to enforce a single uniform list will generally maintain many lists of standard prices of limited application and attempt to keep the earning capacity under all equal. Finally, where there is departure in particular shops from the normal patterns or conditions the regular price list is not applied. Uniform rates for uniform work and proportional variations in rates to meet variations in form, in what is to be done for the rate, and in physical conditions affecting production is the general union aim.

II

Area of Time Rates

The usual area of the time rate is a locality; in a few cases, however, time rates are standard for districts or sections, where these districts are well-defined competitive districts or units of negotiation or both. Some unions also adopt minimum rates for states, or for the country as a whole; but these rates are in most cases not intended as the minimum rate in each locality but are maintained as supplements to and in support of the actual rates.

Local rates.—The extent of application of "local" rates is usually the jurisdiction of the local union. This is ordi-

narily a city or town, and if it be a large city, the suburbs as well.[1] Some unions which cannot expect to have permanent local unions in small places because there is not constant work of sufficient amount, extend the jurisdiction of their local unions beyond the limits of a single city. Among the Lathers[2] and the Slate and Tile Roofers,[3] for instance, the jurisdiction of each local union reaches half way to the nearest city in which there is another local union. Thus no territory is outside the jurisdiction of some local union. The Steam Fitters also give wide jurisdiction to their local unions;[4] all of Maryland, for instance, is within the jurisdiction of the Baltimore local union. The Structural Iron Workers' local jurisdictions are so extensive that there is not much territory in the East not under the jurisdiction of some local union.[5] The Stone Cutters allow their local unions to extend their jurisdiction twenty-five miles in any direction,[6] and many local unions have taken advantage of this to extend their wage scales over work in neighboring places. The Machinists' and the Molders' local unions, too, have wide jurisdictions, and extend their control over many plants located outside the boundaries of a large city but within its industrial influence.

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[1] Most of the large unions, like the Carpenters and Bricklayers, have in many cities several local unions of men doing the same grade of work. The members are thus divided into separate local unions for convenience in meeting and in administration. It is usual in such cases for all the local unions to have the same rate. Greater New York seems, however, to offer too diverse conditions for uniform rates for some of the building trades. The Carpenters' rate is fifty cents higher in Manhattan than in the Bronx or Brooklyn and fifty cents higher in these boroughs than in Queens and Richmond. The Painters' rate for Manhattan and the Bronx is fifty cents higher than for the other boroughs. The Bricklayers' rate is lower in Richmond than in the rest of greater New York. In 1905 the national officers upheld the Richmond local union when proceeded against by the New York executive board for refusing to enforce the latter's scale in Richmond (Annual Reports, 1905, p. 224).

[2] Constitution, 1909, Art. I, sec. 4.

[3] Constitution, 1906, Art. II, sec. 2.

[4] Constitution, 1908, sec. 28.

[5] Constitution, 1909, sec. 65.

[6] Constitution, 1892. By-Laws, Art. XII, sec. 12; Constitution, 1909, Art. VIII, sec. 2.

It is not usual for a local union to maintain more than one standard time rate for the same grade of work or for the same class of workmen in the same locality. A rate which applies to a grade of work or class of workmen in one shop in a locality applies, as a rule, in all. There are, however, a few exceptions to this rule. Unions having members in general contracting shops and in railroad shops in the same locality, as the Machinists, the Blacksmiths, and the Boilermakers, often have two sets of rates in force, one for the contract shops, the other for the railroad shop or shops. The rates for the latter are arranged separately with each railroad, and these shops are for rate-making purposes not considered as in the same group with the general contracting shops. The rates the unions may secure for the railroad shops are the rates paid by the road in all its shops; the railroad, not the locality, is the unit of collective settlement.[1] The railroad rate often differs from the local rate; in the West it is likely to be higher, in the East lower. If there are shops of more than one road in the same town the rate for each is fixed separately, but it is usually the same in amount; important differences are infrequent and are due to exceptional conditions in the railroad shops.

Sometimes a local union agrees with different shops in the same locality for different minimum rates. This is generally because the union is moving for a higher minimum throughout the locality, and has only succeeded in part.[2]

[1] Other unions whose members are employed to some extent in railroad shops do not make identical agreements for their men in all the shops of a railroad, but leave their rates to local adjustment. Even in these cases the rates for railroad and for other work are not infrequently different. The Painters, for instance, often have different rates for the railroad shops. The work is more specialized than general work and the rates are usually graded. The Molders, on the other hand, usually hold their men in the railroad shops to the local rate, but there are comparatively few molders working under the time system in railroad shops.

[2] The minimum, however, is regarded by the Machinists merely as the lowest rate the local union will accept in an agreement with a local employer. Higher minimum rates are frequently maintained for particular firms, usually because of peculiar conditions

Many unions, however, when establishing a higher rate refuse to allow their men to remain even temporarily in some shops at the lower rate. Occasionally, also, local unions in the garment and shoe trades when making separate agreements in each shop for piece prices in branches which are predominantly piece-working, insert minimum rates for the time workers which are not uniform in all shops. This lack of uniformity is also intended to be but temporary and is due to weakness or to peculiar circumstances. The general rule among the local unions with a minority of time workers, as, for instance, some of the local unions of the United Garment Workers, the Metal Polishers, and the Boot and Shoe Workers, is to maintain uniform time rates for the locality even though the piece rates be shop rates.

Sectional rates.—There are a few cases in which time rates fixed for districts or sections embracing many localities are the rates actually ruling as standard in each locality. The most important instances are those of the Seamen's and the Longshoremen's rates on the Great Lakes and the Miners' rates for "inside men" in the central competitive field. The Lake Seamen's union maintains uniform scales in all Great Lakes ports for seamen, marine firemen, and marine cooks and stewards.[1] For several years prior to 1908 these rates were secured by agreements with the employers' associations, but in 1908 the agreements were not

removing them from competition with the general contracting shops. Agreements are often made with breweries, for instance, calling for a higher rate than that for the contracting shops. In Baltimore a distinctly higher minimum rate is obtained from a company making caps for beer bottles, though apparently no greater efficiency on the part of the men is required. This practice has probably grown out of their dealings for separate minimum rates with the railroads.

[1] The Seamen have some port rates on the Lakes for members employed on barges, towboats, and other such vessels, belonging to one port rather than moving from port to port. On the Atlantic coast the seamen have port rates only, but these are as a matter of fact uniform. The firemen's port rates on the Atlantic coast are not uniform, and the cooks and stewards in 1908 had none. On the Pacific coast the same rates are maintained at all ports and secured by agreements, though the rates at each port differ according to the ports for which the vessels are to be cleared.

renewed.[1] The Marine Engineer's Beneficial Association also maintains uniform rates for the Great Lakes.[2]

The Longshoremen since 1905 have maintained by agreement with the Lumber Carriers' Association uniform rates per hour for loading lumber on the Great Lakes. The present arrangement was preceded by separate agreements for the lumber loading locals of Lake Superior and those of Lakes Huron and Michigan.[3] The "marine" branches of this union, namely, the Licensed Tugmen's Protective Association, the Tug Firemen's and Linemen's Protective Association, the International Brotherhood of Steam Shovel and Dredgemen, the International Brotherhood of Dredge Workers, and the Surface Rock and Drill Workers, have rates secured by agreements with employers' associations and individual companies which approach closely to uniformity, but are not yet identical for all ports. Other minor branches of the Longshoremen have many separate port rates secured by local agreements.[4]

The Miners' time rates for men working inside the mines, such as track-layers, drivers, cagers and timbermen have been uniform for the central competitive field since 1898. The rates for "outside" day men, carpenters, blacksmiths, engineers, and dynamo men, do not have the same uniformity. The Illinois district has a state minimum scale for "outside" men, but the local rates in many places are higher. In Indiana there are considerable differences between the scales north and south of the line of the Balti-

[1] Agreement between the Lake Seamen's Union and the Lake Carriers' Association, the Lumber Carriers' Association, for the season of 1907; Agreement, the Marine Cooks' and Stewards' Union of the Great Lakes, 1907.

[2] Wage and Crew List for Steamers operating on the Great Lakes, effective during season of 1908, the Marine Engineers' Beneficial Association.

[3] A uniform wage scale at all the ports for the loading of lumber was first attained in 1905 by extending the Lake Superior scale to Lakes Huron and Michigan (Proceedings, 1905, pp. 77, 79; Proceedings, 1906, p. 16).

[4] Proceedings, 1905, pp. 82–98; Proceedings, 1908, p. 16. This union is weak on the Atlantic coast and what rates it has there are port rates.

more and Ohio Railroad, the northern rates being appreciably higher. In Ohio the "outside" day scales are entirely local.

An approach to a system of sectional time rates is found in the railroad yard service. The wage rates for yard men —engineers, firemen, conductors and brakemen in the switching service—are established in the same agreements as the rates for the men in the train service. The facts that the road or system is the unit of negotiation and settlement and that the mileage rates for the members of the same unions in the train service are uniform for the road or system, are naturally influential toward uniformity in the yard-service rates.[1] There is much greater uniformity on most roads in yard rates in different cities than in the rates for any one of the building-trade unions in the same cities; but there is not yet the same matter-of-course uniformity that is found in the train-service mileage rates.

The railroad unions are striving for uniformity in yard rates, not only on the same road but throughout the country. At present there is much more non-uniformity in the East than in the West. Some of the non-uniformity is due to the fact that many yards, particularly in smaller cities are regarded as "second" or "third class" yards, that is, they do not require the same experience or exertion as the larger yards. These differences do not, however, account for all of the differences in rates. After years of endeavor toward uniformity the rates for points west of Buffalo and east of Chicago are in general one cent an hour less than rates at Chicago,[2] and rates east of Buffalo are two cents less than

[1] On a few roads the negotiations for the yard conductors and brakemen, or "switchmen," are carried on by the Switchmen's Union of America, which does not admit men in other branches of the service. Where the majority of the men in this branch of the service belong to this organization its committee carries on the negotiations and makes the settlement for all the men on the road. On roads where the majority of the switchmen belong to the Brotherhood of Railroad Trainmen the latter organization negotiates and settles for all. The Brotherhood of Railroad Trainmen also includes trainmen and conductors in the train service.

[2] The Chicago rates have for years been taken as the "standard"

those at Chicago. There are several roads in the East which have lower rates at certain points than these. Roads traversing a long east to west territory still have three or four or even more yard rates and these differences do not correspond to differences in the work done.

There is even less approach to uniformity on the same road in the rates for men in railroad shops, for instance, machinists, boiler makers, and blacksmiths. But here also the road is the unit of negotiation and settlement and the unions are moving toward uniformity for each road and section, and have secured rates more nearly uniform than the local rates in the same trades in other than railroad shops. The usual practice is for the railroad-shop local unions in each of these trades on the same road to form a "district council" for united action in wage matters. The wage demands are nearly always determined upon by the council as a unit and though they may be presented locally in the first instance to the master mechanics, the settlement is made for the road as a whole with the superintendent of motive power, or, more often, with the general manager. The minimum rates to be paid, however, are often set forth specifically for each city and may vary four or five cents an hour on the same line or system.[1]

The practice of dealing with the roads as units, instead of for each shop separately, is comparatively recent in the experience of the railroad-shop unions. The first railroad "district" of this kind was organized by the Machinists in 1892. It did not prove so successful at first that the union was encouraged to introduce it widely.[2] After several years the district idea was taken up again, under a new plan of organization, and more successfully. The system spread

for yard rates. Eastern rates are lower and Western rates are as a rule higher than the "Chicago standard." Denver is two cents higher than Chicago.

[1] See for instances: Machinists' Monthly Journal, 1906, passim; The Journal of the Brotherhood of Boiler Makers and Iron Ship Builders, 1907, pp. 170, 269, 1907; Ibid., p. 123, 1908; Blacksmiths' Journal, January, March, 1907; February, March, May, 1908; Railway Carmen's Journal, July, 1908, pp. 14, 359.

[2] Proceedings, 1893, pp. iv, ix, xxx.

rapidly, particularly in the West. By 1904 all of the railroad shops west of the Missouri belonged to districts.[1]

The Blacksmiths and Boiler Makers, particularly the former, have followed the lead of the Machinists in this matter.[2] The Railway Carmen are also working for uniform "grand" district rates.[3] The Car Workers have recently secured agreements with a number of roads and the Painters are striving for road agreements to replace separate shop settlements. The Machinists, who introduced the "district" system, are now working for sectional districts with the intention of introducing uniform working conditions and hours, and, as far as possible, uniform wage rates in each section. Progress has been made in dealing simultaneously with the large Western roads and in getting agreements for uniform shop conditions; but such uniformity does not yet embrace the rate.[4] Rates in the Northeast are lower and present more variations than elsewhere in the country.

Soon after the national union of Meat Cutters and Butcher Workmen was organized, the officers began to work for a uniform wage scale,[5] but urged caution in attempting to secure this. The 1902 convention favored a uniform scale,[6] and by 1904 it was felt that the time had come to adopt and enforce it. A uniform scale of rates was accordingly adopted by the 1904 convention for the various branches of the union for the packing centers of the West. This was submitted first to the Chicago packing houses and in the strike which resulted the union was so badly defeated that it gave up the design of enforcing a uniform scale.[7]

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[1] Machinists' Journal, 1903, p. 302; 1904, p. 325.

[2] Blacksmiths' Journal, January, p. 26, July, p. 10, September, pp. 33, 34, October, p. 22, November, p. 13, 1903; Proceedings, 1903, p. 10; Proceedings, 1905, pp. 10, 13; Proceedings, 1907, pp. 37, 48–9.

[3] Proceedings, 1907, pp. 18, 54.

[4] Proceedings, 1905, p. 1026. Machinists' Monthly Journal, 1906, pp. 714–18. Proceedings, 1907, p. 84.

[5] Official Journal, December, 1900; January, 1901; Proceedings, 1902, pp. 25, 35.

[6] Proceedings, 1902, pp. 25, 35–50.

[7] Proceedings, 1904, pp. 34, 89–90, 92–3; Proceedings, 1906, pp. 7, 12.

The Iron Molders have long looked favorably upon the idea of uniform sectional time rates, although they have never put such rates into effect. The rate in a given city is in practice affected by and affects the rates in other cities.[1] In the conferences between the National Founders' Association and the representatives of the Molders relative to a national agreement both sides agreed to the general principle of a national form of agreement with sectional wage rates. It was agreed in the conference of October, 1902, that if it were found impracticable to have one national rate for each class of foundries the membership of the National Founders' Association should be divided into districts and a standard rate agreed to for each.

But the union and the employers could not agree on the extent to which the rate should be uniform within the districts. The employers wished the rate to be subject to a deduction outside the large cities based on differences in cost of living, to be not less than twenty-five cents a day. The union representatives opposed such a differential in favor of employers in the smaller cities, taking the ground that it was desirable to make labor cost as nearly uniform as possible in order to place all employers on the same basis. They took the position that this consideration should outweigh differences in the cost of living, a principle which was recognized in the agreement between the union and the Stove Founders' National Defense Association. The union steadily refused to give way on this point.[2]

National rates.—Several unions maintain national time minimum scales. In some instances these national rates are

[1] The Molders' representatives in a conference with a committee of the National Founders' Association in 1900 declared that if they secured an increase in the rate in Chicago they hoped to secure the same increase in other cities. Cincinnati was mentioned as one of the cities in which the same rate as Chicago could be secured (MS. Report of Proceedings of Joint Conference Committee of the National Founders' Association and Iron Molders' Union, Detroit, Mich., June 14–16, 1900; MS. Report of Conference, Montreal, July, 1900).

[2] Iron Molders' Journal, April, 1901, p. 191; MS. Minutes of Conference, October, 1902.

intended to be observed only as minimum rates by the local unions, which are expected to maintain local minimum rates as much in advance of the national rates as they may be able to secure. There are a few cases, however, in which the national rates are the rates actually governing—are, in fact, the standard rates in each locality. A few unions maintain national scales because much or all of the work in their trade is done by members travelling from city to city in continuous employment of one firm or individual. The Theatrical Stage Employees have a national scale for men travelling with theatrical companies in addition to local scales for men in the employ of local houses. The Bill Posters have a national scale for men travelling with circuses. The Compressed Air Workers have a uniform agreement for all contractors which includes a scalé of minimum rates. The Bridge and Structural Iron Workers have a national scale for bridge work outside the jurisdiction of any local union. The rates in the larger cities are for the most part higher than this national rate.

National scales are also found in several small trades which are concentrated in a small number of places. The Machine Textile Printers, the Print Cutters, and the Machine Printers and Color Mixers thus maintain national scales and national scales alone.[1] The Mold Makers' department of the Flint Glass Workers' Union has a national time scale, following the lead of the piece-working branches. The Saw Smiths also maintain a national scale to the exclusion of local scales, though the membership of the union is not sectionally concentrated, and in some of its local unions the modal wage is above the national minimum.

National time rates which are intended to be observed only as minimum rates by local unions in establishing standard rates for their local jurisdictions and which do not preclude the establishment of higher rates by the local unions are comparatively rare. Such rates are maintained by the

[1] The two last mentioned unions establish their scales after conferences with the association of wall paper manufacturers.

Granite Cutters, the United Garment Workers,[1] the Coopers,[2] the Stove Mounters,[3] the Lithographers,[4] and the Leather Workers on Horse Goods.[5] For the most part competition in these trades is much more than local and lower rates in some localities affect the rates in others unfavorably. The Shirt, Waist, and Laundry Workers and the Cloth Hat and Cap Workers have also adopted national minimum rates, but these are low rates, designed to bring up the rates in certain poorly paid branches; they have no appreciable effect on the wages of the great majority of the members. A few unions, as for instance, the Printers, the Carpenters, and the Wood Workers, for the same reason require the payment of a national minimum time rate as a condition for the use of their union labels.[6]

The Granite Cutters' Union is the only important union among the building trades which maintains a national minimum rate that is high enough to exert influence upon any considerable number of local standard rates. It is also one of the very few among the building-trade unions in which competition between localities has long presented a difficult problem in fixing rates. The maintenance of a national minimum to be observed by the local unions in determining standard rates is a compromise measure adopted after years of striving for a national uniform rate. When the national

[1] Garment Worker, November, 1901; Proceedings, 1901; Proceedings, 1906; Proceedings, 1908, pp. 73, 95. This minimum rate is for the cutters.

[2] The Coopers' minimum is for men on machine-made barrels. The union since 1905 has had a national agreement with the Machine Coopers Employers' Association covering this class of work (Coopers' Journal, November, 1906; September, 1908, pp. 538, 542–3).

[3] Constitution, 1908, Art. IX, sects. 5 and 6; this is a predominantly piece-working union.

[4] Constitution, 1906, Art. XVI.

[5] Constitution, 1907, Resolutions; Leather Workers' Journal, June, 1907, p. 639. This applies also to men working piece work.

[6] Barnett, p. 142; Proceedings of Brotherhood of Carpenters and Joiners, 1900, p. 73; Proceedings, 1902, p. 123; Constitution, 1907, sec. 219; Proceedings of the Amalgamated Wood Workers, 1903; see also Spedden, "The Trade Union Label," in Johns Hopkins University Studies in Historical and Political Science, Ser. XXVII, No. 2, pp. 55, 56.

union was organized in 1877, one of its main objects, if not the main object, was the establishment of a uniform rate of wages. The constitution adopted in that year provided that there should be an annual congress of representatives from each state in which there were branches, to fix "the standard of wages," which, upon ratification by the membership, was to apply to all branches.[1] Before the year was out several of the local unions began to entertain doubts as to the wisdom of attempting then to enforce a uniform rate. The number of places working under the piece system appeared an obstacle to some and others saw the difficulty of raising rates in the more poorly paid localities.[2] However, the branches voted in December against postponing or giving up the meeting of the congress,[3] and in February it met in Boston to establish "a standard rate of wages and bills of prices for piece work if found practicable."[4]

The congress decided that it would be "injudicious" to attempt to enforce a uniform piece list and that each locality should set its own piece prices subject to approval by an International committee. This action was in accord with the recommendation of the committee of the congress which had the matter of the uniform wage in charge. The same committee recommended also that the congress adopt a "minimum standard" of two dollars and a half per day; but the congress instead passed a resolution "that a standard day's wage should not now be established because of the inability of the union to enforce a demand for any fixed price." It urged the members to labor "for full and complete organization of the union so that the union cannot only make but enforce a demand for a standard of wages."[5]

[1] Constitution, 1877, Art. X. This standard rate was to apply to all branches "except in malarious climates, or where the expense of living is above the average," the national union to determine in what places more than the standard should be paid and the amount of the excess (Granite Cutters' Journal, July, 1877).

[2] Granite Cutters' Journal, September, October, November, December, 1877.

[3] Ibid., December 31, 1877.

[4] Ibid., February, 1878.

[5] Ibid., February, 1878.

The constitution was then amended so as practically to give the branches power to establish their own wage rates.[1]

After the failure of this movement for a uniform rate, competition made itself felt between the branches. There was a great deal of complaint from the branches in cities outside of New England of the low rates in force in the New England quarrying centers, and in Quincy in particular. These low rates, it was contended, induced employers to bring in stone from New England with as much of the cutting as possible done before shipment, and also to resist demands for rates higher than those paid in New England.[2] There were complaints, too, from some New England towns that their rates were kept down by the lower rates of other local unions in that section. In 1886 a movement was inaugurated for a uniform bill for New England.[3] Although it was pointed out that there would be grave, if not insurmountable difficulties in formulating a uniform piece bill for New England the idea met with general favor.[4] A congress of the New England local unions was called to meet in Boston to establish a uniform bill, but the attempt was not successful.[5] Physical difficulties prevented the formulation of an acceptable piece bill and differences in prevailing time rates of wages were too great for the enforcement of a single standard. Shortly after this an attempt to agree on a uniform piece bill for the state of Maine also met with failure.[6]

Complaints of the injurious effects of the lower rates in force in other places continued to come in during the following years,[7] and occasional suggestions were made for a national uniform rate or a national minimum bill or time

[1] Constitution, 1880, Art. X.
[2] Granite Cutters' Journal, May, September, 1881; January, June 1883; May, 1886.
[3] Ibid., July, 1886.
[4] Ibid., September, October, November, December, 1886; February, 1887.
[5] Ibid., March, 1887.
[6] Ibid., August, 1889.
[7] Ibid., March, April, May, 1887; August, 1889; November, 1891; June, 1893; April, June, 1894; March, April, July, August, 1896.

rate as a remedy.[1] Late in 1896 a proposal was put before the branches for a national minimum of three dollars.[2] The proposal was not welcomed by some of the New England local unions. The Quincy branch opposed it outright, and the Concord, New Hampshire, branch wished to substitute a minimum of two dollars and seventy-five cents.[3] But in the spring of 1897 the constitution was revised and a provision inserted that after 1900 all bills of prices should be established on the basis of a minimum wage of not less than three dollars a day.[4]

In 1900 the general sentiment for the enforcement of the three dollar minimum was strong. The Western branches particularly urged the New England local unions to stand fast for the national minimum in their negotiations with employers.[5] But some of the New England local unions made settlements which left some members below the three dollar rate.[6] The official journal of the union declared, however, that the three dollar minimum was only temporarily laid aside and that the union would continue struggling for it until it was observed everywhere.[7] In 1903 many New England branches renewed their agreements; but all did not secure the national minimum.[8] Finally in the settlements of the spring of 1905, the last places were brought into line.[9]

The adoption of the national minimum has thus had a direct influence in bringing up the rates of the more poorly

[1] Granite Cutters' Journal, January, 1887; November, 1890; February, June, 1891; April, 1894; November, 1896.
[2] Ibid., December, 1896; January, 1897.
[3] Ibid., February, March, 1897.
[4] Ibid., June, 1897. Constitution, 1897, sec. 198. The decision to establish a national minimum was undoubtedly influenced by the fact that piece work had been given up in many places in the years immediately preceding. In 1897 the majority of the branches outside New England were on day work almost exclusively and had minimum rates of three dollars or more.
[5] Ibid., January, February, 1900.
[6] Ibid., May, 1900; June, 1908, p. 6.
[7] Ibid., June, December, 1900.
[8] Ibid., January–April, 1903.
[9] Ibid., January, February, May, 1905.

paid branches. According to a statement made in the Granite Cutters' Journal of August, 1908, in more than half the branches the minimum rate is identical with the national minimum. But the enforcement of the national minimum has not put an end to the complaints that several New England branches by not establishing higher rates are holding back other cities from securing higher wages.[1] A national uniform rate is still occasionally suggested, but it does not seem likely that one will soon be attempted.[2] During 1908 there was a revival of the agitation within the union for a uniform New England rate to prevent employers "playing off" one place against another to keep rates low in all.[3]

Similar in purpose to the national minimum of the Granite Cutters are the state minimum rates maintained by a few unions, particularly the Granite Cutters and the Stone Cutters, the two unions in the building trades in which most is heard of competition between places. These state rates are not necessarily the standard rates actually established in each locality; in many places the standard is higher than the state minimum. In addition to preventing any local union having a rate below a fixed point the state minimum provides a rate for work done outside the jurisdiction of any local union.

Agitation among the Stone Cutters' branches in Texas for a state minimum began as early as 1894. The chief reason was a desire to put an end to low wages on "jobs" just outside the jurisdiction of the high-rate towns.[4] A state minimum rate was not established in Texas, however, until

[1] Granite Cutters' Journal, June, 1906; June, November, 1907; January, February, April, 1908.

[2] Ibid., June, 1906; October, 1907.

[3] Ibid., February, May, June, July, August, 1908. Manchester (N. H.) and Concord (N. H.) have the same bills, except for one clause (Agreements, 1905–8). The national minimum does not apply to machine polishers. In 1907 the Concord machine polishers agreed with their employers that they were to have a three dollar minimum if Barre and Quincy secured it (Granite Cutters' Journal, June, 1907).

[4] Stone Cutters' Journal, June, July, 1894.

1899.[1] The feeling for state rates grew in 1898 and 1899,[2] and the national convention in 1899 adopted a resolution urging each "state or province" to establish a minimum rate of wages.[3] The state rates established since then have been mostly in the West and South.[4] Among the Granite Cutters, Missouri had a state scale in May, 1896,[5] Oregon had one in 1899, and California established a state rate in the same year.[6] As among the Stone Cutters the state rates are confined to the West and South where the number of branches in a state is not large and the conditions are more uniform than in the East. The Bricklayers have also recently adopted a "uniform" state rate in California.

Conflict of rates.—Interesting questions have arisen in the use of time scales as to which of two rates ought to govern in cases in which a member of one local union is taken by his employer to work in the jurisdiction of another local union, or work is shipped from one local union to be finished or put in place in another. It often happens in the building trades that an employer brings a union man from his home city into another city in which the union rate is different. It frequently happens, too, that an employer buys from another city in which the union rate is lower woodwork, cut stone or granite, or metal work partially or wholly prepared for use in a building, which might have been prepared in the city where it is used. In these cases the question has been raised as to which rate should be enforced. The point really at issue in the first of these cases is whether the men brought in should be governed by their home scale when the latter is the higher; for it is a practically universal rule that no union will allow men to come from one locality to another and work for less than the rate maintained in the

[1] Stone Cutters' Journal, April, 1901.
[2] Ibid., December, 1898; February, March, 1899.
[3] Ibid., January, 1900, Supplement; Constitution, 1900, Art. XXXII; Constitution, 1909, Art. XXX.
[4] Ibid., February, 1901; January, August, 1903; January, February, 1904; January, 1906.
[5] Granite Cutters' Journal, April, May, 1896.
[6] Ibid., November, 1901.

latter. Nearly all the unions which have rules on the point hold that the higher rate shall govern, whether it be that of the locality in which the work is done or that from which the men are brought by an employer of their city.[1] The Bricklayers present an exception to the above practice. Several years ago a number of members of a Pittsburgh local union went to Buffalo with a Pittsburgh contractor and accepted the Buffalo rate, which was lower than the Pittsburgh rate. The matter was brought to the Judiciary Board for a decision, and the board decided that the men had a right to do that, though they also had a right to refuse to go for less than the Pittsburgh rate.[2]

In the second class of cases—those involving the shipment of materials—there is diversity in present practice. The local unions to which the work is shipped feel that the work done on the materials ought to be paid for at the local rate; otherwise union men are competing with them by working at less than their rate of wages. Some of the national unions interested, particularly the Carpenters, the Woodworkers and the Granite Cutters, insist only on the payment of the rate of the locality in which the work is done. The first two, however, have national minimum rates for the use of their labels and the Granite Cutters have a national minimum rate for all work. The Sheet Metal Workers, the Marble Workers, and the Boiler Makers insist that the scale of the local union in which the work is to be set up shall be paid if it is the higher.[3] The Stone Cutters after a long struggle with the question have finally taken the same position as the Granite Cutters.

For years the Stone Cutters attempted to maintain the rule that stone could not be shipped from one place to

[1] This is the rule among the Carpenters, Painters, Plumbers, Steam Fitters, Lathers, Elevator Constructors, Sheet Metal Workers, and Slate and Tile Roofers. Of course, workmen as individuals may leave one locality and go to another to work for an employer in the latter at the standard rate there prevailing. It is only when workmen go in the employ of the home contractor that the rule applies.

[2] Proceedings, 1904, pp. 308–9.

[3] Boiler Makers' Constitution, 1908, Art. XVI, sec. 18 .

another unless the union wage rate at the shipping point was equal to that of the receiving point, except "in cases where the interchange of work between the two branches is mutually agreeable without regard to wages."[1] This rule was not strictly observed, and stone was shipped into the jurisdictions of branches from lower rate localities in many cases in which it was not agreeable to the former.[2] The question as to the shipment of stone became involved with that of the use of the machine planer. The absolute prohibition of the shipment of planer-cut stone into the jurisdiction of those local unions which had succeeded in keeping out the planer[3] seems to have strengthened the feeling against the shipment of stone. In the 1902 convention the sentiment was strongly in that direction and shipment was forbidden in all cases in which it was not agreeable to the unions at the receiving points.[4] Nor did this rule prove satisfactory. It did not stop the shipment of stone, and it aroused many complaints. It was repealed in 1904 and the convention allowed the transportation of hand-cut stone where wages and hours were equal.[5] The action of the 1904 convention did not settle the question, as the shipments continued.[6] Some of the shipping local unions with lower rates put special rates on work that was to be shipped equal to the rates at the points of consignment. The receiving points objected that this was an evasion of the constitutional rule against "more than one rate of wages." The executive board was divided on the point and made no decisive ruling,[7] and the shipping local unions continued the practice,[8] while

[1] Constitution, 1892.
[2] Stone Cutters' Journal, March, April, 1895; November, 1897; March, 1898; May, June, July, 1899; June, 1902; January, 1904.
[3] Constitution, 1900, Art. XII, sec. 2.
[4] Stone Cutters' Journal, January, 1903, Supplement, pp. 17–21; Constitution, 1902.
[5] Stone Cutters' Journal, October, 1904, Supplement, pp. 13–19; Constitution, 1904, Art. XII.
[6] Stone Cutters' Journal, January, September-November, 1905; January, February, August, 1906. One of the national officers stated in 1908 that three-fourths of the stone set was shipped in already cut.
[7] Stone Cutters' Journal, January, September, 1905.
[8] Ibid., January, February, March, May, June, 1906; June, 1907.

the receiving points continued their complaints against the competition of lower-rate shipping points.[1] In 1906 the president and secretary of the national union declared against the rule, upholding the contentions of the shipping local unions that it was "unfraternal" to object to stone cut by union men, and that as the shipping unions could not force up their rates the strict enforcement of the rule would drive the work from union to non-union men.[2] The repeated recommendations of the officers proved effective. The 1908 convention struck out the article in question and left shipment entirely free.[3]

III

Comparison of Piece and Time Rates

The tendency toward wider than local areas of rate application is not nearly so strong among the time-working as among the piece-working unions. This is due in large part to the fact that the areas of competition are not so wide for the time-working trades as a group as for the piece-working trades. Aside from the unions referred to above as maintaining sectional or national standard or minimum rates, it is generally true of the time-working unions that competition is for the most part local.[4] In the numerically largest group of time-working trades, the building trades, competition, except in cutting stone and preparing wood and metal to be put in place on buildings, is not operative to an appreciable extent as an influence toward wider uniformity in rates of wages. In some other unions part of the work done under time rates is competitive over much wider than

[1] Stone Cutters' Journal, October, 1905; January, 1906.
[2] Ibid., January, February, March, August, 1906; June, September, 1907; May, June, August, 1908.
[3] Ibid., September, pp. 8–10, December, 1908; Constitution, 1908.
[4] Where the product can be easily shipped in competition, it is likely to be classified and standardized so that different patterns or styles are known to the trade. In such trades piece work is physically feasible and piece work with sectional and national scales or with a sectional or a national system of equalized lists is likely to be acceptable both to the manufacturers and the men. Hence, we find that most of the trades which are subject to wider than local competition are on a piece work basis.

local areas, as is the case with the Molders, the Machinists, the Bookbinders and the unions in the printing trades. This is not, however, the major part, though it is considerable enough to arouse some feeling for greater uniformity.[1]

But there are many cases of non-uniform time standard rates within areas of experienced competition. There is, generally speaking, less adjustment of time-standard rates than of piece rates to avoid competition between local unions. It is safe to assume that if the competitive work done under varying time rates by members of the unions just referred to were done under the piece system, and uniform price lists were physically possible, in some of these unions the rates would be of wider application than at present and in the others there would have been a much stronger agitation for uniform rates than there has been. The explanation of the wider area of piece than of time rates is to be found partly in a difference in the relation of the two classes of rates to competition as well as in the more local character of the competition in most time-working trades. There is an evident difference between the two forms of rates in the degree of direct connection with recognizable labor cost. Non-uniform piece rates where conditions are similar are standing evidence of differences in labor cost for the product or its parts.[2] Where minimum time rates differ, proportional differences in labor cost do not necessarily follow. The differences in the minimum do not necessarily indicate a similar difference in the wages actually paid. Moreover, and this is more important, the higher rates of wages are often paid in the localities which have men of higher than average efficiency. There is a tendency for the higher-rate cities to attract the better men, at

[1] Machinists' Journal, 1905, p. 710; 1907, p. 42; Iron Molders' Journal, April, 1900, p. 212; Proceedings of the Bookbinders, 1896, 1898, 1900, 1902; The Bookbinder, June, 1904, p. 106; Barnett, pp. 30, 36, 40, 140.

[2] Non-uniform shop piece prices in the metal trades arouse little comment, because they are as a rule not published and are not for pieces standard in the trade as are the pieces in the glass, iron and steel, and pottery trades.

least, within the same general section. A change to a uniform time rate for all localities in the same section would not mean the removal of inequalities in actual labor cost to nearly the same degree as the establishment of uniform piece prices for the same patterns made under the same physical conditions.

The fact that employers do not regard differences in time standard rates as indicative of proportional differences in labor cost accounts in large measure for the smaller relative importance which most time-working unions have attached to securing uniform standard time rates for competitive areas. There is not the same impulse toward uniformity from the high-rated local unions in order to hold their own employers to the higher rates which is evident in piece-working unions when rates are not uniform, for the employers in localities paying the higher rates do not offer the same resistance to paying more than employers in other places. Time rates in competitive trades are more influenced, too, by local conditions than are piece rates. Time rates stand out plainly in connection with the cost of living and in comparison with wages in other trades of more local competition. In piece scales, on the other hand, it is the price per piece that stands out, not the weekly earnings, and in setting the price for each piece the price paid by competing manufacturers in other places must be given more attention by the union than the local cost of living or the local wages in other trades.

There is, to be sure, a widespread feeling in favor of uniformity in rates among members of time-working unions. It is founded on the desire of most local unions to obtain as high rates as any in the trade, and is reënforced by the desire of the higher-rated unions when the product is competing over a widespread area to force the lower-rated unions to demand rates as high as their own. But it is the second feeling alone which effectively influences the policies of national unions, except in the case of the railroad, seamen's and longshoremen's unions. In these unions the

wider areas over which the service is rendered and for which distinct negotiations are conducted are naturally made the units of application of the rates agreed upon. Where the wage agreements must be local, and particularly where competition is largely local, the desire for uniformity does not prevail over differences in local conditions. And even where competition between localities is keenly felt, the state minimum, or at best the national minimum, is apparently the most that can be hoped for.[1]

[1] The officers of such unions as the Machinists and the Granite Cutters state that differences in local minimum rates cannot be overcome. The rates will necessarily vary with local conditions, the chief of which is cost of living. Some places cannot be brought up to the level of the average and the general level of the others must be above the average.

CHAPTER IV

THE FORM OF THE RATE

American trade unions fall into several distinct groups when classified with respect to their attitude toward the system of wage payment. The first and most obvious distinction is between those unions which accept the piece system willingly, or even preferably, and those unions which prefer the time system, even to the point of opposing piece work. The group of unions which accept the piece system willingly may be conveniently divided into two groups—one composed of predominantly piece-working unions, and one of unions in which a majority of the members work under the time system. Similarly, those unions which oppose piece work may be grouped according to whether a majority or a minority of their members are remunerated under the piece system. A distinct group may also be made of those time-working unions in which the question of accepting piece work is not now an issue. There is no important time-working union which desires to change to the piece system.

I

The Attitude of the Unions

From this standpoint, therefore, there may be distinguished five groups of unions: (1) unions in which piece payment is the prevailing system and which accept piece work willingly; (2) unions in which piece work is not the prevailing system, but which accept it without opposition in those places or branches in which it is desired; (3) time-working unions in which the piece question is not an issue; (4) unions in which piece work is the prevailing system and in which there is opposition to the piece system; (5) unions

in which time work is the prevailing system and in which piece work is opposed.[1]

An attempt has been made to ascertain the membership of the unions included in each of these five groups. This has not, of course, been done with exactness. The statistics of membership available are only approximations, and the number of members working under the piece system in those unions in which there is any considerable number of piece workers has been but roughly estimated and for a few unions not even an estimate has been obtained. Yet the statistics here given are offered in the belief that they give a substantially correct impression of the proportion of the total union membership included in each of the five groups indicated above, and of the distribution of piece workers among the various groups.

The aggregate membership of the unions included in the following tables was in 1908 about 1,707,400. These include all the national unions affiliated with the American Federation of Labor except three small unions with a total membership of 1700 about whose wage systems no information was obtained. These 113 national unions reported to the Federation in 1908 an aggregate membership of 1,561,500. The following unions not in the Federation are also included, Bricklayers and Masons, Flint Glass Workers, Machine Textile Printers, the Marine Engineers, Plasterers, Window Glass Workers, Railway Carmen and Railway

[1] The four unions in the railway train service, the Brotherhood of Locomotive Firemen, the Brotherhood of Locomotive Firemen and Enginemen, the Brotherhood of Railroad Trainmen and the Order of Railway Conductors, follow a system of payment which is neither a pure time nor a pure piece system, and consequently are not concerned in the question of preference for one kind of rate over the other. The great majority of their members are paid according to miles covered, modified by the number of hours worked (see above, pp. 72–76). A considerable minority of the members of these unions, those engaged in the yard switching service, are paid by the day; but the question of preference is not raised since no other system of payment seems feasible for this kind of work. The system of payment is not an important issue between these unions and the railroad companies, though on some roads the mileage basis has not yet been adopted to the extent desired by the unions. These unions include 272,500 members.

Clerks. These had a membership in 1908 of 145,900. A few small national unions not affiliated with the Federation, the Industrial Workers of the World, with a membership of 13,200, the Western Federation of Miners, with a membership of 30,500 and the Knights of Labor, whose membership could not be ascertained, are not included.

1. The group of unions in which piece payment is the prevailing system and is accepted willingly, includes twenty-four unions with an aggregate membership of 399,500. This comprises such important unions as the Cigar Makers, the Flint Glass Workers, the Glass Bottle Blowers, the Hatters, the Amalgamated Association of Iron, Steel and Tin Workers, the Potters, and the Window Glass Workers. The Broom and Whisk Makers, the Chain Makers, the Elastic Goring Weavers, the Gold Beaters, the Lace Curtain Operatives, the Leather Workers, the Mule Spinners, the Pen and Pocket Knife Grinders, the Powder and High Explosive Workers, the Stove Mounters, the Table Knife Grinders, the Tin Plate Workers, and the Wire Weavers also work by the piece willingly and have at least two-thirds of their members at work under the piece system. The United Mine Workers, the largest American union, has at least sixty per cent. of its membership on piece work and prefers it for men engaged in mining and loading at the face.[1] The Coopers also have a large majority of their members on piece work and make no objection to the system.[2] In the Boot and Shoe Workers' Union and the Textile Workers' Union the system of remuneration is left entirely to the local union and the national union has no policy with reference thereto; but in both unions three-fourths of the members are piece workers and the national officers state that the majority of the members prefer payment by piece to payment by time.

[1] Nearly all the workers in this union for whom piece work is feasible are piece workers.

[2] In his report to the 1902 convention, the secretary of the national union advised the piece workers to strive to "abolish, as far as possible, the undesirable piece system" (Proceedings, 1902, p. 345). But the present secretary is of the opinion that the system of payment "will never be changed."

It may be estimated that at least 274,000, or two-thirds of the total union membership in this group, are actually working under the piece system.

The membership of these unions is approximately as follows:

Boot and Shoe Workers	32,000
Broom and Whisk Makers	800
Chain Makers	600
Cigar Makers	40,900
Coopers	4,900
Elastic Goring Weavers	100
Flint Glass Workers	7,000
Glass Bottle Blowers	8,800
Gold Beaters	500
Hatters	8,500
Iron, Steel and Tin Workers	10,000
Lace Curtain Operatives	800
Leather Workers	800
Mine Workers	252,500
Mule Spinners	2,200
Pen and Pocket Knife Blade Grinders and Finishers	300
Potters	5,900
Powder and High Explosive Workers	500
Stove Mounters	1,400
Table Knife Grinders	300
Textile Workers	12,900
Tin Plate Workers	1,400
Window Glass Workers	6,100
Wire Weavers	300

2. The second group of unions consists of those in which piece work is not the prevailing system but in which a considerable number of local unions or branches of the trade accept it without opposition and without discouragement from the national union.[1] There are in this group nine national unions as enumerated below. The Tobacco Workers' Union has about half its members working under the piece system and the union offers no objection. The Longshoremen and Marine Transport Workers have many branches on the Great Lakes under the piece system. For men engaged in the loading and unloading of vessels, except the lumber loaders, this is the prevailing system.[2] The piece

[1] See also below, p. 199, note.

[2] This union has no national policy as to systems of payment. The writer has been unable to secure a close estimate of the part of the membership working under the piece system; it is at least one-third but less than one-half.

system also prevails in the stove-molding branch of the Molders' Union and has been accepted practically without opposition in that division of the trade for the past ten years.[1] The Lathers' Union allows wood lathers to work under the piece system if they choose and in most of the smaller local unions this system is followed. The workers in a few branches of the Brick, Tile and Terra Cotta Workers for whom the piece system is feasible work under it without objection. The Typographical Union has nine-tenths of its members on the time system; but local unions may permit piece work, and an increasing number of local unions are adopting piece scales for machine typesetting, a branch of the work until recently almost exclusively under the time system.[2] The Slate Workers and Tip Printers have some piece-working branches, but these apparently include but a minority of the membership. The Steel and Copper Plate Printers and the Steel Plate Transfers each have a considerable part of their members on the piece system without active opposition. The writer has been unable to ascertain whether these constitute a majority of the membeership, and on that account they are included here rather than in the list of predominantly piece-working unions.

The membership of the unions in this second group, exclusive of the Molders, aggregates 92,900. The total membership of the Molders is not included because of the strong opposition of that union to piece work in certain branches of the molding trade. If the members engaged in stove molding be added, the total of the group is 110,900. Probably 40,000 of these are piece workers. The membership of this group is distributed as follows:

[1] One of the officials of the national union estimates that the number of members in this branch varies from 18,000 to 24,000, with the state of trade. The total membership of the union was given in 1908 as 50,000.

[2] Barnett, p. 132. In 1887 the membership by referendum vote declared in favor of abolishing piece work in book and job offices. In 1891, when the International Union adopted a definite policy with reference to typesetting machines, the convention advised the local unions to adopt the time system of payment for operators. At present a considerable proportion of the membership is strongly opposed to piece work.

Brick, Tile, and Terra Cotta Workers	2,800
Longshoremen	31,500
Slate Workers	2,700
Steel and Copper Plate Printers	1,200
Steel Plate Transferrers	100
Tip Printers	200
Tobacco Workers	4,600
Typographical Union	44,000
Wood, Wire, and Metal Lathers	5,800

3. By far the largest number of unions fall into the class of those which follow the time system exclusively or almost exclusively, and in which the question of working under the piece system is not an issue with the employers. This group includes the following unions, with an aggregate membership of about 864,600 or fifty-one per cent. of the total union membership here under consideration:

Actors	1,100
Bakers	10,500
Barbers	25,500
Bill Posters	1,400
Brewery Workmen	40,000
Bricklayers and Masons	64,600
Bridge and Structural Iron Workers	10,000
Carpenters and Joiners (Amalgamated)	8,100
Carpenters and Joiners (United Brotherhood of)	179,600
Cement Workers	7,300
Commercial Telegraphers	1,900
Compressed Air Workers	1,300
Cutting Die and Cutter Makers	300
Electrical Workers	32,100
Elevator Constructors	2,500
Freight Handlers and Warehousemen	7,800
Foundry Employees	700
Granite Cutters	13,000
Heat, Frost, General Insulators, and Asbestos Workers	800
Hod Carriers and Building Laborers	11,200
Horseshoers	6,100
Hotel and Restaurant Employees	38,600
Lithographers	1,100
Machine Printers and Color Mixers	500
Machine Textile Printers	400
Maintenance of Way Employees	13,500
Marble Workers	2,200
Marine Engineers	10,900
Meat Cutters and Butcher Workmen	6,300
Musicians	37,500
Paper Makers	4,300
Pattern Makers	5,500
Pavers and Rammermen	1,500

Photo Engravers	2,900
Plasterers	15,200
Plumbers and Gas Fitters and Helpers	18,000
Post Office Clerks	1,200
Printing Pressmen	17,200
Print Cutters	400
Quarry Workers	4,500
Railroad Telegraphers	15,000
Railway Clerks	9,100
Retail Clerks	50,000
Composition Roofers	1,000
Seamen	25,500
Sheet Metal Workers	16,100
Shipwrights, Joiners and Caulkers	1,600
Slate and Tile Roofers	600
Stationary Firemen	17,300
Steam Engineers	16,800
Steam and Hot Water Pipe Fitters and Helpers	5,600
Stereotypers and Electrotypers	3,100
Stone Cutters	8,300
Street and Electric Railway Employees	32,000
Switchmen	9,300
Teamsters	37,700
Theatrical Stage Employees	6,200
Tile Layers and Helpers	1,900

In a large number of unions in this group, and for the greater part of the workmen, piece work does not seem practicable. This is evidently the case in such unions as the Retail Clerks, the Steam Engineers, the Stationary Firemen, the Musicians, the Seamen, the Street Railway Employees, the Commercial Telegraphers, the Railroad Telegraphers, and the Theatrical Stage Employees. In many other unions in this group, as in the building-trades unions generally,[1] the Brewery Workmen, the Horseshoers, the Pat-

[1] Practically all the work done on buildings by members of the unions in this group is done under the time system. Some shop workers of the Sheet Metal Workers and the Electrical Workers and a few millmen of the Carpenters work under the piece system, and a number of local unions of the Granite Cutters, the Stone Cutters, and the Bricklayers and Masons allow piece work on kerbing, bridges, and other rough work which competent journeymen will ordinarily not do when building work can be obtained. A few local unions of the Granite Cutters still have some members working in yards under the piece system. But in all these unions the piece system is in force for so few members or in such relatively unimportant branches of the trade that it is not at this time an issue. The Brewery Workmen include in their union some women and boys on piece work in the bottling departments, and the Bakers have some confectionery workers under the piece system. The Meat

tern Makers, and the Teamsters, piece work is not feasible.

The unions in this group would doubtless oppose with vigor any attempt to extend or introduce the piece system. In many of these trades the union has been instrumental in eliminating piece work, or at least has at some time or other declared its opposition thereto. This is especially true in the building trades. Several of the building-trades unions have opposed the piece system and have succeeded in securing its abolition or in preventing its introduction on any considerable scale. It is now generally assumed in the building trades that any of the unions, except the Lathers, would resist attempts to introduce or extend the piece system for work on buildings.[1]

The Stone Cutters and the Carpenters fought for years against piece work before it was practically given up in the trade. The piece system was common in stone cutting long before the present national union was formed, and the union made a vigorous fight against piece work in the early nineties.[2] The employers in most of the places where the piece system prevailed were not strongly opposed to giving it up and the union was successful in securing its practical elimination from the trade.[3] From the formation of their national organization the Carpenters also have fought against piece work. Indeed the piece system was one of the trade evils which the national union was organized to combat.[4] At an early date in the history of the union the members were prohibited from working under the piece system; but

Cutters have very few members on piece work now, as changes in methods of working have eliminated the system; but at one time there was a considerable number of pieceworkers in the union and the convention of 1902 adopted a resolution urging the local unions to abolish piece work (Proceedings, 1902, p. 81).

[1] Three building-trades unions not included in this group, the Painters and Paperhangers, the Wood Carvers, and the Wood Workers are entered below in the list of unions with a minority of piece workers which oppose the system.

[2] Constitution, 1892, Art. XVII, sec. 1; Stone Cutters' Journal, January, February, October, December, 1893; May, June, September, November, 1894; January, 1895.

[3] Stone Cutters' Journal, October, 1897; March, 1898; October, December, 1899.

[4] Constitution, 1886, Art. II.

it was not until very recently that it ceased to be an issue in work on buildings.[1] The union at present does not allow its members to work by the piece on any union building job.

The last of the older building-trades unions to oppose piece work as a national organization was the Granite Cutters. When the national union was organized in 1887, the majority of its members were working by piece. In New England, particularly, where the main strength of the union lay in the first years of its history, the day workers were few.[2] Even large cities outside the quarrying district, had piece bills and in New York the work was for the most part under the piece system.[3] The national organization recognized both systems.[4] The day system gained ground in the early eighties, and it became the practice in many places to make the "standard" rate for day men the basis for fixing piece prices.[5] For the most part the change to the time system was without contest, the local unions favoring the change but not engaging in struggles to bring it about when the employers were seriously opposed. In New York, for instance, the change was made in 1881 at the instance of the employers, who preferred time rates to the "piece bill" then proposed.[6]

The growing sentiment against piece work resulted in an agitation which was taken up by many local unions in the spring of 1886 for the abolition of piece work by the national union.[7] No action was taken at that time; but the agitation undoubtedly hastened the passing of the piece system.[8] When the national constitution was revised in 1897 several branches suggested that the national union take

[1] Constitution, 1886, Art. VI, sec. 2, General Laws, p. 29; Proceedings, 1888, p. 20; Proceedings, 1898, p. 24.
[2] Granite Cutters' Journal, July, August, October, 1877; February, 1878.
[3] Ibid., March, 1878.
[4] Constitution, 1877, Art. X; Constitution, 1880, Art. XIII.
[5] Granite Cutters' Journal, October, 1882; April, 1886.
[6] Ibid., July, 1882; see also, Ibid., June, 1881; February, 1897.
[7] Ibid., March, April, September, 1886.
[8] Ibid., January, September, 1887; April, June, September, 1891.

action looking to the abolition of the piece system where it still lingered,[1] and a provision against piece work was inserted in the new constitution.[2] The union is now opposed to the piece system of remuneration except for aged and maimed members. The few piece bills which remain are chiefly for such members. Many branches forbid piece work altogether except on kerbing.

Much of the so-called "piece work" which has aroused opposition from unions in the building trades is not piece work under a regular price list, but consists in an individual workman bargaining to do a specific lot of work for a lump sum. An individual workman, or several workmen together, might agree, for instance, to lay the floors or hang the doors on a building for a given sum. This is generally known as "lumping" or "sub-contracting,"[3] but it is also often called "piece work." Most of the building trades unions are opposed to "sub-contracting" and practically refuse to allow members to work under such a system. Lumping or sub-contracting of this kind differs from ordinary piece work, from the union standpoint, in that the union has no participation in fixing the price of the work. This system of payment was forbidden very early by some of the building-trades unions; in a few even while ordinary piece work was still permitted. The Granite Cutters' Union forbade sub-contracting in its first constitution.[4] Local unions of the

[1] Granite Cutters' Journal, January, February, 1897.

[2] Constitution, 1897, sec. 2.

[3] The term "sub-contracting" is also used where a sub-contractor hires workers to do the work or to assist in doing it, at hourly rates. This system is also opposed by the unions, which prefer direct employment by the original employer at hourly, or even at piece rates. Some of the building trades unions not only forbid their members taking such contracts but also prohibit their working for one who is sub-contracting. The general executive board of the Carpenters decided in 1887 that union members were not to work for a sub-contractor, even one who employed only union men and paid them at the union rate of wages (Constitution, 1888; Constitution, 1889, Standing Decisions, July 30, 1887; Proceedings, 1898, p. 61). The Plumbers also forbid sub-contracting of this kind; members are not allowed to sub-contract "nor work for any person who has taken such a contract" (Constitution, 1904, sec. 194).

[4] Constitution, 1877, Art. XXI; Constitution, 1880, Art. XLI.

Stone Cutters prohibited it long before opposition to ordinary piece work appeared.[1] The Carpenters prohibited subcontracting early in their history but did not distinguish it from other piece work.[2]

The unions which are opposed to piece work vary considerably in the extent to which their members work by the piece. They also vary greatly in their strength and in the intensity with which they are fighting or have fought the piece system. In some unions, ninety per cent. of the members are piece workers; in others, less than ten per cent. In some, the hostility shown toward piece work is hardly more than an expression of union opinion; in others the opposition is as yet limited to the declaration of a policy favored by the majority but which the union is not strong enough to press energetically. In only a few of these unions has opposition to piece work been carried to the point of rigid prohibition of its extension and to an aggressive policy of strikes for its abolition.

Among the unions in which a majority of the membership work by the piece and in which there is opposition to the piece system, no union is at present making a vigorous fight against the piece system. The noteworthy struggles which have been made in recent years for its elimination or in resistance to its attempted extension, have been made by a few unions in which a comparatively small minority of the members work by the piece. Most of the predominantly piece-working unions which do not accept piece work willingly feel that they are not yet in a position to

[1] List of Prices for Piece Work of the Journeyman Stone Cutters' Association of Philadelphia, adopted May 12, 1851; Constitution of the Journeyman Stone Cutters' Association of the District of Columbia, 1854; Constitution, 1907, Art. XV.

[2] "Piece work is defined to be: work done under sub-contract where the work is not done by the day, or where a sub-contract is taken from a builder or contractor and where the building material is furnished by the builder or contractor, and the work is simply done for a certain price" (Constitution, 1886, General Laws). The Bricklayers seem to have allowed "lumping" in the earliest years of their organization (MS. Proceedings, 1869).

push their opposition much farther than a declaration in favor of its abolition whenever that may be practicable. A union with over half its members actually working under the piece system cannot ordinarily offer a very effective opposition, except at the risk of a costly strike. Under such circumstances the national union usually confines itself to urging the local unions to prevent the extension of piece work where they can and to insist on its abolition wherever they are strong enough to do so with some likelihood of success.

4. The group of predominantly piece-working unions which are opposed to the piece system includes eight unions, as below, with an aggregate membership of 65,900, approximately fourteen per cent. of the aggregate membership of all the predominantly piece-working unions.

Cloth Hat and Cap Makers	1,300
Fur Workers	400
United Garment Workers	43,900
Glove Workers	800
Leather Workers on Horse Goods	4,000
Metal Polishers, Buffers and Platers	10,000
Piano and Organ Workers	5,000
Travellers' Goods and Leather Novelty Workers	500

The Leather Workers on Horse Goods, with over three-fourths of their members on piece work, are clearly opposed to piece payment. Many of the members favor a concerted movement for its abolition, but for the time being this movement seems to have yielded precedence to an agitation for the reduction of the normal working day.[1] The Travellers' Goods and Leather Novelty Workers went on record in 1903 against the piece system, but have not been able to reduce it greatly;[2] three-fourths of the members are still working under the piece system. The Fur Workers have also recently declared against piece work, but have not yet begun a vigorous campaign against it.[3] The officers of the

[1] Leather Workers' Journal, May, June, July, 1907.
[2] Proceedings 1903, pp. 12, 15, 23, 35, 38; Official Journal, September, 1904.
[3] Furriers' Journal, April, 1907; April, 1908.

Cloth Hat and Cap Workers, the Glove Workers, the Metal Polishers, and the Piano and Organ Workers state that the majority of their members object to piece work, though it is the prevailing system in their trades.

The United Garment Workers are nominally opposed to piece work, but are not now actively fighting it, and in three branches of the trade it is accepted by the members without attempt, and probably without desire, to change to the time system. The shirt and overall, the pants-making and the vest-making branches have worked under the piece system for years and there is little hostility to it apparent in these branches. In the other branches the opposition seems to have lessened somewhat in the past few years. The most vigorous attack on piece work came from the coat-tailoring branch and from the cutters. Supported by the national officers, the opponents of piece work carried resolutions against it through the national convention,[1] and succeeded in having embodied in the national constitution a declaration in favor of week work as a substitute for piece work.[2] The 1901 convention instructed the coat tailors' local unions to attempt to abolish the piece system and to enforce the week system throughout the United States at the earliest possible date.[3] The coat tailors thereafter did succeed in establishing the time system much more widely. Recently, however, the struggle against the piece system, even in the coat-tailoring branches, has been relaxed and piece work seems to be growing at the expense of day work,[4] though occasionally a local union strikes for and obtains the abolition of piece work.[5] The secretary of the national union states that "the membership works piece or week work as is the custom in the trade or as their strength will permit." He estimates that one-half the coat tailors are now on the piece system

[1] Garment Worker, December, 1895; January, 1896; August, 1898; Proceedings, 1899; Report of the General Secretary, 1900.
[2] Constitution, 1898, Art. XX, sec. 1; Constitution, 1906, Art. XX.
[3] Garment Worker, November, 1901.
[4] Proceedings, 1904; Weekly Bulletin, April 8, 1904; Proceedings, 1908, p. 73.
[5] Weekly Bulletin, September 13 and 20, 1907.

and that of the members of the national union three-fourths are piece workers. Of the 65,900 members in the unions of this group about 50,000, according to estimates of their officials, are piece workers.

There are also a few predominantly piece-working unions in which there has been as yet no active opposition to piece work, but in which the officers favor a change to the day system and urge it as the proper policy for their unions to adopt. Since it is probable that these unions will assume a hostile attitude toward piece work if they become strong enough to offer effective opposition, they are grouped separately here rather than with the unions which accept piece work willingly. They are the Brush Makers with 400 members, the Ladies' Garment Workers with 1,600, the Paving Cutters with 2,000, and the Tailors with 16,100. These unions with the eight just considered include eighteen per cent. of the membership of all the predominantly piece-working unions.

In his report to the convention in 1905, the general secretary of the Tailors advised that the union should vigorously favor a change to the weekly system of payment.[1] Four-fifths of the members of this union are at present piece-workers. The president of the Ladies' Garment Workers has also expressed the belief that the members should try to secure a change to the time system,[2] but the majority of the members do not seem anxious to give up piece work. The national officers of the Paving Cutters and of the Brush Makers also express regret that the piece system cannot be done away with in their trades, but in neither of these unions is the membership ready to begin a

[1] Proceedings, 1905, in The Tailor, February, 1905.

[2] Proceedings, 1903, p. 9; Proceedings, 1906, p. 11; Proceedings, 1907, p. 10. With the exception of the cutters, nearly all the members are now on piece work. The cutters are usually time workers in the garment and cloth hat and cap trades. The employers prefer the time system for cutters since the cutters might not utilize the material to the best advantage if a premium were put upon the quantity of output by piece payment.

campaign against it.[1] In both of these unions nine-tenths of the members are piece-workers. It is safe to assume that at least 17,000 of the 20,100 workers in this group are now employed under the piece system.

5. Eighteen unions are included in the group of predominantly time-working unions which favor the total elimination of piece work. Their aggregate membership is 246,400, or approximately fourteen per cent. of the total membership of the unions here considered:

Blacksmiths	10,000
Boiler Makers	15,200
Bookbinders	7,900
Carriage and Wagon Workers	1,500
Car Workers	4,400
Glass Workers, Amalgamated	1,200
Jewelry Workers	400
Machinists	62,100
Molders (exclusive of 18,000 stove molders)	32,000
Painters, Decorators, and Paperhangers	64,800
Railway Carmen	32,600
Saw Smiths	300
Shingle Weavers	1,700
Shirt Waist and Laundry Workers	4,000
Upholsterers	2,800
Watch Case Engravers	200
Wood Carvers	1,300
Wood Workers	4,000

A number of these unions though heartily favoring the total abolition of piece work in their trades, are not making the change to the time system a vital issue. They do not give it the importance that is given, for example, to the establishment of a shorter work day or the closed shop. These unions look upon the complete abolition of piece work as highly desirable; but they are not pressing strongly for its abolition where it has been long established, though they offer what resistance they can to its extension. In most of these unions piece work is desired by only a small part of the employers or in minor branches of work.

[1] The national officers of some of the unions which do not object to piece work hold the opinion that the time system is preferable to the piece system, but they do not advise their unions to declare against the piece system or suggest that it would be wise to change. Whatever may be their personal opinions they accept the piece system officially without objection.

The Bookbinders, upon the recommendation of their president, adopted at their convention in 1896 a resolution urging the local unions to abolish piece work but left each local union free to work under either system.[1] Little has been done toward lessening piece work in recent years.[2] The constitution recognizes both systems, and about one-fourth of the members are still working under the piece system.[3] The Wood Workers[4] and the Wood Carvers[5] both have rules against members accepting piece work in any shop in which it is not already established. The Amalgamated Glass Workers, the union of decorative glass workers and bevellers, with about one-fourth of the membership on piece work, has a similar rule;[6] but so far no local union has attempted to abolish piece work. The Shingle Weavers, organized but a few years ago, have been in favor of the total abolition of piece work from the beginning.[7] The Saw Smiths and the Carriage and Wagon Workers, their officers state, are opposed to the extension of piece work in their trades and hope eventually to secure its complete abolition. The Watch Case Engravers[8] and the Jewelry Workers[9] also favor its entire elimination.

The Brotherhood of Railway Carmen in 1907 adopted resolutions opposing "the introduction of piece work at

[1] Proceedings, 1896.

[2] In four following conventions the president of the union brought up the matter of piece work and urged the union to discourage and the local unions to abolish it (Proceedings, 1898; Proceedings, 1900; Proceedings, 1902; Proceedings, 1904, in the International Bookbinder, June, 1904, p. 106). In the report of the executive council for July, 1901, and in its report to the 1902 convention the president's recommendations were seconded. The piece-work question was not treated by the president in his reports to the 1907 and 1908 conventions, nor did it occupy any considerable place in the convention's deliberations (International Bookbinder, June, 1906; June, 1908).

[3] Constitution, 1907, Art. XVIII. Piece work is confined almost entirely to large establishments, and to pamphlets and cloth or cheap leather bindings. It affects chiefly the women workers.

[4] Constitution, 1905, sec. 168; Proceedings, 1909, p. 76.

[5] Constitution, 1906, Art. XI, sec. 9, Standing Resolutions, sec. 2.

[6] Constitution, 1905, sec. 154.

[7] Proceedings, 1907, p. 38; Proceedings, 1908, p. 25; President's Report to the 1908 Convention.

[8] Constitution, 1906, Preamble.

[9] Constitution, 1903, Arts. II, XV.

any point on any system where it is not in vogue." This action was taken despite the fact that the president of the union had expressed his regret that members were making piece work a subject of contention with their employers and had recommended that the organization allow piece payment to continue and bend its energies to securing better prices.[1] A strike of several weeks' duration against the introduction of piece work on an important railway system of the Southwest occurred the next year but under the settlement the company was allowed to introduce piece work at its option.[2] The other organization of car workers, the International Association of Car Workers, is also opposed to the extension of piece work.[3] The Brotherhood of Painters, Decorators and Paperhangers has long been opposed to piece work in other branches than paper hanging. The union favors day work for the paper hangers, but proposes the "gradual natural extinction" of piece work.[4] The Upholsterers also have recently made the abolition of piece work one of their policies.[5] The opposition in the Shirt, Waist and Laundry Workers is also recent, but the president has strongly urged his union to abolish piece work.[6]

The four important unions in the metal trades, in which time work predominates, the Blacksmiths, the Boiler Makers, the Machinists, and the Molders (except the stove-molding branch), have been long opposed to the piece system and have, as a group, made the most persistent and effective fight against it in recent years. For a large part of the work in these trades the piece system is not desired by the employers.

[1] Proceedings, 1907, pp. 17, 54, 68, 69.
[2] Railway Carmen's Journal, 1908, pp. 300, 405, 514.
[3] Proceedings, 1907, pp. 17, 18, 20.
[4] Official Journal, February, 1908, p. 86. Many members work at both paper hanging and painting, and the secretary of the national union is unable to estimate exactly the number of members affected by the piece-work issue. It is probably not more than a third of the membership.
[5] Constitution, 1908, sec. 4. The writer was unable to secure an estimate of the part of the membership on piece work, but it is apparently well under one-half.
[6] Report of the General President, September, 1907, to September, 1908.

In machinery and jobbing, general contract, and repair shops the work is usually not of such a character that the piece system is feasible. But in "specialty" or in railroad or locomotive shops, where there is frequent recurrence of pieces of the same kind, many employers have at times preferred to have their men work under the piece system. The unions are more strongly opposed to piece work in the general contract shops than to the more regular piece work of the large specialty, railroad, and locomotive shops, and have succeeded in almost eliminating it in the former.

The Blacksmiths' Union is not as strong as the Boiler Makers, Machinists or Molders, though it has gained ground rapidly in the last ten years. It has long been opposed to piece work and with increasing strength it has fought more and more vigorously against the extension of the piece system.[1] Several times it has joined the Machinists and the Boiler Makers in important strikes to prevent its introduction in railroad shops.[2] It has also secured the abolition of piece work in many shops. The president of the union estimates that not more than ten per cent. of the members are now working under the piece system. The present policy of the union is not to make an active fight against piece work where the system has long been established, but to secure its abolition where this is possible without serious strikes.

The Molders' Union has been concerned with the piece-work problem for over half a century. In the stove branch, in which the national union at its foundation was strongest, the piece system had been almost exclusively followed from the beginning.[3] When foundries began to specialize in other branches of molding, as, for instance, on agricultural machinery, piece work was widely introduced in these specialty

[1] Constitution, 1897, Art. XI, sec. 4, of Constitution of Local Unions.

[2] For instance, Blacksmiths' Journal, June, 1903, p. 2; May, 1908, p. 24.

[3] International Journal, October, 1866, p. 222; January, 1874, p. 229; Iron Molders' Journal, December, 1885, p. 5; March, 1894, p. 3.

shops.[1] In general jobbing and machinery foundries, on the other hand, the time system has always been the predominant one,[2] but even in this branch a number of manufacturers have from time to time desired some of their molders to work under the piece system. From the first the union has been opposed to piece work, but the opposition was not equally strong in all branches, and a policy of acceptance and regulation was often recommended by the officers. In recent years there has been a growing divergence in the policies pursued for the different branches of the trade, and in the stove-molding branch piece work is now practically unopposed.

Opposition to the piece system was very early manifested in the conventions of the national union. The second convention, that of 1860, recommended to the local unions the abolition of piece work,[3] and this policy was consistently urged by the conventions for several years thereafter,[4] but no active steps were taken in that direction by the national union. The strength of the union in its earliest years lay largely in the stove and hollow-ware branches of the trade,[5] and both of these were piece-working branches. The seventh annual convention, that of 1866, adopted a rule, which was not to be effective until ratified by a three-fourths vote of the membership, that after January 1, 1867, piece work should not be accepted by union members. The president of the national union opposed the adoption of the rule, as he did not believe the time had arrived for such a radical stand against piece work.[6] Only twenty local unions voted

[1] Iron Molders' Journal, July, 1876; December, 1885; January, 1888; March, 1894.
[2] International Journal, January, 1874, p. 229.
[3] Ibid., February, 1874, p. 258.
[4] Ibid., April, 1874, p. 322; May, 1874, p. 354.
[5] Frey and Commons, loc. cit.
[6] William H. Sylvis was then president of the union. The views which he expressed at that time as to the proper policy for the union to pursue with reference to piece work deserve quotation. He said, "Although I am opposed to piece work and fully acknowledge its evil effects upon the trade, and, although I as much desire its abolition as any man, yet I am free to admit the dangers, which in my opinion surround any legislation upon it, beyond an endeavor

on the question and these were nearly evenly divided.[1] The view expressed by the president of the union in 1866 was for years that generally held by the officers.[2] In the union at large, however, the feeling against the system and in favor of its abolition continued strong, and under this influence the convention from time to time condemned the piece system with vigor, but did not for years again recommend an outright struggle with piece-work as an issue.[3]

In the convention of 1886 the committee on piece work recommended the adoption of a rule requiring the abolition of piece work in all shops under union jurisdiction by May 1, 1887. The convention endorsed the recommendation, but left the decision as to the date on which the prohibition should become effective to the national officers, and also provided that the prohibition should first be ratified by a vote of the membership.[4] The officers did not see fit to inaugurate such a movement, and though the opposition to piece work continued strong the convention refrained for a long period from recommending specific action.[5] After 1895 the opposition to piece work stiffened. With increasing strength the union began a series of persistent local fights against the system in all branches except stove molding and particularly in the general jobbing and machinery foundries. In this last branch the movement for the abolition of piece work met with considerable success.[6] This

to correct some of the abuses to which the system is subject. I give it as my deliberate opinion, reached after long and careful consideration, that piece work will never be abolished, and that, should this convention adopt a resolution fixing a time when it should cease, and undertake to enforce it, the result would be a dismemberment of the organization, and, perhaps, its total destruction" (International Journal, January, 1867, p. 309).

[1] International Journal, July, 1866, p. 121; January, 1867.

[2] Iron Molders' Journal, 1874, pp. 307, 354; July, 1876; January, 1877.

[3] International Journal, March, April, July, 1873; March, May, December, 1874; Iron Molders' Journal, December, 1876; July, 1877; January, June, 1878; April, 1880; April, 1882; September, October, December, 1885; February, 1886.

[4] Proceedings, 1886, p. 32.

[5] Iron Molders' Journal, March, May, September, 1887; January, 1888; December, 1892; March, 1894; Proceedings, 1889, p. 59.

[6] Proceedings, 1895, p. 75; Iron Molders' Journal, June, 1896; February, 1897; December, 1899; Proceedings, 1899, pp. 21–30.

strengthened the feeling for a general abolition of piece work, and before the convention met in 1899 an agitation had begun for the adoption of a rule requiring its abolition by a given date.[1]

The sentiment in the convention in favor of the abolition of all piece work was strong.[2] President Fox, though declaring that he favored the ultimate extinction of piece work, urged the convention not to attempt to abolish it abruptly, particularly in the stove-molding branch. Such action, he warned, would cause dissatisfaction among the members in that branch and bring on a conflict with the Stove Founders' National Defense Association.[3] The convention ordered a referendum vote on the question of abolishing piece work generally. If the vote was favorable the officers were to promote opposition to piece work among the members and to try to secure its abolition at every conference with the employers. This applied, of course, to the stove branch as well as the others. The vote of the membership was heavily in favor of abolition.[4]

The Molders' representatives at the next conference with the Stove Founders' National Defense Association, in the spring of 1900, requested the representatives of the Founders to urge the abolition upon their members. To this the employers' representatives declined to agree, though they were willing that the union representatives should appear before the convention of the Defense Association and advocate the change.[5] Since that time no official action from the side of the union looking toward the abolition of piece work in the stove branch has been taken. Under the conference agreement it could be brought about only with the consent of the employers and they are unwilling to consider a proposal to change. The stove molders on the whole, as well as the union officers, are satisfied with the present sys-

[1] Iron Molders' Journal, May, 1899, p. 235.
[2] Proceedings, 1899, pp. 67, 73, 91.
[3] Ibid., p. 12.
[4] Iron Molders' Journal, March, 1900, p. 151.
[5] Ibid., April, 1900, pp. 183, 206–7.

tem and with the safeguards provided by the conference agreement.

In the machinery and jobbing branch, the officers and the local unions continued the fight vigorously.[1] In the conferences between the union and the National Founders' Association the representatives of the latter were anxious to secure an agreement that piece work should be allowed in this branch at the option of the employer, but the union refused to agree.[2] An official of the national union estimates that not more than ten per cent. of the members in foundries of this class are now working under the piece system. The national union will oppose its extension, but where the system is established its abolition is left to the local unions. In agricultural shops, plumbers' supply shops, railroad shops, and other specialty shops, the union does not fight piece work vigorously. The organization is not on the whole as strong in these shops as in the general machinery and jobbing foundries, and in those shops in which it is strong the conditions are more favorable for piece work than in shops of the latter branch.

From its organization the International Association of Machinists has maintained an attitude of hostility towards piece work. The union prohibits the introduction of the system, has fought against it in many places, at one time ordered in convention that members must strike for its abolition before a given date, and yet has not succeeded in eliminating it. The preference of some employers for piece payment on certain kinds of work makes it impossible to force its abolition in their shops without severer struggles than the union is willing to undertake. For the past dozen years the officers of the national union have suggested that the union should accept the piece system where it is generally in vogue and should direct effort to improving the oper-

[1] Iron Molders' Journal, April, July, August, 1901; August, December, 1902; March, 1903; 1904, pp. 170, 504; Proceedings, 1907, pp. 9, 156, 161; Constitution, 1907, Resolutions, no. 28.

[2] Iron Molders' Journal, July, 1900, p. 383; March, 1901, p. 131; MS. Minutes of Conferences, October, 1902, April, 1904.

ation of the system and to securing the best possible prices under it for the workers. This policy has not, however, commended itself to the conventions.

Members were early forbidden by the constitution, under penalty of expulsion, to work by the piece except where the piece system was already in operation.[1] This rule was not found satisfactory by the officers of the national union. In 1895 the president suggested to the convention that the piece system should be recognized and controlled by the union inasmuch as it had become established very widely in the trade. He pointed out that it was inconsistent to forbid members to work by the piece in some shops and to allow piece payment in nearby shops in which it had been established before the rule against its introduction was adopted. But the convention adhered to the rule although it was not prepared to inaugurate a concerted movement to force the abolition of the piece system.[2]

In 1901 the president of the national union reported to the convention that three-fifths of all difficulties with employers in the preceding two years had been over the question of piece work. In that time, he stated, the union had prevented its introduction in 114 shops, affecting 2,800 machinists, whereas in the same time it had been introduced in 49 shops, affecting 3,653 men. He pointed out that one great difficulty was that the men were desirous of working under the system of piece payment and many remained out of the union because of its attitude toward piece work. He recommended that the piece system be accepted in union shops and that it be controlled; he further maintained that the only logical alternative was to forbid piece work to all union members. The two plans were submitted to the convention for choice. The president argued that a general prohibition could not be enforced and the conven-

[1] Constitution, 1891, Constitution of Subordinate Lodges, Art. XX, sec. 2; Machinists' Journal, January, 1893, p. 356.

[2] Proceedings, 1895. There were occasional strikes for the abolition of piece work or to prevent its introduction in the next few years. See for instance, Machinists' Journal, March, 1896, pp. 46, 71; February, 1900, pp. 101, 104.

tion rejected the plan of regulation, leaving the rule standing as before.[1]

Before the next convention there were several strikes against the attempted introduction of piece work, one of these, on a large Western railway system, lasting for eleven months. The officers in 1903 again urged the convention either to adopt a policy of recognition and control or to enforce the prohibition of piece work everywhere, but favored the former course. After much discussion, the convention voted that piece work should be discontinued by July 1, 1904.[2] In 1904 the membership voted by a large majority not to enforce this rule on account of the depression in the trade.[3] Throughout the year 1904 the union was on the defensive in the matter of piece work, and many local unions were forced to fight against its introduction.[4]

The 1905 convention continued the prohibition of the introduction of piece work, but rejected the recommendation of its committee on piece work that a piece-work fund be raised and placed at the disposal of the national officers to be used to fight piece work and kindred systems.[5] There were many strikes against piece work in 1906 and 1907. One of these, on an Eastern railroad system, involved 1,000 men.[6] The 1907 convention adopted a resolution urging all local unions to fight piece work vigorously until its abolition was accomplished, but did not recommend a general strike with this aim.[7] In his report in September, 1908, the

[1] Machinists' Journal, July, 1901, pp. 465, 652.

[2] Ibid., April. p. 225, June, p. 479, 1903; Proceedings, 1903, in Machinists' Journal, July, 1903, p. 619.

[3] Ibid., September, 1904, p. 791.

[4] Ibid., 1904, passim; March, 1905.

[5] The president had declared in his report to the convention that piece work was increasing and could not be checked without a special fund. (Proceedings, 1905, p. 78; Report of President, in Machinists' Journal, October, 1905).

[6] Machinists' Journal, 1906, pp. 427, 428, 723, 729; 1907, pp. 262, 479, 488. The president of the union stated in the 1907 convention that for two years before this strike was called, the lodges on this system had had the standing approval of the general executive board for a strike against piece work at any time three-fourths of the members on the system would vote for such a strike (Proceedings, 1907, pp. 48, 49).

[7] Proceedings, 1907, p. 68.

president of the union again declared that the preference of many of the men for piece work made its abolition difficult for the union. The result of the union's war on piece work, he said, had been to prevent the extension of the system, which would have been rapid if the union had not fought it with energy; but the union had not succeeded in decreasing the number of plants operated under the piece system or the number of men working by the piece.[1] At the present time, the officers of the national union strongly prefer the time to the piece system of payment, but maintain that it would be good policy in plants that cannot be unionized except with recognition of the piece-work system for the union to accept piece work and to make the best of it.[2]

The Boiler Makers and Iron Ship Builders' Union fought successfully for years for the abolition of piece work in the boiler-making branch of the trade, and finally secured its elimination in the boiler-making shops, including railroad shops.[3] In the ship-building branch piece work had always been permitted, except on repair work. But in the 1908 convention the president of the national union declared that piece work was wrong in principle and should not be allowed in any branch. The convention approved of this recommendation and voted that piece work should be abolished in the ship-building branch as soon as possible. The executive board was instructed to investigate each case in which work is done by the piece and to set a date for its abolition.[4]

[1] Machinists' Journal, September, 1908, p. 789.

[2] An official of the national union stated to the writer that not more than six per cent. of the members are now on piece work, although twenty-five per cent. of the men in the trade work by the piece. Piece payment has been almost entirely eliminated in the railroad shops of the South and West, but is not uncommon on the roads of the North and East.

[3] Constitution, 1903, Art. XIII, sec. 16. President's Report, 1901, in Boiler Makers' Journal, August, 1901; August, 1902, p. 289; July, 1908, pp. 427, 464.

[4] Boiler Makers' Journal, July, 1908, pp. 427, 478, 507–508; Constitution, 1908, Art. XIV, sec. 13. An officer of the national union estimates that but two per cent. of the members are working under the piece system. These are employed in the ship yards. The union has a comparatively small part of its members in ship yards

Members who encourage the introduction of piece work are liable to expulsion.

Two per cent. of the Boiler Makers, six per cent. of the Machinists, ten per cent. of the Blacksmiths, and probably not more than one-third of the Painters and Paperhangers and one-fourth of the members of the other unions in this group work under the piece system. This gives about 49,000 or twenty per cent. of the total number of unionists in this group, under the piece system.

The following table shows the number of unions, the aggregate membership, and the estimated number of piece workers in each of the five groups of unions:

	Number of Unions	Number of Members	Number of Piece Workers
Group I	24	399,500	274,000
Group II	9	110,900	40,000
Group III	58	864,600	
Group IV	8	65,900	50,000
	4	20,100	17,000
Group V	18	246,400	49,000
Total	121	1,707,400	430,000

Summing up the foregoing details, it appears that in ninety-one of the one hundred and twenty-one unions the question of whether remuneration shall be under the piece or the time system is not an issue. These ninety-one unions include approximately 1,375,000 members, or about eighty per cent. of the total membership. Thirty-three of these, with a membership of 510,000,[1] are unions which accept the piece system without objection, and of these thirty-three, twenty-four are predominantly piece-working unions. These have an aggregate membership of 399,500, or approximately twenty-three per cent. of the total membership of the one hundred and twenty-one unions.

The group of predominantly piece-working unions which

at present, but it has had as many as twenty-five per cent. of its members in this branch of the trade.

[1] This total includes the stove molders in the Molders' Union. That union, with the remainder of its membership, is entered in the group of predominantly time-working unions who are opposed to piece work.

are opposed to the piece system includes eight unions, with an aggregate membership of 65,900, approximately fourteen per cent. of the aggregate membership of all the predominantly piece-working unions. As has already been noted, the estimated number of piece workers in predominantly piece-working unions opposed to the system, exclusive of the four unions whose officers are opposed, is approximately 50,000. If the latter be included in the total of those opposed to piece work, it may be estimated that fifty-eight per cent. of the piece-workers opposed to the system are in predominantly piece-working unions. Including the four unions mentioned above, 116,000 unionists or about seven per cent. of the total number of unionists are piece workers in unions which oppose the piece system. Without the four unions the piece workers in unions opposed are slightly under six per cent. of the total union membership, or twenty-three per cent. of the total number of piece workers. If the larger figure be taken, there are left in unions which are not opposed to piece work seventy-three per cent. of those working under the piece system. The number of piece workers in all the unions is approximately one-fourth of the total number.

From the standpoint of the number of members the unions in opposition to piece work loom up more strongly than in the number of piece workers included in each. The total membership of the unions entered as opposed to piece work is 332,400, as contrasted with 510,400 in those unions which accept it willingly. The first figure includes, of course, 197,000 time workers in predominantly time-working unions. For a large proportion of these, piece work is not feasible and is not a practical issue. The total for unions not opposed also includes 70,000 time workers in predominantly time-working unions, a large part of whom are also not directly affected by the attitude of their unions toward piece work. The number of those not under the piece system and not directly affected by the attitude of their unions thereto, if the members of the time-working unions for

whom piece work is not now an issue be included, is close to two-thirds of the total union membership under both systems. Finally, it is safe to assume that of those affected by the union attitude toward piece work, exclusive of course of the time-working unions in which it is not an issue, two-thirds are willing to accept it, and nearly one-half are actually working under it without objection.

II

Objections to Piece Work

As has already been pointed out a system of piece payment possesses an advantage from the standpoint of the union over time payment, since under the piece system collective bargaining covers wages more fully than in the case of the time system. A union which fixes piece rates is establishing the rates actually paid and not mere minimum rates. Under a piece scale the more efficient members receive wages directly in proportion to their greater efficiency. Such a union rate naturally occupies a more important position in the eyes of the individual workman than a mere minimum rate.

An important corollary of the advantage of securing in the scale, wages in proportion to efficiency is that of insuring that individuals shall not do more work than the average without receiving proportionally more pay. Under the piece system the union avoids the contingency that some members may turn out more work in proportion to the wages they receive than the general run of their fellow workmen. In some time-working unions in which the product is approximately measurable, as, for instance, in the Granite Cutters' Union and the Typographical Union, much concern is expressed over the fact that some men do more than the average amount of work for the minimum rate and that a few do considerably more than the average for a wage which is less than proportionately higher.[1] These

[1] Granite Cutters' Journal, February, 1897; February, 1900; June, 1902, p. 6; June, p. 4, July, p. 4, 1905; Barnett, p. 133.

individual workmen, it is complained, are turning out work at a lower rate per unit than the other members. The tendency where this is allowed to go on, it is argued, is toward an increase in the output required of all for the old daily wage. Under the piece system the union avoids this form of competition without having to resort to the alternative policy of forbidding workmen to exceed the average daily output by more than their wages exceed the minimum. The piece system has a further advantage in widely competitive trades. Inequalities in time rates in different shops or localities within the same competitive area are, to be sure, less likely to lead to reductions or to prevent increases in local wages than inequalities in piece rates. On the other hand, the scale is much more likely to be uniform under a piece system and if it is uniform the union is likely to be able to secure on the average a higher rate of remuneration than under the time system.

The objections to the piece system are of two kinds. In the first place, some unions object to the piece system because of the fact that a satisfactory unit of measurement cannot be devised, or because the piece standard breaks down in some one of the ways indicated in Chapter I. It is noteworthy, however, that relatively few unions reject the piece system for such technical reasons. The important objections urged against the piece system are not connected with its undesirability as a measure of labor, but with the mischievous consequences of its use. It is the effect which the system of payment according to the number of pieces turned out is believed to have upon the general rate of remuneration in terms of output that lies at the root of most of the opposition to piece work. Nearly all of the unions which oppose it do so mainly because they believe that wages will become lower, or at least the output required for the average daily wage higher, under this system of payment then they would be under the time system.

As has been said, there are a few unions which emphasize among their objections to piece work the friction

and loss occasioned by the difficulties in applying piece scales to the work in their trades or the unfairness of attempting to pay by the piece for work which is not physically adapted to piece payment. This objection is logically distinct from the tendency to reductions in wages which is the main ground of objection in most unions to the piece system. The liability to reductions is itself increased, however, by the necessity for frequent pricing of work. The opposition to piece work on this ground will therefore be considered first.

The friction and loss of time involved in operating the piece scale came very early to be felt as a serious objection to piece work in the granite cutting trade. The nature of these difficulties has been described in Chapter I. They appear to have been in this trade as potent a reason for the abolition of piece work as the feeling that piece work tended to produce wage reductions. The secretary of the national union states that piece work would be preferable to time payment if the former could be smoothly and fairly administered. Similar difficulties underlie the opposition of the Shingle Weavers to piece work. In his 1908 report the president in discussing the scales said, "Many deplore the lack of detail and find fault that many cases in the growing complexity of the shingle industry are not provided for." And among the "evils of piece work" he emphasized "the growing difficulties with which we are troubled in trying to adjust a piece work system to these great varieties of conditions and still maintain some degree of equity among our people as well as to maintain an approximately fair equalization among the manufacturers in the cost of production."[1] Among the Leather Workers on Horse Goods also there is complaint that the scales do not standardize the rate of remuneration and time payment is suggested as the remedy.[2]

The officers of the Ladies' Garment Workers and of the

[1] Report of President, 1908; also Proceedings, 1909, p. 56.
[2] Leather Workers' Journal, May, 1904; June, 1907.

Cloth Hat and Cap Workers give a prominent place to the disputes and loss of time accompanying the settlement of prices in their reasons for opposing piece work. In these trades, particularly in the former, the necessity of making almost entirely new scales with each seasonal change of styles is responsible for a great deal of the trouble. In the Ladies' Garment Workers' shops, too, new work is constantly coming up for pricing during the season. According to the president's report to the 1904 convention, "Fashions change with bewildering rapidity and prices must be adjusted almost daily."[1] These are disadvantages in the piece system which naturally impress the officers more than the individual member, whose immediate interests are involved in only a small part of the price disagreements.

In a few other unions, particularly among the Molders, the Blacksmiths, and the Machinists, changes in the physical conditions of production for the same patterns are felt to make the system of piece payment unfair. This objection naturally applies more to those shops in which the nature of the products turned out changes frequently than to those in which the work is a repetition of familiar patterns. In shops of the first character the price is usually set after a brief trial of the pattern and this price holds for the duration of the job. The officers of these unions contend that the material conditions affecting the time required often do not remain standard for the life of the price. As these patterns are not constantly recurring the equalizing effect of the long run is absent. The Molders' officers point out that the equipment deteriorates after a time, that the pattern becomes "sprung," the flask burned, and the sand "burned out," all of which increases the time required to turn out the casting. The Machinists' officers state that material, as, for instance, steel, even though it is supposed to be of uniform quality, is of varying difficulty to cut. The president of the Blacksmiths states that the difficulty of working iron is subject to similar variations. The Molders complain

[1] Proceedings, 1904, p. 12.

that a further source of unfairness in the piece system in many foundries is the liability of non-payment for a casting which has been lost without fault on the molder's part. The employer seldom pays for these unless it can be shown that the molder is clearly not at fault and this is often difficult to prove. On small work this is not such an important factor, but if a molder loses a large casting it makes a considerable difference in his wages for the week.[1]

The more important set of objections to piece work center about the stimulus that payment by the piece offers to the workers to increase their output, and the depressing effect of this increased output on the piece rates. These two effects, increased output and lower piece rates, are felt to be reciprocal. The higher earnings from increased output are regarded as leading to reductions in prices, and the reduction of the prices leads the workers again to increase their output in order to recover their former daily or weekly earnings. The final result, it is complained, is that weekly wages are no higher than at first, but a much larger output is required to secure the same wage. Several other objections to piece work often thought of as distinct are really consequences of increased output. It is charged, for instance, that piece work decreases the number of persons employed. But this result is due, of course, to the greater output of those retained. It is charged that piece work exhausts the workers, impairs the quality of workmanship, and promotes specialization. These are also evidently due to the encouragement of output inherent in the piece system and to the increased pressure for output exerted by price reductions. The objection that piece work promotes selfishness and weakens union solidarity rests upon the assumption that the workmen who are induced to increase their output considerably beyond the average thereby injure their fellow workmen by reducing the number employed and by

[1] See statement by the president of the union in the Eleventh Special Report of the Commissioner of Labor, 1904, Regulation and Restriction of Output, p. 150.

bringing price reductions. These several objections will be considered in order.

The contention that payment by the piece leads to lower prices per unit of output than would prevail under the time system involves the two assumptions that piece work stimulates the worker to increase his output and that a reduction in price will follow earnings appreciably above those formerly made on work of similar character. The belief that a worker will do more work under the piece than under the time system appears to be generally held by employers and workmen irrespective of connection with a union.[1] That higher earnings often lead to reductions in the piece rates also admits of no doubt. That reductions will be made under such circumstances is a common expectation among unionists, and this view is widely shared by non-union workmen and employers.[2] It is easy to see why the introduction of piece work is in many cases followed by reductions in the prices. Employers generally set piece prices at a point which allows the workers to make their previous average wages. If any considerable proportion exceed their previous earnings the employer usually assumes that the rates have been placed too high and proposes a reduction. The reduction, if the workers attempt to regain their wages by increasing their output, leads to an increase in the effort necessary to secure a given weekly or hourly wage. As the result of such reductions the output required for average wages, in the opinion of most of the union members opposed to piece work, is considerably greater than would be required for the same time rate; the greater output of piece workers does not lead permanently to proportionately higher wages.

The belief that piece work lowers the average amount of remuneration per unit of output is by far the weightiest

[1] Eleventh Special Report of the Commissioner of Labor, p. 17; Webb, Industrial Democracy, p. 294; Schloss, Methods of Industrial Remuneration (3d edition), p. 52.

[2] See, for example, papers and discussions on methods of payment in Transactions of American Society of Mechanical Engineers, Vols. X, XII, XVI, XXIII, XXIV; Webb, p. 292; Schloss, p. 70.

single objection to piece work and the real source of the opposition in most unions. It appears repeatedly in the reports of officers, the resolutions of conventions and in the correspondence from members in the trade union journals.[1] It is significant that some of the unions opposed to piece work will agree without much resistance to work under the piece system if guarantees are given that the prices will not be cut or that the average wages will not be reduced below a fixed amount. In 1903, for instance, one of the national officers of the Molders' Union made an agreement with "members of the National Founders' Association making locks and hardware in Connecticut" that piece work was to be accepted on condition that when a piece price had been established for any job, it should not be reduced during the life of the agreement, unless "improved methods or facilities for molding" were introduced, and that the average wages of all the Molders was not to be less than $2.75 a day nor the wages of the "average molder" less than $2.50 a day. The union officer stated that piece work with such guarantees was not particularly objectionable.[2]

The belief that the larger output of the piece worker reduces the number of workmen employed is wide spread among union members. It is also a belief of long standing. The president of the Iron Molders' Union complained in 1867 that the piece worker does "two days' work in one," and thereby keeps others out of employment.[3] In 1876 the president of the same union complained that in the agricul-

[1] See, for example, International Journal, January, 1867, p. 308; April, 1873; May, 1874; Iron Molders' Journal, July, 1876; January, 1877; March, 1880; September, October, 1885; April, 1886; March, May, 1887; January, 1888; December, 1892; March, 1894; 1899, p. 235; 1903, pp. 26, 648; 1907, p. 894; Machinists' Journal, February, 1893; 1906, pp. 246, 726; 1907, p. 967; Proceedings, 1907, p. 46; Granite Cutters' Journal, August, 1877; January, 1879; April, May, 1886; July, 1893; Proceedings of Bookbinders, 1898; Proceedings of Railway Carmen, 1907, p. 68; Report of General President of Laundry Workers, September, 1908; Furriers' Journal, May, 1906; April, October, 1907; April, 1908; Proceedings of Shingle Weavers. 1908, p. 25.

[2] See also Proceedings of the Car Workers, October, 1907, p. 17.

[3] International Journal, July, 1867.

tural branch one molder turned out as much work as two formerly did, and declared that if piece work were abolished there would be an increase of one-third in the number of men employed in that branch.[1] The same argument against piece work has appeared frequently since that time in the Iron Molders' Journal.[2] The Machinists also share this belief. In 1893 the editor of the Machinists' Journal declared that the first thing to do in order to secure steady employment for members was to eliminate piece work.[3] The president of the Bookbinders urged the 1898 convention to move for the abolition of piece work on the ground that it "causes two men to be employed in doing a task that would require three men."[4]

The charge that the piece system leads the workers to exert themselves more intensely than a proper regard for health and the conservation of strength for a reasonably long working life warrants, is heard more frequently than any other objection to piece work except the contention that it reduces wages. The exhausting effects of piece work are emphasized in those trades in which the work is physically heavy. The president of the Blacksmiths' Union declares that in his trade the physical injury the piece workers do themselves is one of the greatest, if not the greatest evil of piece work. He points out that the nature of the work itself leads the men on to over-exertion even without the stimulus of piece payment, since the workmen are often led on to intense exertion by their anxiety to do

[1] Iron Molders' Journal, July, 1876 (Proceedings of Convention).
[2] Iron Molders' Journal, January, 1877; June, 1879; September, October, 1885; April, 1886; January, 1888; May, 1899, p. 235; August, 1903, p. 648.
[3] Machinists' Journal, January, 1893, p. 356; 1897, p. 218.
[4] Proceedings, 1898. See also, Blacksmiths' Journal, September, 1903. The president of the Flint Glass Workers referring, in his report to the convention of 1896, to the fact that some members had exceeded the limits established by the union, said ". . . by increasing the output of each shop one fifth, it is as clear as day that the opportunities of work in that factory were reduced in the same proportion" (Proceedings, 1896, p. 58). Schloss (p. 80), referring primarily to British workmen, says that "this belief is in a large measure responsible for the unpopularity of piece work."

all possible with the metal before it loses the proper degree of heat. The exhausting effects of piece work are also emphasized by the Iron Molders. In this trade also, particularly in floor molding, a considerable degree of physical exertion is demanded.[1] The work of the Machinists is as a rule not so heavy, but complaint is frequent of the same injurious effects.[2] The Granite Cutters also make much of the physical results of "rushing" upon the men. The "rushers" or "rumpers" in this trade are now usually time workers, but "rushing" has occasionally been laid at the door of piece work.[3] Sometimes the exhaustion complained of is more nervous than muscular. The secretary of the Amalgamated Glass Workers declares that piece work ruins the nerves of the men; that it is the fear that he will not get out the work rather than the physical strain which affects the workman injuriously. The secretary of the Garment Workers also emphasizes the nervous strain of the piece system, particularly upon the women workers.[4]

The unionists assume that the over-exertion under the piece system is due in most cases to the necessity of reaching an unreasonably large output in order to obtain a reasonably large daily wage. This evil effect is thus due to previous wage reductions. It is often pointed out, to be sure, that the workers who invite reductions by excessive outputs are bringing premature retirement upon themselves as well as price reductions upon themselves and their fellow workmen. But if the high output of the few were not believed to result in wage reductions for all there would be little union objection to piece work on the ground that it allowed a few to injure themselves. It is the exhausting effect upon

[1] Iron Molders' Journal, December, 1885; February, April, 1886; March, 1887; December, 1892; March, 1894; May, 1899, p. 235; 1903, pp. 480, 648; 1907, p. 894.

[2] Machinists' Journal, 1903, pp. 185, 694; 1907, p. 901. See statement of the president of the Machinists in Eleventh Special Report of Commissioner of Labor, p. 121.

[3] Granite Cutters' Journal, April, 1886; June, 1893.

[4] Schloss (pp. 60 ff.) discusses at some length the effect on the workers of the piece system. The Webbs do not discuss physical strain as a trade union objection to piece work.

the majority which gives the unions real concern, and the over-exertion in the case of the majority is attributed to previous wage reductions rather than to too great eagerness to increase daily wages above a recognizedly fair average.

Two other results are charged in some trades to the pressure for quantity of output exerted by the piece system—poor workmanship and extreme specialization. These results are undesirable in themselves, but they are believed also to tend indirectly toward a reduction in the general rate of remuneration in the trade. That piece work led to poor workmanship was one of the complaints against it among the Granite Cutters.[1] The secretary of the Travellers' Goods and Leather Novelty Workers and the Shingle Weavers also regard poor workmanship as one of the evils of piece work.[2] The influence exerted toward specialization is a ground of objection to piece work particularly in those unions which are fighting the system, as for instance, the Blacksmiths and Machinists.[3]

Finally, the opposition to piece work by union men is due in considerable measure to the feeling that it militates against the strength of unionism by encouraging men to seek self-advancement at the expense of their fellow-workmen. As has been pointed out, this belief assumes that those who push their output above the average are bringing about price reductions for all employed on that kind of work and depriving some of employment. This belief appears among the objections urged against piece work in a number of unions.[4] It is complained also that where there is a difference in the desirability of the work to be done,

[1] Granite Cutters' Journal, April, 1886; June, 1893.
[2] Proceedings, 1908, p. 25.
[3] Machinists' Journal, June, 1894, p. 212; January, 1907, p. 12; Proceedings, 1907, p. 100. See also Proceedings of the Bookbinders, 1896.
[4] International Journal, January, 1867; Iron Molders' Journal, June, 1879; March, 1880; April, 1886; 1903, pp. 480, 648; Machinists' Journal, August, 1903, p. 694; October, 1907, p. 967; Boilermakers' Journal, July, 1908, p. 427; Blacksmiths' Journal, January, 1903; Furriers' Journal, April, 1907; Proceedings of the Shingle Weavers, 1908, p. 25; Proceedings of the Bookbinders, 1898.

the solidarity of the men may be further weakened by favoritism in the assignment of work. The secretary of the Granite Cutters states that favoritism in the distribution of the stones was an objectionable feature in the administration of the piece system in his trade.[1]

The belief that union experience has shown that piece work leads to low wages and general union demoralization has influenced some of the union officers who have recently urged their organizations to take steps looking towards its abolition. The president of the Shirt, Waist and Laundry Workers in advising his union in 1908 that the time had come to do away with piece work declared that "the most progressive organizations in the history of organized labor have discarded the piece-work system and are now working on the weekly or daily wage system."[2] The president of the Ladies' Garment Workers said in his report to the 1903 convention: "Regulation and control of a trade in which the piece system prevails is almost inconceivable. The most powerful labor organizations in America are in those trades in which the payment by weekly wages predominates."[3] The general secretary of the Tailors in appealing to his union in 1905 to abolish piece work also declared that union experience had condemned piece work. "The history of the labor movement and of the industrial world has demonstrated clearly that long hours are almost the universal concomitant of piece work, and it equally shows that long hours are accompanied by low wages."[4]

[1] The possibility of discrimination against piece workers when both piece and time workers were employed on the same job had considerable influence in determining the Granite Cutters to declare for the total abolition of piece work. Complaints were made that in giving out work the piece men were kept waiting until the time men had been started, that the easiest stones and those paying best according to the piece bill were done under the time system, and that the piece men were required to finish their stones more carefully (Granite Cutters' Journal, March, 1879; August, 1882, April, October, 1886; September, 1891; December, 1900). The New York bill of prices of 1890 and many other bills contained clauses prohibiting discriminations of this character.

[2] Report of President, September, 1908.

[3] Proceedings, 1903, p. 9; Proceedings, 1906, p. 11.

[4] The Tailor, February, 1905, p. 3.

It is this belief that piece work leads to price reductions, exhaustion of the workers, and reduction of the number employed, and that these effects are traceable to excessive output, which accounts for the tendency so often exhibited by piece workers to adopt limits to their earnings or output. This tendency has appeared among unions which accept piece work willingly as well as among those which oppose it. The Amalgamated Association of Iron, Steel and Tin Workers, the Flint Glass Workers,[1] and the Window Glass Workers for years maintained limits of output in their national scales, and the scales of the Window Glass Workers and of some branches of the Flint Glass Workers still provide such limits. The purpose of these regulations is and has been to prevent such increases in output as would lead to price reductions, discharge of persons employed, and exhaustion of the workers.[2] Where the limits have been abandoned, it has been because the unions have been unable to maintain them on account of the opposition of the employers and the competition of non-union workers.

The adoption of national limits has been advocated in the conventions of other piece-working unions. There was such an agitation among the Glass Bottle Blowers for years, culminating in the adoption by the 1894 convention of limits for the following blast.[3] But these were not enforced and were not renewed.[4] The president of the national union in a circular issued in 1891 warned the members of the danger to prices and to the members' health in "the big day's work." He did not, however, favor the adoption of limits, but rather the education of the members and the fostering

[1] For a description of the prevailing system of limits among the Flint Glass Workers, see above, p. 69.

[2] Vulcan Record, I, p. 52; Proceedings of Amalgamated Association of Iron, Steel and Tin Workers, 1877, pp. 53–4; Proceedings, 1883, pp. 1027, 1115; Proceedings, 1887, p. 1230; Proceedings, 1905, p. 7221; Proceedings of Flint Glass Workers, 1896, p. 58; Proceedings, 1905; Proceedings, 1906; Proceedings, 1907.

[3] Proceedings, 1892, pp. 21, 133; Proceedings, 1894, pp. 47, 87–90.

[4] Proceedings, 1895, pp. 27, 34, 73–8; Proceedings, 1896, pp. 29, 69. The opposition of the president of the union to the policy of limitation was undoubtedly an important element.

of an "understanding among ourselves not to go beyond what is reasonable."[1] The preamble of the resolution limiting earnings which was adopted by the 1894 convention recited that the limits were intended to check excessive output, which was injurious to the individual, harmful to the trade, and resulted in keeping deserving men in idleness.[2]

In the Molders' Union much was heard of limits during the years of opposition to piece work in the stove branch. Limits were, in fact, maintained by local unions or by shop crews in many places, and the question of a national limit on the earnings of piece workers was before the national union as early as 1873.[3] The convention of 1886 did adopt a limit of $3.50 a day for piece workers but left the penalty for violations to the local unions.[4] The rule was not uniformly enforced and the 1888 convention repealed it as impracticable, leaving each local union to set its own limit and punish violations as it saw fit.[5] The agitation for a rule of national scope was renewed from time to time.[6] The question was before the national convention in 1895 but no action was taken.[7] A circular advocating a wage limit was sent out by a local union in 1899, but this was vigorously opposed in the columns of the official journal. This opposition reflected the attitude of the national officers at that time toward piece work and toward limits in the stove branch.[8] In the spring of 1902 the Molders officially agreed with the Defense Association that no limits should be observed in the stove-molding branch, in view of the agree-

[1] Proceedings, 1892, p. 21.
[2] Proceedings, 1894, p. 90.
[3] International Journal, 1873, p. 196; 1874, pp. 276, 354; Iron Molders' Journal, 1875, p. 392; December, 1885; January, February, March, October, 1886.
[4] Proceedings, 1886, p. 32.
[5] Proceedings, 1888, pp. 65, 78.
[6] Iron Molders' Journal, May, 1890; August, 1894; April, June, 1895.
[7] Proceedings, 1895, pp. 64–87.
[8] Iron Molders' Journal, 1899, pp. 235, 278, 303, 363.

ment that the earnings of the individual molders should not be considered in adjusting prices of work.[1]

Local limits have prevailed for years among the Hatters in spite of the opposition of the national union to the policy.[2] Local or shop limits are observed also by the Pen and Pocket Knife Grinders, the Table Knife Grinders, the Leather Workers, the Brick Makers, the Broom Makers, and the Stove Mounters, where the local unions do not have agreements with the employers similar to that of the stove molders with the Defense Association.[3] Limits are also maintained but usually less openly by local unions of those piece-working unions which are opposed to the piece system. An understanding that certain limits of earnings shall be observed is also common in non-union piece-working shops; and many employers expect as a matter of course that their piece workers will observe such limits.[4]

III

Acceptable Conditions for Piece Work

Obviously the unions which accept piece work willingly have not found that it produces the injurious effects attributed to it by the unions which oppose it. If these unions

[1] Clause 17 of the Conference Agreement then adopted reads as follows: "Inasmuch as it is conceded by the members of the Stove Founders' National Defense Association that the earnings of a molder should exercise no influence upon the molding price of work, which is set, according to well-established precedent and rule of conference agreements, by comparison with other work of a like kind, the placing of a limit upon the earnings of a molder in the seven hours of molding should be discountenanced in shops of members of the S.F.N.D.A." In his report to the convention of the union a few months later, President Fox took a definite stand against limits, save as a refuge against arbitrary exactions (Proceedings, 1902, p. 621).

[2] Journal of the United Hatters, March, September, 1899; Proceedings, 1900, p. 337.

[3] Attempts have been made, so far unsuccessfully, to introduce national limits in some branches of the Potters' trade in order to prevent poor workmanship. These have the encouragement of the employers (Proceedings, 1905; Proceedings, 1906; Proceedings, 1907).

[4] See, for example, papers and discussions on systems of payment in Transactions of American Society of Mechanical Engineers, Vols. X, XII, XVI.

believed that piece work resulted in an appreciably lower rate of remuneration per unit of output than would be received under the time system they would prefer the latter. The advantages of the piece rate as a means of securing a better adjustment of pay to effort would be more than offset by the disadvantage of a constant, effective, downward pressure upon the wage per unit of product. The decisive factor in the determination of a union's attitude toward the piece system is the extent to which the piece system is believed to be accompanied by reductions in prices. In a few instances the piece system is accepted because the time system is believed to give the worker less protection against speeding rather than because prices are not reduced under the piece system; but for the most part the question of acceptance or opposition to piece work turns on whether prices are reduced. This is, of course, a matter of experience for each particular union.

The explanation of the fact that some unions are unable to avoid what they consider unjustifiable price reductions under the piece system whereas other unions which work under it do not suffer such reductions is not to be found merely in differences in the comparative strength of the unions. Some of the predominantly time-working unions which are opposed to piece work are counted among the strongest American unions. They may be weak in many of the shops in which piece work prevails, because their members may avoid those shops when work can be obtained elsewhere; but piece work is opposed also in these unions in shops in which nearly all the workers are union members and in which the union shop committee is recognized in setting prices. Nor will the protection afforded by limits complete the explanation. Many unions which accept piece work willingly now have no scale limits, whereas in many which oppose it attempts are made to secure the observance of shop limits. The difference in the effect of piece rates on wages appears to be due, in large part at least, to the conditions, aside from mere union strength, under which

the prices are established and may be revised. And differences in these conditions are in considerable measure traceable to differences in the character of the product to which the piece system is applied.

One very important condition affecting the liability to reduction is the area over which the scale is uniform. It is to be noted that over half of the piece-working unions which accept the system willingly have national or competitive district scale systems, and that no predominantly piece-working union with such a scale is now opposing the piece system for the work covered by it.[1] Several other unions in this group have uniform local scales. Only a few of the unions in it have separate shop lists which are not bound together in some wider system of equalization. On the other hand, the bulk of the piece work done by men opposed to the piece system is done under shop lists. This is true particularly of the strong unions opposing the piece system.

Where piece prices are established in a national scale or a scale applying over the field of recognized competition, the conditions are most favorable for keeping the system free from progressive price reductions. The union is able in this kind of a wage bargain to marshal its full strength, or a larger part of it than could be enlisted in support of purely local prices, for each particular item in the scale. The employers, on the other hand, are less likely to press for reductions of particular prices once established, and this for two reasons. First, because the individual employer is not impelled to insist on reductions in labor cost in order to avoid the danger of paying more than his competitors or to obtain an advantage over them, and second, because the presumption is much stronger against the contention that a particular price in the scale gives earnings considerably above the intended scale average. The bulk of the work for which national or district scales are adopted in any year is

[1] The Shingle Weavers is the only union with a sectional piece scale opposing piece work, and it is a predominantly time-working union. Moreover, one of its important objections to piece work is the difficulty of applying the piece system to its work.

made up of patterns long familiar to the trade. The prices to be agreed upon are mostly those to be paid for this familiar work. The presumption is against the granting of a request that any one price or a few particular prices of long standing should be reduced because of the high earnings made under them. They have come to be accepted as standard and probably the workers have adjusted their speed to them.

The method of setting the new piece prices also shuts off to a large extent demands for reductions at the next scale revision. The new work, as explained in Chapter I, is in many cases priced by the application of physical standards, and reductions can ordinarily be demanded only on the ground that a mistake was made in classifying the pattern. Where the work cannot be automatically rated in this way, it has usually been made for a short time at least before it is priced by the national committees, and the care with which national prices are fixed tends to prevent such work being entered at prices which gives earnings considerably in excess of the scale average for the same intensity of exertion. The price reductions insistently demanded in national wage conferences are general or uniform percentage reductions from all prices, rather than in particular prices on the ground of high earnings on these pieces. When high earnings are used as an argument for price reductions it is usually in support of a request for a general reduction made primarily on some other ground, as, for instance, non-union competition.

These safeguards against price reductions on account of high earnings under specific prices are present to a less degree, but still to an important degree, where the piece scale is set for several shops in the same locality. If competition in the manufacture of the product is largely local and if the new kinds of work each year form but a small proportion of the total, the conditions are favorable. If competition is appreciably inter-city, reductions in prices or the failure to increase them is likely to be attributed to low prices in other

localties and the remedy is likely to be sought in widening the area of scale uniformity rather than in abolishing piece work. This is the tendency, for instance, among the pants and vest-making branches of the Garment Workers' Union, and to a less extent among the Cigar Makers. No strong predominantly piece-working union, and few predominantly time-working unions, which have had uniform local piece scales for any considerable time are actively opposing the piece system on such work.

When we come to the work done under independent shop lists we find the way to price reductions much more open. The incentive to the employer to secure reductions is greater, and the union is bargaining for fewer members. Moreover, the prices are fixed less carefully in the first instance, as the employer is not made cautious by the knowledge that he will have to demand reductions from a joint body of other employers and representatives of a much wider union constituency which will be affected by these reductions. The new work is likely to be in much greater proportion, and there is less likelihood of the presence of recognized standards as to the skill and effort which should be required for the average rate of wages. It is the absence of such standards which is in largest measure responsible for the tendency toward reductions under shop lists as the output is increased.

The conditions surrounding the fixing of piece prices are at their worst from the union standpoint when the system is applied to work of which the bulk cannot be reduced to a regular itemized scale in advance,[1] but must be priced as

[1] The fixing of prices even under these conditions is not individual bargaining or "sub-contracting." The prices are fixed, or are at least subject to ratification, by a shop committee which represents the union, not determined finally by the employer or foreman and the workman or workmen who are to make the particular pattern. The Webbs (Industrial Democracy, pp. 291 ff.) argue that it is chiefly because piece work generally means the setting of prices under conditions of "individual bargaining," that it is opposed by the British trade unions. A great deal of piece work is done by American unions opposed to the piece system which is done under shop scales or at least under shop prices agreed to by a shop committee.

it appears. The shop committee is usually bargaining in these cases for a few men and is guided only by an estimate of the time required, arrived at after a brief trial of the work. Although the shop committee is likely to resist reductions with more tenacity than it shows in fixing prices at the outset, the general rate of remuneration in terms of exertion is more liable to reduction under these conditions than where a regular scale is adopted periodically for the bulk of the work.

The character of the product plays a large part of course in the determination of the conditions under which prices are established and revised. It affects the proportion of new work in the scale, and the extent over which the scale may be made uniform is limited by it in considerable degree. In some unions the scales have not been made as uniform as is physically feasible; independent shop scales often indicate union weakness rather than physical difficulties in the way of wider uniformity. Some predominantly time-working unions, too, having adopted the policy of opposition to piece work, bend their energies toward its abolition rather than to securing more uniformly applicable piece scales for such of the work as would allow it. These cases aside, however, the physical character of product and processes remains a very important determinant of the area over which the same scale is applicable and consequently of the degree to which the unions experience progressive price reductions under the piece system.

In some unions other conditions than the physical nature of the work and the extent over which the scale is uniform count appreciably in protecting the workers against price reductions. The Boot and Shoe Workers generally prefer the piece system and many of their price lists are independent shop lists. Their label contracts usually provide that all differences as to prices or wages are to be subjected to arbitration. This operates to counteract unjustifiable reductions. The Stove Molders are, of course, protected by their agreement with the Defense Association that prices

shall be set and maintained in accordance with those already established in the district without reference to the earnings of the molder. The Mine Workers' prices are established in accordance with a competitive district scheme which eliminates the question of earnings on all work but that which on account of abnormally difficult conditions must be priced locally. Even here it is the proportional time required rather than the actual earnings of the individual which is the direct determinant. In the case both of the Stove Molders and of the Miners the protection to prices once established and the maintenance of the established general rate of remuneration in fixing new prices is due to the adoption of the competitive district as the unit in price adjustment. Such guarantees would probably not have been secured if prices in each foundry or mine were fixed independently.

In some unions the piece system seems to be preferred rather because of the greater liability to forced output under the time system than because of the feeling of security against reductions of prices under the piece system. The preference of the Textile Workers for the piece system is accounted for partly on this ground. The output of machine operatives in this union depends, skill being equal, upon the speed of the machinery, over which the operative has no control. If piece prices remain unchanged and the speed of the machinery be increased the earnings of the operatives are increased. If payment is by the hour or day the operative is obliged to exercise greater care and skill to prevent breaks but receives no greater wage. The Webbs assign this as the chief reason for the preference of the British textile unions for piece work.[1] The secretary of the American union states that it is an important consideration here also. It is not nearly so important as in England, however, as the American textile workers, except the Mule Spinners, have in many places no standard price per pick or other unit of output, as the British unions have,

[1] Industrial Democracy, p. 288.

securing them an increase in wages automatically with increased speed of the machinery. The American employers look to weekly earnings in fixing prices and there is in most places no assurance that the increased output will not result in reduced prices per hank for spinning or per yard for weaving.

The fear of greater "speeding up" for no greater or even less wages under the time system also accounts largely for a preference for piece work on the part of a considerable minority, if not indeed a majority, of the union members in the garment trades. It explains partly the weakening of the feeling against piece work among the United Garment Workers. The members fear that if piece work were given up they would be "speeded up" under the time system by the insistence of the employers on excessive "tasks" for the daily wage or on work in "teams." Under the "team system" each member must turn out his special part of the garment as rapidly as the other members turn out their parts, so that all must keep up with the pace set by the leader. The union men complain that the leader receives higher wages in return for maintaining a rapid pace for the other members of the team who receive only the average or minimum rate.[1]

[1] The Amalgamated Association of Iron, Steel and Tin Workers imposed limits on the output of the day hands on the sheet mill who were employed by a roller and with other members of a crew receiving piece rates, in order to prevent their output being increased without commensurate increase in pay. The national officers favored for years putting them on a piece basis. It has always been the policy of this union to bring all men possible under the tonnage system to prevent the day workers being "speeded up" without proportional increase in pay (Proceedings, 1884, p. 1320; Proceedings, 1886, p. 1834; Proceedings, 1887, pp. 1917, 1948, 1950; Proceedings, 1888, pp. 2307, 2326–8; Proceedings, 1890, p. 2897; Proceedings, 1899, p. 5586; Proceedings, 1900, pp. 5741, 5909; Proceedings, 1902, p. 6441; Proceedings, 1903, p. 6701). The Webbs state that the British coal miners' unions insist on piece work for helpers of piece workers for the same reason (Industrial Democracy, p. 290). The United Mine Workers are opposed to the system of employing helpers at time rates which prevails to a large extent in the anthracite fields.

APPENDIX A

CALCULATION OF OUTPUT IN MULE SPINNING

The number of yards which will be spun in a given time is generally calculated from the number of "stretches" per minute. The "stretch" is the outward trip of the movable carriage which carries the spindles, or the distance which is thus travelled. The twist is put in by the revolution of the spindles during the time occupied by the outward run of the carriage; or during this time and a brief interval that the carriage is stopped before the backward trip is begun. The number of stretches per minute must be adjusted to the number of turns of twist to be put in—the higher the number of turns of twist the longer the time which must be allowed for twisting, and the less the number of stretches per minute. The number of yards which will be spun per spindle in an hour will be 60 multiplied by the number of inches in the stretch by the number of stretches per minute, divided by 36. The number of stretches will thus vary with the number to be spun. On number 36 with a 64 inch stretch, the stretches per minute will be, say 5.125 and the output per spindle per day of ten hours 5.85 hanks, whereas on number 60 the stretches per minute will be about 4.125, and the output per spindle 4.70 hanks.

The variation in the number of stretches per minute does not bear an exact or uniformly assumed ratio to the number of turns of twist. Some mills may be found running at fractionally different numbers of stretches per minute from others on the same numbers. On the whole, however, the output to be expected under average conditions can be fairly well calculated in advance. In a catalogue published by the Mason Machine Works of Taunton, Mass., a table of the production which may be expected is given for numbers from 6 to 78 for a mule with a 64 inch stretch. On number

36 the stretches per minute are 5.125 and the output per spindle in a 60 hour week, with allowance for cleaning and doffing, is .97 pound; on number 60 the stretches per minute are 4.125 and the weekly output .47. Under the union price list for New Bedford (1908) these outputs per spindle for a pair of mules carrying 1,800 spindles would give $25.02 per week for number 36 and $24.92 on number 60. The spinners' actual earnings would be considerably less than that, as further allowance must be made for stopping, and the spinner has to pay the "back boy" from $3.00 to $4.00 per week from his list prices.

The English trade agreements which provide prices for mule spinning are based upon similar factors. The English practice is, however, to give in the scale the price under certain conditions for a given number, and the data for calculating the changes to be made in that with specific variations in number or conditions. Under the Oldham spinning list, for instance, prices are derived from that for a "standard operation." This is the "spinning of cotton yarn by a self-actor mule, making three draws (stretches) of 63 inches in 50 seconds; all variations from this standard, whether in length of drawing or in number of draws per second are provided for by a scale showing the corresponding variation in piece-price, while a special list of extras, payable if the conditions be otherwise than those contemplated as normal, is included." The number of draws per second is affected of course by the number of the yarn to be spun. Under the Bolton list payment is by weight, and here again the price actually to be paid is calculated by applying specific differentials to a standard price for a given number of turns of twist per inch for mules with a given number of spindles (Report of Standard Piece Rates of Wages and Sliding Scales in the United Kingdom, 1900. Board of Trade (Labor Department), pp. xvii, ff.).

APPENDIX B

PREMIUM AND BONUS SYSTEMS OF PAYMENT

It is very difficult to distinguish between the premium and the bonus systems of remuneration, for the two names are used almost indiscriminately. The term "bonus" is, however, more frequently applied at the present time to any contingent payment, and any plan under which such payments are offered is likely to be called a "bonus" plan or system.

The first examples of such plans were, however, known as premium plans. Under them the extra payment or premium was generally a fixed proportion, usually a half and almost never more than a half, of what the workers' regular wages would be for the number of hours or minutes by which he reduced the time formerly taken on an average to turn out a given amount of work. The essentials of the system were set forth by Mr. F. A. Halsey,[1] with whose name the premium system is most closely associated, in a paper read before the American Society of Mechanical Engineers in 1891 and printed in the Transactions of that Society for that year, Volume 12, pp. 755 et seq. The paper, but not the discussion of it, is reprinted in the Economic Studies of the American Economic Association, Volume I (1896), Number 2.

"The essential principle is . . . as follows: The time required to do a given piece of work is determined from previous experience, and the workman, in addition to his usual daily wages, is offered a premium for every hour by which

[1] Systems of payment involving the essential features of the "premium plan," that is, extra payments for time saved at rates below the regular rate for that time, had been occasionally used in the metal trades before Mr. Halsey's plan was proposed. Some of these were referred to as "bonus" plans (Transactions, Vol. 8, p. 469; Vol. 10, p. 622; Vol. 12, p. 767).

he reduces that time on future work, the amount of the premium being less than his rate of wages. Making the hourly premiums less than the hourly wages is the foundation stone on which rest all the merits of the system, since by it if an hour is saved on a given product the cost of the work is less and the earnings of the workman are greater than if the hour is not saved, the workman being in effect paid for saving time.

"Assume a case in detail: Under the old plan a piece of work requires ten hours for its production, and the wages paid is thirty cents per hour. Under the new plan a premium of ten cents is offered the workman for each hour which he saves over the ten previously required. If the time be reduced successively to five hours the results will be as follows:

Time Consumed Hours	Wages per Piece	Premium	Total Cost of Work Col. 2 + Col. 3	Workman's Earnings per Hour Col. 4 ÷ Col. 1
10	$3.00	0	$3.00	$ .30
9	2.70	$ .10	2.80	.311
8	2.40	.20	2.60	.325
7	2.10	.30	2.40	.343
6	1.80	.40	2.20	.366
5	1.50	.50	2.00	.40

The amount of the premium, according to Mr. Halsey, should vary with the degree to which the extra output requires an increased exertion on the part of the worker. In 1895 he said, "The only system which will endure is the one which pays the least possible per piece of product. The purpose of these systems is not, primarily, to pay higher wages but to produce cheap work, the adjustment sought being one which shall give the workman an increased wage per day in return for the decreased cost per piece of product."[1]

The more recently advocated systems, to which the term "bonus" has usually been applied, seem to have as their essential aim the reaching of a specific output considerably

[1] Transactions of the American Society of Mechanical Engineers, Vol. 16, p. 885.

higher than the previous average. Mr. F. W. Taylor described a system of remuneration before the American Society of Mechanical Engineers in 1895, which he called a "differential rate system of piece work," in which the central aim was to secure "the largest amount of work of a certain kind that can be done in a day." A rising rate per piece as the output increased toward the maximum was the stimulus offered the worker in the scheme of payment.[1] Mr. Taylor insisted then and later that the central point in his system was the ascertainment through a determination of "unit times," that is, the shortest time in which each separate operation can be performed, of the maximum output which can be expected in a given time from good workmen working at the highest rate of speed which can be regularly maintained. His differential rate system of payment was intended as an inducement to the men to maintain that rate of output after it had been ascertained.[2]

In 1895, in reply to a criticism that the rise in the rate as the output approaches the maximum results in a higher labor cost per piece for the enlarged output than would be the case under an ordinary piece system, Mr. Taylor said, "On the contrary, with the differential rate the price will, in nine cases out of ten, be much lower than would be paid per piece either under an ordinary piece-work plan or on day's work. An illustration of this fact can be seen by referring to paragraphs 78 to 83 of the paper, in which it will be found that a piece of work for which the workmen had received for years, under the ordinary piece-work system, 50 cents per piece, was done under my system for 35 cents per piece, while in this case the workmen earned $3.50 per day, when they had formerly made under the fifty cent rate only $2.25 per day.[3] . . . It is quite true that under the

[1] This paper is also reprinted in the Economic Studies, Volume I, No. 2 (Transactions of the American Society of Mechanical Engineers, Vol. 16, pp. 856–903).

[2] Transactions, Vol. 16, pp. 875, 903; Vol. 24, pp. 1337–8.

[3] In the case referred to the original output was 4 to 5 a day; the maximum was set at 10, and when 10 were produced in a day 35 cents per piece was paid; when less than 10 were turned out in a day less per piece was paid.

differential rate the workmen earn higher wages than under other systems, but it is not that they get a higher price per piece, but because they work much harder, since they feel that they can let themselves out to the fullest extent, without danger of going against their own interests."[1]

In 1901 Mr. H. L. Gantt presented to the same society a paper describing a "Bonus System of Rewarding Labor, Being a System of Task Work with Instruction Cards and a Bonus." Under his plan of payment the specified task is made the worker's goal and if he fails to reach it he receives no bonus. "If the man follows his instructions, and accomplishes all the work laid out for him as constituting his proper task for the day he is paid a definite bonus in addition to the day rate which he always gets. If, however, at the end of the day, he has failed to accomplish all of the work laid out he does not get his bonus but simply his day rate. . . . This system is so far as the writer is aware, a new one, but it is based on the principles of Mr. Fred. W. Taylor's system of elementary rate fixing."[2]

Mr. Harrington Emerson describes a system of bonus payment in the Engineering Magazine for February, 1909, which is based on a system of "standard time determination." A "standard time" is established, which is considered the minimum time in which the given output can be reached by the use of the best methods. The worker who turns out the work in the "standard" time is said to have an "efficiency of one hundred per cent." The workman receives a fixed sum and in addition receives as a bonus a percentage of his regular rate which increases more than proportionally with each per cent. of efficiency attained above sixty-seven per cent. At eighty per cent. efficiency, for instance, the bonus is 3.27 per cent.; at ninety per cent., 9.91 per cent.; at ninety-five per cent., 14.53 per cent., and at 100 per cent. efficiency, it is 20 per cent. If the workman increases the output above the "standard" the bonus

[1] Transactions, Vol. 16, pp. 887 et seq.
[2] Ibid., Vol. 23, pp. 341–372; Vol. 24, p. 1322; Vol. 30, p. 1042.

increases one per cent. for each added percentage of efficiency above 100 per cent.; at 133⅓ per cent. efficiency, for example, the bonus would be 53⅓ per cent.

The average output before the introduction of the system is considered as 67 per cent. efficiency. A worker who reaches 100 per cent. efficiency must turn out 50 per cent. more output in a given time than before. Assume, for example, that workmen with a wage rate of 40 cents an hour have been turning out on an average 6 units of a given article in 6 hours. The new "standard time" for 6 units is set at 4 hours. One and a half units of output is now said to be a "standard hour." If the worker turns out 6 units in 6 hours, as before, he has made but 4 standard hours in 6 hours of working time and his efficiency is but 67 per cent. Therefore, he receives simply his hourly rate of 40 cents and no bonus. If he turns out the 6 units in 5 hours he has made 4 standard hours in 5 hours of working time and his efficiency is 80 per cent. He will now receive his regular rate of 40 cents an hour for the five hours worked and a bonus of .0327 per cent. of that sum, a total of $2.07, or 41.4 cents an hour. If he does the work in standard time and turns out the 6 units in 4 hours he has made 4 standard hours in 4 hours of working time and receives his regular rate for the latter, $1.60, plus 20 per cent. of that as a bonus, a total of $1.92, or 48 cents per hour. If he should be able to reduce the standard time to such an extent that he halves his previous time for the 6 units, he makes 4 standard hours in 3 working hours and his efficiency is 133⅓ per cent. He would then receive pay at his regular rate for the 3 hours, $1.20, plus a bonus of 53⅓ per cent. of that, a total of $1.84 or 61⅓ cents an hour.

The labor cost to the employer, or the price per piece received by the worker decreases, of course, as the output increases. At the old output, or 67 per cent. efficiency, the rate per unit is 40 cents; at 80 per cent. efficiency it is 34.5 cents, at 100 per cent., 32 cents, and at 133⅓ per cent., 30⅔ cents.

These plans for bonus payment are frankly intended to stimulate the worker to increased effort. Mr. Taylor, Mr. Gantt, Mr. Emerson, and Mr. Halsey all assume that most workers could considerably increase their outputs under present methods without over-exertion. Mr. Taylor said in 1903, in advocating his system of work and payment, "That there is a difference between the average and the first class man is known to all employers, but that the first class man can do in most cases from two to four times as much as is done on an average is known to but few, and is fully realized only by those who have made a thorough and scientific study of the possibilities of men. . . . It must be distinctly understood that in referring to the possibilities of a first class man the writer does not mean what he can do when on a spurt or when he is over-exerting himself, but what a good man can keep up for a long term of years without injury to his health and become happier and thrive under."[1] It appears from other statements of this writer that the difference between what the first class man can do and what the average man does, lies largely, in his opinion, in differences in intensity of effort.[2] Mr. Taylor does, however, lay great stress upon the necessity of selecting the men who are to be asked to work under his plan.

Mr. Gantt says that for a "fixed daily wage" the ordinary workman "will seldom do more than a fraction of the work he can do."[3] Mr. Emerson, in describing his own efficiency system, quotes Mr. Taylor's views with approval and proceeds on the same assumption that the worker, if he will, can greatly increase his output without injury to himself.[4] In his first paper, in 1891, Mr. Halsey, speaking of the day-work plan, said, "He (the workman) has consequently no inducement to exert himself and does not exert himself." In the same paper, he said, "In certain classes of work an increase in production is accompanied with a

[1] Transactions, Vol. 24, p. 1345.
[2] Ibid., Vol. 24, p. 1350; Vol. 16, pp. 864, 878.
[3] Ibid., Vol. 24, p. 267.
[4] Engineering Magazine, May, 1908.

proportionate increase of muscular exertion, and if the work is already laborious, a liberal premium will be required to produce results. In other classes of work increased production requires only increased attention to speeds and feeds with an increase of manual dexterity and an avoidance of lost time. In such cases a more moderate premium will suffice."[1] The same views are reaffirmed by Mr. Halsey in an article in the American Machinist, March, 1899.

Mr. Gantt and Mr. Emerson both emphasize particularly that the increased outputs are to come in large part from improvements in the methods followed by the workman in performing his tasks. The payment of bonuses is advocated not only as a means of calling out additional exertion on the part of the worker but as an inducement to the workman to follow instructions and to coöperate in the introduction of methods which increase output with only a fractional increase in exertion on his part. Their systems are rather "efficiency" systems than mere schemes of payment; the bonus plans of payment are followed only as a part of the general scheme for increasing the efficiency of the working force and thereby reducing the labor cost of production.[2]

[1] Transactions, Vol. 12, p. 760.

[2] Transactions, Vol. 23, p. 341; Vol. 30, p. 1063; Engineering Magazine, May, 1908–February, 1909, passim.

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ADMISSION TO AMERICAN TRADE UNIONS

SERIES XXX NO. 3

JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
Under the Direction of the
Departments of History, Political Economy, and
Political Science

ADMISSION TO AMERICAN TRADE UNIONS

BY

F. E. WOLFE, PH.D.
Assistant Professor of Political Economy in Colby College

BALTIMORE
THE JOHNS HOPKINS PRESS
1912

PRESS OF
THE NEW ERA PRINTING COMPANY
LANCASTER, PA.

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PREFACE

This monograph is one of a series of investigations into the activities of American trade unions undertaken by the Economic Seminary of the Johns Hopkins University. The chief documentary sources for the study have been the large collection of trade-union documents at the Johns Hopkins University. Materials at the national headquarters of the more important unions have also been consulted. Such study has been supplemented by personal observation and interviews with labor leaders in the principal industrial centers in the United States.

The author wishes to acknowledge the assistance received at every stage of the work from Professor J. H. Hollander and Professor G. E. Barnett.

ADMISSION TO AMERICAN TRADE UNIONS

INTRODUCTION

A trade union is legally empowered by reason of its voluntary character to determine the composition of its own membership.[1] Since the ease and effectiveness of collective bargaining increase with the proportion of workmen included in the combination, every trade union is inclined to admit all the workmen in the trade. On the other hand, for the accomplishment of trade-union aims, the maintenance of standards of workmanship, and the enforcement of discipline, it is highly important that conditions should be imposed upon membership. These conditions often exclude workmen who have not served an apprenticeship, incompetent workmen, and other classes of persons who are regarded as ineligible, as well as recalcitrants and suspended and expelled members. Moreover, admission to a union may be restricted for the purpose of excluding additional workmen from the trade and thus decreasing competition for employment. In order to understand the extent of such exclusion it is necessary to examine in detail the policy of American trade unions with reference to the acquisition and retention of members.

An attempt is accordingly made in the present study to interpret the meaning of the requirements for membership as actually enforced. It is proposed, first, to trace the

[1] In rendering the majority opinion in the case of National Protective Association v. Cumming (170 N. Y. 315), Chief Justice Parker of the court of appeals asserted that the competency of labor unions to restrict membership to those who have stood a prescribed test, in order to secure careful as well as skillful associates in their work, "is a matter of no small importance in view of the state of the law which absolves the master from liability for injuries sustained by a workman through the carelessness of a co-employee."

development of the central control of admission regulations, as having an important influence on their purpose and effect. The apprenticeship qualification which has persisted in trade-union policy from early times will next be examined in order to indicate its significance as a means of qualifying workmen. It will then be necessary to make clear the force of the requirement of competency, the most widespread requisite for membership. The admission of women, of aliens, and of negroes will thereafter be considered in order. Finally, the conditions necessitating the severance of membership by withdrawal, suspension, or expulsion, in accordance with union rules, are to be noted, together with the requirements for reinstatement or readmission. It will then be possible in conclusion to summarize the policy and tendency of trade-union action in this field.

CHAPTER I

THE CONTROL OF MEMBERSHIP

The history of the regulations of American trade unions with reference to securing and retaining members may be roughly divided into three periods. In the first, extending from the beginning of the century to about 1850, the predominant type of labor association was local in authority and aim. Membership usually conferred beneficiary rights as well as such trade advantages as might be obtainable through local action. Local unions, however, began at an early date to cooperate with a view to extending over a wider area the advantages of membership. Prior to 1825 the Printers and the Cordwainers had concluded agreements to exclude offending journeymen of any one society from all the others, and to admit on favorable terms to any one society persons who presented certificates of membership from any other.[1] The Baltimore Typographical Society provided in its constitution of 1832 that "any person presenting a certificate of membership from another typographical society shall be entitled to a seat as a member and enjoy all the benefits of this society, if the society from which he comes reciprocates the same privilege."[2] Similarly, in 1846 the New York handloom carpet weavers made provision for transmitting to all other factories the names of any member violating the rules, and for issuing to any operative leaving one shop a certificate of membership, which must be pre-

[1] Barnett, "The Printers: A Study in American Trade Unionism," in American Economic Association Quarterly, October, 1909, pp. 18–25; Trial of the Journeymen Cordwainers of the City of New York. Reprinted in Documentary History of American Industrial Society, Vol. III, edited by Commons and Gilmore, pp. 366, 367; National Trades Union, April 25, 1835, p. 2, col. 4. Reprinted in Documentary History of American Industrial Society, Vol. VI, edited by Commons and Sumner, p. 314.

[2] Art. XVIII; Commons and Gilmore, Vol. III, p. 366.

sented to secure favorable admission into any other shop.[1] Since each local union possessed discretionary power to accept or to reject workmen from other unions, this form of cooperation was uncertain. It marked, however, the beginning, by local unions within a trade, of common regulation for determining and extending their membership.

Another form of cooperation, which appeared with the movement toward general union from 1830 on, was the recommendation by a central convention of trades of the organization of certain classes of workers. For example, the National Trades' Union, although in 1835 it directed the workingmen of its constituent societies "to oppose by all honest means the multiplying of all descriptions of labor for females,"[2] and in the following year again deplored the evil of competition with women, advised the trades affected by the work of women to admit them to membership or to organize them into auxiliary societies.[3] Furthermore, the National Trades' Union at this time sanctioned the formation of societies composed of workmen from more than one trade, or the admission into any trade society of workmen from different trades.[4] The Boston cordwainers' society in 1840 thus extended the privileges of membership to outside workmen of unorganized trades. This liberal policy was seldom adopted as a means of securing members, inasmuch as it involved a disregard of trade lines. The local character of unionism rendered as yet impossible the formulation, and much less the enforcement, of a concerted plan with reference to the composition of union membership.

The second period, from 1850 to 1880, was marked by the national extension of organization. In many trades the

[1] Weekly Tribune, September 12, 1846. Reprinted in Documentary History of American Industrial Society, Vol. VIII, edited by Commons, p. 242.

[2] Proceedings of National Trades' Union, in National Trades' Union, October 10, 1835, pp. 2, 3. Reprinted in Commons and Sumner, Vol. VI, pp. 250, 251.

[3] Proceedings of National Trades' Union, in National Laborer, November 12, 1836, pp. 133, 134. Reprinted in Commons and Sumner, Vol. VI, pp. 279, 288.

[4] Commons and Sumner, Vol. VI, p. 280.

local unions combined into national organizations. Admission into a local union conferred thenceforth a dual status. The connection of a member with the national organization enhanced the privileges of membership in two important respects: (1) Through the mechanism of the "card system" a local union under the national pact was bound to admit worthy members and to exclude offending workmen of other unions. Each member in good standing by obtaining a "card" thus secured a right to admission into any other local union. The advantage of excluding the expelled and anti-union workmen of one local union by others was also obtained through this national cooperation. (2) In case disputes or difficulties arose between a local union and its members the national union had power to determine the point at issue. The National Typographical Union,[1] the Iron Molders,[2] the Iron and Steel Workers,[3] the Cigar Makers,[4] and the Bricklayers and Masons[5] soon after organization undertook to decide such appeals. In many cases an appeal was taken against violations of the interunion membership system. If one local union, for example, refused to admit a workman who presented a card from another union, the national union was called upon to adjust the dispute. A member of any local union who complained to the national union against an unjust expulsion was also able to appeal and obtain a rehearing of his case. In this way every member came gradually to be recognized as having a right to appeal against any violation of his rights by the local union.

For many years after the beginning of national organization, however, the local unions were absolutely free to regulate admission and to control the bringing of additional workmen into membership within their respective jurisdictions. Later in this period the activities of the national

[1] Barnett, p. 33.
[2] Iron Molders' Journal, September, 1876, p. 87; Constitution, 1876, Art. IX, Sec. 5.
[3] Proceedings of Grand Forge of United Sons of Vulcan, 1870, pp. 13, 14; Proceedings, Iron and Steel Workers, 1881, p. 691.
[4] Cigar Makers' Official Journal, November 10, 1879, p. 1.
[5] Proceedings, 1884, p. 7.

unions in the admission of members developed along two important lines: (1) in the actual organization of workmen, (2) in determining what class or classes of persons at work within a trade should be eligible to membership.

The enforcement of the card system and the decision of appeals from members tended to place the national unions in control of the admission of expelled, suspended, and anti-union workmen. Thus the original rule requiring each local union to exclude workmen of the other unions expelled and in bad standing was soon modified by a national rule that such workmen might be admitted into any union with the consent of the local union from whose jurisdiction they came.[1] In time of strike or on other occasions it frequently occurred that local unions did not wait to procure the required consent of another union, located perhaps in a distant community, before admitting applicants. The rule could be enforced by the national union only after considerable friction had developed among local unions in consequence of its violation. Moreover, in time of business depression or seasonal slackness in employment the class of workmen in bad standing frequently increased to such an extent as to weaken or menace the existence of many local unions. At a very early date in this period the desirability of obviating these difficulties, and the importance of maintaining as large a membership as possible, led to the granting of an "amnesty" to past offenders against the union. Under an "amnesty" workmen may be admitted into any local union without regard to their past record. On certain occasions the national unions extended "general amnesties," and directed the local unions to admit on favorable terms former members and non-unionists.[2] Thus in 1867 the Cigar Makers' International Union recommended to the local unions the propriety of pardoning former offenders.[3] Likewise, in the same year, and again in 1876, in a campaign to increase membership, the Iron Molders resorted to a gen-

[1] See below, p. 157.
[2] See below, p. 159.
[3] Proceedings, 1867, p. 137.

eral pardon of all expelled and suspended members who might apply within a stated time.[1]

Closely connected with the granting of amnesties for the purpose of recruiting membership came the assumption by certain national unions of the administrative function of forming local unions. Thus in 1863 the president of the Iron Molders' Union traversed the country for the purpose of "organizing and building up the organization."[2] Again in 1878 the national president was empowered by the constitution to "make terms with" and admit offending workmen in order to organize and strengthen local unions.[3] At the session of the Bricklayers' National Union in 1871 the appointment of an "organizer" was recommended for work in Massachusetts.[4] In 1878 the Iron and Steel Workers imposed the duties of "organizer" upon the president, who was directed in that capacity to "use all his efforts to bring within this association all iron and steel workers in the United States."[5] In 1874 the Cigar Makers provided for the permanent appointment of an organizing officer of the national union.[6] From this time on the work of national organization was regularly prosecuted.

As has been pointed out above, the early local trade unions had exclusive control of the organization and admission of workmen. The membership of these early societies for the most part included journeymen mechanics who had learned a trade through apprenticeship. Moreover, even after entering into a national organization each local union controlled the regular admission of persons at work within its own jurisdiction, and usually admitted only journeymen mechanics of the trade. In determining the class of workmen eligible for membership, and in directing what persons within the class might be admitted, the national unions

[1] Proceedings, 1867, pp. 21, 51; Iron Molders' Journal, August 10, 1876, p. 3.
[2] "Sketches of the Early History of the Iron Molders' Union," in Iron Molders' Journal, May 31, 1874, p. 354.
[3] Constitution, 1878, Art. IV, Sec. 1.
[4] Proceedings, 1871, p. 11.
[5] Proceedings, 1878, pp. 144–145.
[6] Proceedings, 1879, p. 3.

for a considerable period were merely loose combinations for formulating and enforcing the practically unanimous judgment of the local unions. Thus the Printers,[1] the Cigar Makers,[2] the Bricklayers and Masons,[3] the Molders,[4] the Iron and Steel Workers,[5] and the Knights of St. Crispin[6] set forth in national regulations and decisions that only the journeymen mechanics or "practical workmen" of the respective trades were within the jurisdiction of the union for the purpose of organization and admission to membership.

New classes of workers were being introduced into many of the trades through gradual changes in the organization of industry consequent upon the increasing use of machinery and upon the availability of a supply of women workers, immigrants, and negroes. These workers were usually engaged at tasks which did not necessitate the serving of an apprenticeship to acquire proficiency, and which, on the other hand, did not bring them within the class of "practical workmen," who alone were eligible for union membership. Diversity of opinion among unions situated in different localities as to what new grades of workers might be admitted to membership occasioned friction and involved the interference of the national unions. At first, only recommendations were made that certain additional classes should be admitted. Later, the national authorities determined and from time to time extended the classes of persons at work within a trade who were entitled to become members of the local trade unions. This development of control is illustrated in certain trades by the adoption of provisions extending the range of eligibility to include specialized workmen, women, and negroes.

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[1] Barnett, pp. 303, 323.

[2] Proceedings, 1867, p. 156; Cigar Makers' Official Journal, March, 1878, p. 1.

[3] MS. Proceedings, 1867, pp. 52–53; Proceedings, 1868, p. 24; Proceedings, 1869, p. 19.

[4] The International Journal, February, 1873, p. 10; May, 1874, p. 354.

[5] Proceedings, Grand Forge of United Sons of Vulcan, 1875, p. 18.

[6] Lescohier, "The Knights of St. Crispin," in Bulletin of University of Wisconsin, Economics and Political Science Series, July, 1910, p. 25 et seq.

In the late sixties the introduction of machine molds in the manufacture of cigars led to a subdivision of the trade by differentiating "filler-breaking." This work could be quickly learned and did not require a term of service to acquire competency. The question arose in different local unions as to whether "filler-breakers" should be admitted to membership. The national union held that their admission was advisable, although certain local unions seceded in opposition to this policy. After 1875 the union enforced the rule that an applicant should not be rejected on account of the system of work at which he was engaged.[1]

Similarly, in 1877 the president of the Iron and Steel Workers' Amalgamated Association reported that "nobblers, roll turners, boiler plate and iron shearers, and furnace builders" had been unable to gain admission into certain subordinate unions because they were ineligible according to the national constitution. A change was recommended, and these special classes of workmen, with the exception of furnace builders, were accordingly declared eligible.[2] Thereafter the association gradually extended its jurisdiction to embrace "all men working in and around rolling mills, steel works, nail, tack, and spike factories, pipe mills and all works run in connection with the same." Laborers might be admitted at the discretion of the subordinate lodge.[3]

With the greater specialization of industrial processes came increasing employment of women. In printing and in cigar making, women workers first encountered active trade organizations. The subdivision of labor within the trade of cigar making had made it particularly profitable to employ females. The Cigar Makers' International Union, organized in 1864, debarred women from membership by a specific provision of its constitution, and thus supported the opposition of the local unions to their employment.[4] Owing

[1] Cigar Makers' Official Journal, March, 1878, p. 1; June, 1878, p. 1; August, 1879, p. 1; November, 1879, p. 1.
[2] Proceedings, 1877, pp. 50, 74–77.
[3] Proceedings, 1887, p. 1953; Proceedings, 1888, p. 2352; Proceedings, 1889, pp. 2686, 2687, 2791.
[4] MS. Proceedings, 1865, p. 60.

to the increasing employment of women, however, the union in 1875 removed the sex disqualification despite strong opposition from certain local unions.[1] Since that time the position has been maintained that female applicants are eligible for membership on the same terms as men.[2]

The local typographical unions at an early date opposed the entrance of women into the trade, and even after the formation of the national union continued to deny them membership.[3] In the sixties the national union directed renewed attention to the question of female printers, and in 1869 a separate women's union was affiliated.[4] In 1871 the national union again urged the local unions to organize and admit women printers.[5] Opposition to women was being overcome, and in some localities they were admitted. But the local union in each case might still exercise its own discretion in considering women applicants, until in 1884 the national union in convention sustained a decision of the president that a subordinate union could not refuse admission on account of sex.[6]

The supply of free negro labor in most of the organized trades after the war was a negligible quantity on account of the fact that such labor was for the most part unskilled. But owing to social antipathy the problem of organizing negroes was especially difficult in the trades which they entered. In the Cigar Makers in 1865 this opposition forced into the national constitution a rule expressly excluding negroes.[7] In 1879 the national union prohibited the local unions from rejecting an applicant on account of color.[8] Similarly the Iron and Steel Workers at first refused to permit the admission of negroes, but in 1881 provided for their inclusion within the class of eligible persons, "past

[1] Cigar Makers' Official Journal, November, 1877, p. 2; June, 1878, p. 1.
[2] Ibid., October, 1886, p. 1.
[3] Barnett, pp. 311, 312.
[4] Proceedings, 1869, pp. 23, 39, 41.
[5] Proceedings, 1871, pp. 33, 61.
[6] Proceedings, 1884, pp. 20, 104.
[7] MS. Proceedings, 1865, p. 60.
[8] Proceedings, 1879, p. 2.

experience having taught the craft that they were indispensable."[1]

The negro question also presented itself to the Bricklayers and Masons. Since the local unions regulated admission the national union ordinarily became involved in the problem only when the travelling card of a negro member had been rejected by a local union or when an application was made to charter a separate colored local union. For a long period the union openly permitted the violation of the card system in respect to negro members.[2] Furthermore, a national rule prevented the issuance of a charter to a new union in any locality without the consent of the existing local union, if there was one. In the case of proposed negro unions this consent was often withheld, and the national union was thus unable to affiliate colored unions. In 1870 a proposal granting power to issue separate charters failed of adoption.[3] Again in 1877 a plan for organizing negroes was rejected.[4] Finally in 1881 the national union definitely determined that the travelling card of a colored bricklayer in good standing should be recognized.[5] Shortly thereafter the national executive board was also empowered to charter separate colored unions.[6] Since that time the national union has insisted upon the admission of negroes and has discountenanced any discrimination against them.

The control of membership as thus undertaken by the national unions prior to 1880 consisted of three parts: the control of the readmission of expelled members and of the admission of members of one local union into another; the organization and reorganization of local unions by the national union, and the extension by certain national unions of their membership jurisdiction over new classes and

[1] Proceedings, 1876, p. 82; Proceedings, 1881, p. 708.
[2] Proceedings, 1881, p. 7.
[3] Proceedings, 1870, p. 37.
[4] Proceedings, 1876, pp. 9, 25; Proceedings, 1877, pp. 6, 17, 18.
[5] Proceedings, 1881, p. 26.
[6] Proceedings, 1883, pp. 14, 21, 22, 62, 63; Proceedings, 1884, pp. 16, 17, 21, 22, 66, 67.

grades of workmen. Control of the admission of ordinary applicants, and thus of the chief avenue of union increase, remained in the possession of the local union.

Since the era of active labor organization in the eighties, a tendency to augment the participation of the national unions in the admission of members is discernible. Assuming that this tendency results from the deliberate policy of union leaders to increase membership, its development may be traced under three heads: (1) the admission of workmen employed in places where unions do not exist or cannot be formed; (2) the supervision of the local admission of candidates; (3) the interpretation by the national unions of the requirements for admission.

(1) In certain national unions plans were early proposed for attaching individual workmen, in unorganized towns, either as members of a neighboring local union or directly as members of the national union. For example, in 1864 the Printers devised a scheme for affiliating craftsmen in isolated localities as "conditional members" of the nearest local union,[1] but the plan was soon abandoned. For a short time in 1867 the Cigar Makers provided for a similar affiliation of members.[2] In more recent times certain methods of unionizing detached workmen have been generally adopted. The endeavor has been to extend the outposts of unionism, as well as to retain those members in good standing of disbanded local unions, and to acquire control of workmen immediately beyond the jurisdiction of a local union who would be of service in counteracting the efforts of employers to secure non-unionists. Accordingly, workmen are admitted either as "jurisdiction members" attached to a local union, or as "members at large" connected only with the national union. After 1882 the International Typographical Union maintained the practice of attaching printers in unorganized towns to the nearest local unions.[3] In 1883 the Bricklayers and Masons empowered

[1] Proceedings, 1864, pp. 81–84; Proceedings, 1867, p. 9.
[2] MS. Proceedings, 1867, p. 157.
[3] Barnett, p. 265.

the national officers to organize workmen in localities where the number was insufficient to form a union.[1] The United Brotherhood of Carpenters sought to retain the members of lapsed or suspended unions by permitting them to become "jurisdiction members" of a nearby local union.[2] The Journeymen Bakers,[3] the Barbers,[4] the Molders,[5] and the Cigar Makers[6] have also authorized the acceptance of members outside the jurisdiction of a local union.

Provision for admitting members at large represents the second method of increasing membership. In 1890 the Iron Molders extended to workmen in towns where there was no local union the right to join the national union without local connection.[7] In 1893 the Printers, with a view to increasing the number of "provisional" or jurisdiction members, changed the method of admission so that workmen in unorganized towns should no longer be required to join a local union and to pay local dues, but might be admitted and might become directly responsible to the national union.[8] The advantages to workmen of escaping payment of local dues and of securing a right to national friendly benefits have made direct admission preferable to local affiliation. Since 1895 the following unions have made provision for admitting members-at-large: Meat Cutters and Butcher Workmen (1897), Plumbers (1897), Boot and Shoe Workers (1899), Tobacco Workers (1900), Metal Polishers and Buffers (1901), Railway Clerks (1903), Retail Clerks (1903), Commercial Telegraphers (1904), Photo-Engravers (1904), Musicians (1904), Shipwrights (1905), Bridge and Structural Iron Workers (1906), Hod Carriers (1907),

[1] Proceedings, 1883, pp. 43, 55, 59.
[2] Constitution, 1888, Art. XXX, Sec. 1.
[3] Constitution, 1886, Art. XIII, Sec. 6.
[4] Constitution, 1894, Art. X, Sec. 14.
[5] Constitution, 1876, Standing Resolution, p. 40; Constitution, 1895, Art. VIII, Sec. 4.
[6] Constitution, 1881, Art. XXI, Sec. 1; Constitution, 1896 (21st ed.), Sec. 205.
[7] Proceedings, 1890, p. 83.
[8] Proceedings, 1893, pp. 11, 100.

National Federation of Post Office Clerks (1908).[1] The method of admitting detached workmen as members-at-large represents a development over that of affiliating them with a local union, in that it makes possible the direct national control of admission and the more effective increase of membership.

In addition to its primary purpose this method may incidentally serve other ends. For example, the Boot and Shoe Workers and the Painters, Decorators and Paperhangers admit persons to membership-at-large as a means of preventing local unions from unjustly rejecting applicants. The Boot and Shoe Workers specify that any applicant who has been rejected by a local union for insufficient cause may by appeal be accepted as a member-at-large.[2] In one instance the Painters retained as members-at-large certain negroes whose travelling cards were rejected by a local union. The Railway Clerks and Commercial Telegraphers have probably the largest number of members directly associated with the national union;[3] this is due in part to the fact that many applicants desire to conceal from employers the fact of any connection with the union.

(2) Only a very small portion of the membership of most unions is composed of the two special classes of "jurisdiction" and "general" members. In recent years many national unions have, however, witnessed a closer national supervision and control of the local unions in the admission of members. This development may be seen not only in the greater national control of the mechanism of admission, but also in the increasing exercise by the national union of the power to subject the acts of local unions to judicial review.

The admission of an eligible candidate into an independ-

[1] The Musicians designate this form of membership as "conditional membership," the Photo-Engravers, "provisional membership," and the Painters, "general membership."

[2] Constitution, 1899, Sec. 46; Constitution, 1909, Sec. 40.

[3] Estimates by the secretaries placed the number of such members in 1910 in the Brotherhood of Railway Clerks at 300, and in the Commercial Telegraphers at 1250.

ent local union in early times was a simple procedure, since such action concerned only a single organization. When the same union united with a large number of others into a national organization, complications arose which necessitated some uniformity in admitting applicants. Accordingly certain regulations, intended in part to attain this uniformity, have been adopted by the national unions: (*a*) investigation of the record, age, physical fitness, and trade competency of applicants; (*b*) payment of an initiation fee, and (*c*) a vote or ballot by members of the local union.

(*a*) One of the chief purposes in the formation of national organizations was to facilitate control over the admission or readmission of suspended, expelled, and offending journeymen, through the card system. Local unions frequently would not delay long enough to find out whether each applicant for admission had been expelled or rejected by another union. Similarly, convenient communication frequently could not be had with the other unions concerning new applicants coming from distant places. After the national unions became important, the national membership list and the trade journal afforded means for disclosing the names of former members. In order to aid further in the enforcement of the card system, many unions have required that the names of all applicants be submitted to the national unions for investigation or for publication in the journal.[1] Membership files containing the names and membership lists of each local union enable the national officers to keep track of former members, "scabs," and anti-unionists. Some unions, such as the Bricklayers and Masons[2] and the Boot and Shoe Workers,[3] record also the

[1] See, for example, Proceedings, Cigar Makers, 1880, pp. 7, 9; Constitution, Window Glass Workers, Local Assembly 300, 1895, Art. I, Sec. 37; Constitution, Bakers' and Confectionery Workers' International Union, 1897, Art. XIX; General Laws, Typographical Union, 1902, Sec. 1. A typical provision is that of the Elevator Constructors' International Union: "No local union shall admit an applicant for membership without first submitting his application to the international secretary for investigation" (Constitution, 1907, Art. VIII, Sec. 6).

[2] Constitution, 1908, Art. XVII, Sec. 6.

[3] Constitution, 1909, Sec. 37.

names of applicants rejected in the local unions. The Machine Printers' Beneficial Association,[1] the Wood Carvers,[2] the Marble Workers,[3] and the Steel Plate Transferrers[4] require that names of applicants in each local union be submitted for approval to the other local unions, branches, or districts. Thus the system of national investigation of applicants, designed primarily to enforce the national exclusion of offending workmen, increases the authority of the national union by requiring each local union to exclude or to admit members with reference to their previous standing in other unions within the trade.

The development of national beneficial features has resulted in the establishment of the requirement in certain unions that only physically qualified workmen may be admitted. An age limit is fixed and a physical examination is prescribed for all candidates. This necessitates, as a part of the formalities of admission, an investigation by the local union. Applicants who are found to be disqualified may in some unions—such as the Cigar Makers' International Union,[5] the Amalgamated Society of Carpenters,[6] the Spinners,[7] the Pattern Makers' League,[8] the Switchmen,[9] and the railroad brotherhoods[10]—be admitted as non-beneficial members.

The most important preliminary to admission is an investigation by the local union of the fitness of the candidate as a workman. Ordinarily the necessary qualifications include a term of training in the trade and competency to perform the work. In many national unions these requirements are explicitly defined and their observance is en-

[1] Constitution, 1903, Art. V, Sec. 6.
[2] Constitution, 1903, Art. VII, Sec. 6.
[3] Proceedings, 1907, p. 28; Proceedings, 1906, p. 31.
[4] Constitution, 1906, Art. XX, Sec. 3.
[5] Constitution, Cigar Makers, 1896 (21st ed.), Sec. 67.
[6] Rules, 1887, Rule 6, Sec. 2; Rules, 1905, Rule 56, Sec. 1.
[7] Constitution, 1907, Art. XV.
[8] Constitution, 1900, Laws 98, 99.
[9] Subordinate Lodge Constitution, 1901, Art. IV, Sec. 2.
[10] Kennedy, "Beneficiary Features of American Trade Unions," in Johns Hopkins University Studies, Series XXVI, Nos. 11–12, p. 45.

forced upon the local unions. The meaning and enforcement of these qualifications of membership will be treated in detail in subsequent chapters entitled respectively "Admission by Apprenticeship" and "Admission by Competency."

(*b*) An incidental requisite for admission into any union is the payment of an initiation fee. Usually the amount is small, and represents only a nominal charge for the privileges of membership. But the power to fix a charge may be abused and become prohibitory to prospective members. Strong local unions have at times sought to exclude workmen by charging a high admission fee in order to monopolize employment for their members.[1] A few national unions have also used high fees apparently for exclusive purposes. Thus the national board of directors of the United Hatters have fixed the fees from individual applicants at sums varying from $25 to $100.[2] In 1908 the Print Cutters agreed to admit two men into the association upon payment by each of an initiation fee of $200.[3] The determination of the initiation fees may have, therefore, an important influence on admission policy. The majority of national unions have not required the payment of high fees, but many of them have regulated the amount of such fees which may be charged by the local unions.

The determination of fees varies in different unions; some, as for example the Printers, leave the matter to local control.[4] A second large class, represented by the Carpenters' United Brotherhood,[5] the Painters, Decorators and

[1] Thus Local Union No. 166 of Providence, R. I., in 1908 requested the International Union of United Brewery Workmen to grant "the privilege of raising the initiation fee, as the officers are continually annoyed by prospective candidates" (Proceedings, 1908, p. 153). In 1900 the Newark Association of the United Hatters of North America placed a fine of $250 on a man "to keep him out of the Association" (Proceedings, 1900, p. 102). See also The Electrical Worker, May, 1903, pp. 70–71; Pattern Makers' Journal, December, 1907, p. 17.

[2] Proceedings of Board of Directors' Meeting, Semi-Annual Report of Secretary and Treasurer, June 30, 1907, p. 23.

[3] Proceedings, 1908, p. 6.

[4] Barnett, p. 325.

[5] Constitution, 1881, Art. VIII, Sec. 6; Constitution, 1899, Sec. 55.

Paperhangers,[1] the Pattern Makers,[2] the Elevator Constructors,[3] and the Plumbers,[4] fix only a minimum, thus interfering least with local autonomy. In either of these classes the local unions may raise the charge at their discretion. Thus, while the minimum for initiation into the United Brotherhood of Carpenters is $5, the fee for new members in the Baltimore district is $25. The Elevator Constructors require a minimum of $25, and the Chicago and St. Louis local unions have imposed fees of $50.[5] The Musicians have a $5 minimum, but local unions on occasion increase the charge to $75 and $100. In a few instances local unions of the Bakery and Confectionery Workers impose charges of $200 and $250. In case no restriction is placed on the amount of the initiation fee and no appeal may be taken to the national union,[6] a local union may thus hedge itself in against outsiders.

Another group of unions, including the Cigar Makers,[7] the Iron Molders,[8] the Granite Cutters,[9] the Stone Cutters,[10] and the Bookbinders,[11] have prescribed a uniform fee for all localities. This method secures uniformity, and restrains the use of increased fees by a local union, unless the consent of the national authority is procured.[12] Some unions,

[1] Constitution, 1901, Art. VI, Sec. 1.
[2] Constitution, 1909, Rule 31, Cl. 1.
[3] Constitution, 1902, Art. VII, Sec. 3.
[4] Constitution, 1899, Art. XI, Sec. 2; Constitution, 1906, Sec. 71.
[5] In 1903 transfer members going to St. Louis with cards were required to pay $65. A member of that union pronounced it "robbery to take a new applicant in for $50 and soak a card man $65." The fee was probably increased to ward off an influx of workers to St. Louis on account of the Exposition (The Electrical Worker, May, 1905, pp. 70–71).
[6] See below, p. 31.
[7] Constitution, 1879, Art. XVII, Sec. 1.
[8] Constitution, 1895, Sec. 64. In 1893 a proposed amendment to the constitution of the Iron Molders' International Union providing for a minimum initiation fee instead of a uniform fee and thus permitting the local unions to raise the fee at will was defeated by a vote of 3943 to 927 (Iron Molders' Journal, May, 1893, p. 2; January, 1894, p. 6).
[9] Constitution, 1905, Sec. 64.
[10] Constitution, 1909, Art. V, Sec. 1.
[11] Constitution, 1894, Sec. 6.
[12] The United Brewery Workmen, for example, provide that no more than $10 may be charged a candidate, without first obtaining the consent of the executive board.

such as the Bricklayers and Masons,[1] the Bakery and Confectionery Workers,[2] the United Garment Workers,[3] and the Lake Seamen,[4] fix a maximum as well as a minimum, and thus secure approximate uniformity in the fees charged by the local unions.

High special fees are defended on several grounds. In the first place, they often partake of the nature of fines imposed on recalcitrant, expelled, and non-union workmen. Although national regulations forbid fees above a stated sum, an additional amount in the nature of fines may be charged by the local unions, and must be paid for admission. The effect of this is merely to increase the fee. Many unions provide by this means for increased fees from "anti-unionists" or "oppositionists."[5] Thus the Bricklayers and Masons permit the local unions to impose only $10 as an initiation fee, but provide for the imposition of penalties ranging from $25 to $1000 upon either former members or non-unionists who have worked against the union.[6] The Marble Workers impose a special fee of $50 in addition to the regular fee upon non-members who knowingly work on unfair jobs.[7] The Pattern Makers provide that the executive committee of the local union may recommend such "cost of admission as it deems justified by the facts when the record of a candidate shows persistent defiance of and antagonism to the League."[8]

In the second place, when a union through continued

[1] Constitution, 1908, Art. XVIII, Sec. 8.
[2] Constitution, 1909, Art. V, Sec. 13.
[3] Constitution, 1900, Art. XIV, Sec. 1.
[4] Constitution, 1906, Art. X. Sec. C.
[5] Thus in 1902 fines imposed by a local union on eleven "scabs," ranging in amount from $250 to $1000, were reported by the executive board of the United Association of Plumbers, Gas and Steam Fitters (Plumbers, Gas and Steam Fitters' Official Journal, March, 1902, p. 5; October, 1904, p. 104; December, 1907, p. 1). See also The Union Boot and Shoe Worker, May, 1903, p. 29; Granite Cutters' Journal, December, 1887, p. 6; Constitution, Musicians, 1906, Standing Resolution No. 16; Constitution, Lithographers, 1907, Art. VIII, Sec. 5.
[6] Constitution, 1908, pp. 51, 52, 57.
[7] Proceedings, 1910, pp. 190, 210, 211.
[8] Constitution, 1900, Rule 94.

effort has secured improved conditions in a trade and accumulated superior advantages, an extra charge on new members is deemed a just payment for advantages they have not assisted in procuring.[1] Unusually high fees demanded from immigrants are thus justified, especially in the port cities, in order to protect the trades against an oversupply of workmen through immigration.[2]

(*c*) The final part of the mechanism of admission which has been subjected to national regulation is the balloting for members. Originally this detail was locally controlled. Certain unions, as for example the Bricklayers and Masons[3] and the Marine Engineers,[4] even now leave the matter to local determination. Following the practice of fraternal societies, the local unions often provided that a very small number of votes was sufficient to reject an applicant. Under this system a candidate might be rejected without just cause, through personal feeling, prejudice, or a desire to monopolize work. In order to secure uniformity among the local unions and to check or prevent the easy rejection of applicants, it has become the prevailing practice to specify the number of votes which shall be necessary to admit or to reject.

Some unions maintain the blackball method of balloting. This is true of the railway brotherhoods[5] and certain unions including the Boiler Makers and Iron Ship Builders,[6] the Steam Engineers,[7] and the Machine Printers and Color

[1] The Electrical Worker, May, 1903, p. 17.

[2] See Pattern Makers' Journal, December, 1901, p. 17; Granite Cutters' Journal, July, 1903, pp. 8, 11. See below, p. 103.

[3] Report of President, 1904, pp. 287, 295. It is interesting, however, to note that President Bowen of the Bricklayers' and Masons' International Union at this time characterized blackballing as "an intolerant system, so long as an applicant can be vouched for as a competent mechanic and there is nothing against him on the delinquent list of the organizations. When it comes to a labor organization blackballing a man for personal spite or for social reasons, it is decidedly a bad thing."

[4] Constitution, 1904, Art. IV, Sec. 7.

[5] See Constitution, Railway Clerks, 1906, Art. II, Sec. 5; Constitution and Statutes, Locomotive Engineers, 1910, Sec. 35; Constitution, Locomotive Firemen, 1909, Sec. 4.

[6] Constitution, 1899, Art. III, Sec. 5.

[7] Constitution, 1906, Art. XX, Sec. 5.

Mixers.[1] In 1888 the Iron Molders made the local balloting systems uniform by prescribing that five blackballs should reject.[2] In order to decrease the number of rejections on improper grounds, it was proposed further that the number of votes necessary to reject should be raised. Since 1890 the Molders have required an adverse vote of one third of the ballots for rejection.[3] For the same purpose the Printers in 1893 adopted a rule that if three fourths of the members present at any meeting of a subordinate union voted for the admission of the applicant, he should be admitted.[4] The Iron, Steel and Tin Workers,[5] the Tin Plate Workers,[6] the Blacksmiths,[7] the Retail Clerks,[8] and the Carpenters' United Brotherhood[9] specify a two-thirds vote as necessary for admission. Finally, a large group of unions require a majority vote to admit. These include the Carpenters' Amalgamated Society, the Granite Cutters, the Boot and Shoe Workers, the Barbers, the Electrical Workers, the Tobacco Workers, the Metal Polishers, the Steel Plate Transferrers, and the Upholsterers.

(3) In addition to national control of the machinery of admission, another direction in which increasing national authority has been exercised is in passing upon the qualifications of applicants. It has been noted above that at a very early date any member of a national union had the right to appeal against an unjust expulsion or other infringement of his rights by a local union. At a later time it became the practice for appeals to be made by workmen who were denied admission. Originally, such an appeal secured for the appellant a reconsideration of his case be-

[1] Constitution, 1904, Art. II, Sec. 3.
[2] Constitution, 1888, Art. VIII, Sec. 4.
[3] Constitution, 1890, Art. VIII, Sec. 4.
[4] Proceedings, 1893, pp. 12, 159.
[5] Constitution, 1909, Art. XXVIII, Sec. 1.
[6] Constitution and General Laws, 1901, Art. XXIV, Sec. 1.
[7] Local Union Constitution, 1901, Art. IV, Sec. 5; Local Union Constitution, 1910, Art. IV, Sec. 4.
[8] Constitution, 1901, Art. IV, Sec. 5.
[9] Constitution, 1911, Sec. 67.

fore the local union.[1] By degrees, a right to appeal against rejection for any cause came to be recognized and the power exercised to protect it. Thus in 1884 the Cigar Makers' International Union for the first time sustained appeals from rejected applicants and reversed the action of local unions.[2] Again, in 1886, the union reversed the action of a local union in Quincy, Illinois, in refusing a woman "the privilege of joining the union."[3] In 1890 the Bricklayers and Masons' International Union sustained an appeal from a workman rejected for alleged incompetency.[4]

More recently the practice of considering appeals of this kind has prevailed in a large number of unions.[5] A few, including the Printers,[6] the Boot and Shoe Workers,[7] the Hatters,[8] the Shingle Weavers,[9] and the Lithographers,[10] have incorporated provisions in their constitutions extending to rejected applicants the right to appeal. The Boot and Shoe Workers accept as members-at-large applicants who are rejected by a local union for insufficient cause. The Molders, the Blacksmiths, the Maintenance-of-Way Employes, the Steam Shovel and Dredgemen, the Box Makers and Sawyers, and the Iron, Steel and Tin Workers have not specifically recognized this right, but have considered a few cases of appeals by non-members. National

[1] See Proceedings National Forge, United Sons of Vulcan, 1871, pp. 19, 20; Monthly Circular [Stone Cutters], October, 1889, p. 1; Proceedings, Bricklayers and Masons, 1888, pp. 60, 125.

[2] Cigar Makers' Official Journal, September, 1884, p. 1; November, 1884, p. 1.

[3] Ibid., October, 1886, p. 1.

[4] Proceedings, 1890, p. 67. Appeals against the imposition of special initiation fees have also been frequently made (Report of President, 1901, pp. 165–166, 175, 176). See also Proceedings, 1887, p. 35; Report of President, 1902, pp. 285–287.

[5] Cigar Makers' Official Journal, May, 1898, p. 2; Report of President, Bricklayers and Masons, 1906, p. 215; Bakers' Journal and Deutsch Amerikanische Bäcker Zeitung, July 27, 1901, p. 1; Plumbers, Gas and Steam Fitters' Official Journal, December, 1907, p. 2.

[6] Proceedings, 1898, pp. 20, 105.

[7] Constitution, 1899, Sec. 44.

[8] Constitution, 1900, Art. X, Sec. 3.

[9] By-Laws, 1904, Art. IV, Sec. 1.

[10] Constitution, 1901, p. 79.

officers of the United Mine Workers, the Railroad Freight Handlers, the Commercial Telegraphers, the Coopers, the Car Workers, and the Piano and Organ Workers have asserted to the writer that appeals of rejected workmen would be considered, but that as yet no cases have arisen. The United Brotherhood of Carpenters[1] and the Painters, Decorators and Paperhangers[2] have considered appeals from rejected applicants, but have refused to interfere, as have a few other unions, on the ground that "local unions have the right to refuse the application of any persons they consider not qualified for membership." Thus a general tendency prevails to make the officers of the national unions the judges of the qualifications of candidates. The local union retains the nominal right to pass upon candidates in all unions, but every applicant can usually secure a rehearing of his claim of membership before a national officer. Since the qualifications for members are not strictly defined in union regulations, the national union is free to interpret their practical meaning and to pursue the policy which it may deem best.

The decisions of the national unions have usually held that a workman can be debarred only for incompetency or for notorious anti-union conduct. Enforcement of the decision remains as a rule in the discretion of the local unions, but failure to enforce such a decision ordinarily subjects the local union to fine, suspension, or a revocation of charter. It is improbable that extreme measures against a local union would be employed in the case of an appeal by a single applicant. Many local unions could, therefore, safely disobey a national decision. The national unions might, as do the Boot and Shoe Workers, admit rejected applicants to membership-at-large. It is inevitable, however, that some persons may be excluded from membership who are entitled to admission. Many applicants who are rejected and who might gain admission by an appeal to

[1] The Carpenter, February, 1897, p. 8.
[2] Official Journal, Painters, Decorators and Paperhangers, August, 1901, p. 19; January, 1902, p. 52; March, 1904, pp. 161, 162.

the national officers are either not aware of the right to appeal or do not avail themselves of it. The possibility of review by the national union certainly tends, however, to exert a good effect on the local unions by making them more considerate of the claims of applicants to membership.

Finally, a small number of unions in recent years have exercised full control over admission and over the qualifications of applicants. Thus, since 1898 the United Hatters have admitted members only by vote of the national board of directors. Workmen apply to the local associations and must be accepted therein by a two-thirds vote before their application will be passed upon by the board.[1] This method enables the national officers to exercise their own discretion as to admitting additional workmen into the trade. It has in practice been so used as to adjust the number accepted to the supposed needs of the trade for workmen.[2] The Machine Textile Printers accept applicants only by the approval of a two-thirds vote in each of the four districts forming the association.[3] In 1908 the Window Glass Workers[4] and the Marble Workers[5] adopted the rule that the national executive board or council must consent to the admission of any applicant.

A few national unions have exclusive control in admitting certain classes of applicants. For example, foreigners are admitted into the glass trades and into certain other unions only by the action of national officers.[6] The Flint Glass Workers,[7] the Print Cutters,[8] and the Lace Operatives[9]

[1] Journal of the United Hatters, November, 1898, p. 1; December, 1898, p. 3; May, 1901, p. 5; By-Laws, 1907, Art. IX, Sec. 1.
[2] Journal of the United Hatters, October, 1899, p. 4; Constitution, 1907, Art. X, Sec. 8.
[3] Constitution, 1906, Art. V, Sec. 2.
[4] Constitution, 1908, Art. III, Sec. 3; Constitution, 1910, Art. V, Sec. 3.
[5] Proceedings, 1908, p. 31; The Marble Worker, November, 1909, p. 240.
[6] See below, p. 105.
[7] Constitution, 1884, Art. XII, Sec. 7; Constitution, 1909, Art. XVII, Sec. 4.
[8] Proceedings, 1908, p. 12.
[9] Constitution, 1903, Art. III, Sec. 2.

in a similar manner admit persons who have been expelled or who have worked or learned the trade in non-union shops. A workman over fifty-five years of age can become a member of the Molders' Union only by securing the assent of the national president.[1]

[1] Constitution, 1907, Standing Resolution No. 55, p. 56.

CHAPTER II

ADMISSION BY APPRENTICESHIP

Provision by law or custom for some form of apprenticeship arose out of the industrial need for the competent training of persons seeking to engage in the handicrafts. So long as the domestic stage of manufacture predominated in industrial organization, the system of indenturing apprentices prevailed. The general practice of having every boy of the artisan class indentured was transplanted from Europe into the American colonies. Indeed, legal protection of the old indentured apprenticeship has persisted in the legislation of certain States until the present time.[1] The Industrial Revolution and the resulting form of large-scale production in factories rendered obsolete the older method of manufacture. Corresponding to the change in industrial methods, the system of indentured apprenticeship as a mode of training handicraftsmen gradually receded in importance until it has been virtually abolished.

But although apprenticeship has largely passed as a legal or customary institution, its analogue at least has persisted. Trade societies and trade unions in the United States have from the early nineteenth century insisted on the observance of the indentured system or of its successor—a customary apprenticeship unenforced by law. Under the influence of the division of labor increasingly prevalent throughout the period the need for extended training preliminary to entrance into a trade has, indeed, diminished in many of the manufacturing, building, and miscellaneous trades. Yet some form of apprenticeship training may be found in the majority of these trades. The trade unions endeavor to maintain wherever practicable the traditional

[1] Laws of Wisconsin, 1911, Chapter 347.

apprenticeship by enforcing as one condition of admission to membership the general requirement that the candidate shall have had an apprenticeship of actual work and instruction in the trade.

A combination of motives appears to actuate unionists in establishing this requirement. In prescribing ability, age, and kinship as qualifications, the union apprentice rule serves the primary purpose of the old apprenticeship system in securing competently trained craftsmen. It also operates to check the influx of young workers into a trade and to prevent the displacement of journeymen by poorly trained workers. When the rule includes, as it usually does, a provision for limiting the number of apprentices who may be admitted according to a fixed ratio to the number of employed journeymen, its obvious purpose is to limit members with a view to maintaining or raising wage rates. It is not, however, within the scope of the present chapter to consider in detail the purpose of the apprenticeship regulation; the intention here is to determine the meaning of apprenticeship when the unions enforce it as a condition of admission to membership.

Some fifty national and international unions in the United States make no provision in their rules and agreements for a specified term of previous instruction as a requisite for membership.[1] The means for determining the eligibility of applicants for membership in these unions are treated elsewhere in an analysis of the competency requirement for admission.[2] It should not be inferred that no skilled workmen are employed in any of these trades. The reasons for the absence of any attempt to enforce the apprentice rule in these unions may be seen by subdividing the fifty unions into three groups and considering the character of the work of certain typical trades in each group. The first group consists of unions of essentially unskilled workmen, such as the

[1] Motley, "Apprenticeship in American Trade Unions," in Johns Hopkins University Studies in Historical and Political Science, Series XXV, Nos. 11–12, p. 535.

[2] See below, pp. 66, 67.

Car Workers, the Hod Carriers, the Freight Handlers, the Longshoremen, the Foundry Employees, the Hotel and Restaurant Employees, the Glass House Employees, the Maintenance-of-Way Employees, the Seamen and the Mine Workers. Here the character of the work performed is such that a prescribed period of training is unnecessary. By engaging in the work a short time under the guidance of fellow employees the beginner is soon able to perform it satisfactorily.

A second group of unions comprises principally the railroad unions, and in addition the Steam Engineers, the Coal Hoisting Engineers, and the Stationary Firemen. In these trades long service and a high degree of skill are required to make competent workmen. The terms upon which beginners are accepted and upon which promotions are made to positions where the workmen become eligible for membership in the unions are not under the direction of the unions but are controlled by the employer. In consequence the unions have deemed it unnecessary to attempt to enforce a rule of apprenticeship as a condition of entrance.

The third group of unions comprise those in which the apprentice requirement for eligibility to membership, although at one time in force, has now been abandoned. It includes such unions as the United Garment Workers, the Textile Workers, the Boot and Shoe Workers, and the Meat Cutters and Butcher Workmen. Within these trades the subdivision of the processes of production and the introduction of machinery have progressed so far that the need for a prolonged period of training has been removed. The task of each individual, instead of being complex and difficult, as when one person completed the entire product, has become very simple. New and inexperienced workmen begin the work at any time. It is in recognition of changed industrial conditions that the unions here do not as formerly prescribe the apprenticeship qualification for admission.

A tendency toward the abandonment of any regulated

form of apprenticeship may also be found in many other trades. The unions have generally, however, continued to demand adherence to the apprenticeship requirement in some one branch of a trade or in certain districts of their territorial jurisdiction, although at the same time the system may have already been set aside in other districts or branches. For example, the constitution of the Cigar Makers' International Union provides that all persons learning cigar making or packing must serve a three years' apprenticeship, and that no shop shall be granted the use of the union label in which this provision is not enforced. It is admitted, however, that in much if not most of the jurisdiction of the union this rule is not enforced. According to the printed statements and verbal expressions of its officers, the union attempts to enforce the apprentice rule only in those localities where the union is exceptionally strong.[1]

Certain methods of acquiring knowledge of a craft have frequently been accepted as substitutes for regular apprenticeship. Each such device involves to a greater or less degree the breaking up or disregard of the prescribed system. Three forms of substitution may be differentiated. In the first place, certain trades in the clothing industry, in boot and shoe making, in cigar making, have no need for an extended apprenticeship period. Accordingly, a quasi-apprenticeship has been introduced, under which only a few months are required for learning the work. This method is common in trades in which the subdivision of processes is widely extended.

In the second place, a trade may be casually acquired even though an apprenticeship training be ordinarily prescribed as the proper method for learning it. The building-trades unions have had most success in apprenticeship regulation, and they still attempt to enforce the requirement, but it is commonly known that an ordinary laborer can acquire by

[1] Testimony of Ex-President Adolph Strasser of Cigar Makers' International Union in Report of Industrial Commission, Vol. VII, p. 265; statement of President George W. Perkins to the writer in personal interview in June, 1910.

casual application in different localities a working knowledge of any of these crafts without undergoing the required term of training.[1] General inquiry of the mechanics of the building trades as to how they acquired their craft knowledge confirms the impression that in a large number of cases it was merely picked up.

The third method by which certain trades are acquired without compliance with the apprentice rule as provided by the union is the "improver" and "helper" system of promotion or progression within a trade. An "improver" is one who has passed the apprentice age, but is allowed to work at wages as a learner in order to acquire the proficiency of a journeyman. The Wood, Wire and Metal Lathers and the Bricklayers and Masons permit this practice.[2] The "helper," as the name implies, only assists. He does not receive instruction, but his work is restricted to certain kinds of unskilled employment. By reason of his opportunity to watch the work of the journeymen he is frequently enabled to acquire the trade. The distinctive feature of this method of entering a trade is the absence of any definite term of preparation as a requisite for admission.

In the plumbing and steam-fitting trades and among the Printing Pressmen and Assistants, the Boiler Makers, the Blacksmiths, and the Machinists the regulation and control of the "helper" has occasioned considerable friction. The contention of the unionists, as against the employers, has been that the "helper" system increases the supply of workmen too rapidly, and that the workmen, moreover, are not thoroughly trained. Different means have been adopted by these unions to remedy this defect. As the titles of the unions suggest, "helpers" are in some cases organized in separate unions and in other cases are admitted directly as members. The Boiler Makers and Iron Ship Builders and Helpers and the Printing Pressmen and Assistants require

[1] Jackson, Unemployment and Trade Unions (London, 1910), pp. 65–66.

[2] Report of President, Bricklayers and Masons, 1903, p. 211.

that "helpers" must, in addition, serve the regular term of apprenticeship before they may become eligible to journeyman membership. The "helper" system in this case, instead of being a substitute for apprenticeship, becomes a preliminary to it. As a matter of fact, it has been found necessary to unionize the "helpers" in all trades in which the system prevails. The "helper" stage thus leads usually to union membership without regular apprenticeship.

Some fifty unions, as has been stated, do not attempt to maintain an apprenticeship rule. In certain of these, modern industrial conditions have destroyed the original system of apprenticeship; in others the union apprentice requirement and the methods by which beginners formerly were trained have been radically modified. The substitute methods by which competency is frequently acquired are also beyond union control and are usually opposed by the unions.

The remaining national unions, about seventy-five in number, continue to prescribe an apprenticeship qualification. We shall accordingly consider, first, the terms upon which persons may in these trades enter on an apprenticeship acceptable to the union; and, second, we shall attempt to determine the meaning of this apprenticeship when enforced by the unions as a condition of membership.

All unions making apprenticeship one of the conditions of admission attempt further to guard the entrance into the trade by imposing with more or less strictness certain physical qualifications and by maintaining a numerical limitation of persons desiring to become apprentices. In the highly skilled and strongly organized trades into which entrance may as a rule be secured only after serving the prescribed apprenticeship the requirements for becoming an apprentice are of special importance. The restrictions guarding entrance to apprenticeship are here both qualitative and quantitative. The former usually prescribe, in addition to ability to work, an age limit and in some unions a kinship connection which operates to limit in varying ratio the number of apprentices.

In order that the boy may be tested as to ability, fitness, and willingness to work it is customary in certain trades to permit him to be engaged to an employer for a probationary period varying from two weeks to six months or two years or more as a learner, improver, or "helper." For example, in 1895 the Master Plumbers' Association of Connecticut and the Master Plumbers of Lynn, Massachusetts, provided by agreement with the local unions for a probationary time for apprentices of six and three months respectively.[1] In 1905 the Metal Polishers provided that no one should become an apprentice in the union who had not worked for three months at the trade.[2] The Broom and Whisk Makers require a two-year term of apprenticeship after the boy works for a year as a "sorter." In the glass bottle blowing trade the apprentice is usually a boy who has been employed about the factory at odd jobs for a considerable time. The Boiler Makers provide that fifty per cent. of the apprentices must come from "helpers" who have already worked two years; the other half may come from the rivet heaters.[3] In the plumbing trade, apprentices have in many cases been already working as "helpers." The Printing Pressmen require that the persons must have been employed at least four years as "helpers" before they may be accepted as apprentices.[4]

Following the old regulation of the apprenticeship system by law and custom, the unions have ordinarily designated age limits within which an apprentice may enter upon or complete his training. The characteristics of the trade originally determined the limits. Where much physical strength is needed and some danger is encountered, the apprentices

[1] Report adopted by Connecticut Master Plumbers' Convention; Agreement between Master Plumbers' Association, of Lynn [Mass.] and Vicinity, and Journeymen Plumbers' Association, No. 77, Sec. 3, in Plumbers, Gas Fitters and Steam Fitters' Journal, September, 1895, p. 2.

[2] Constitution, 1906, Art. 43, Sec. 3.

[3] Proceedings, 1908, pp. 475, 494–496; Subordinate Lodge Constitution, 1908, Art. III, Sec. 2; statement of Secretary W. J. Gilthorpe to the writer in interview, July, 1910.

[4] Constitution, 1905, Art. III, Secs. 1, 2.

obviously should be somewhat older and of greater strength than in trades where less strength is necessary and dangers to beginners are less frequent. Thus, for instance, the Travellers' and Leather Novelty Workers' International Union refused to accept apprentices under fourteen years of age; the Shingle Weavers, under fifteen; the Stone Cutters, under fifteen; the Molders and the Pattern Makers, under sixteen; the Boiler Makers and the Paving Cutters, under sixteen, and the Brewery Workmen, under eighteen. The setting of age limits seems to be justified as a trade regulation in order that a proper training of apprentices may be secured at the most appropriate age. The minimum limit prevents an apprentice's being accepted at too early age, when an excessive amount of care and attention must be bestowed and the likelihood of regular advance is correspondingly less.

A large number of unions prohibit the entrance upon an apprenticeship of persons above a certain age. In this case it is held that an applicant for instruction above the maximum age is not willing to submit to the training and discipline, and that usually he does not become a competent tradesman. The Bricklayers and Masons do not require, but recommend, that local unions do not accept apprentices over twenty-one years of age. This recommendation is, however, the prevailing rule of the unions.[1] A strong reason for fixing a maximum limit is to discourage the employment of untrained men in place of regular apprentices. The Journeymen Stone Cutters refuse to accept as apprentices persons over twenty years of age, the Brewery Workers, the Painters and Decorators, the Carpenters and the Molders, over twenty-one, and the Boiler Makers and Iron Ship Builders, over twenty-five.

[1] In 1902 the president of the Bricklayers' and Masons' International Union, in his Annual Report, p. 264, in reporting a decision of a case before the judiciary board, said, "No subordinate Union has the right to indenture apprentices after they have attained their majority, this being an infringement upon both the recommendation of the [International] Union in its form of apprentice indentures, and the local law of No. 21 [of Columbus, O.]."

In a few small, well-organized trades more rigid age limits are fixed within which apprentices are accepted. The purpose of these measures is to restrict in an indirect manner the number entering the trade. Thus, for instance, the International Brotherhood of Tip Printers accepts in shops controlled by it apprentices only from the age of sixteen to eighteen, while the National Print Cutters' Association will receive apprentices only between the ages of sixteen and seventeen.[1] The Pen and Pocket Knife Blade Grinders and Finishers' National Union rejects apprentices beyond a certain age; but this restriction does not apply to the sons of members.[2]

A trade custom long prevalent among handicraftsmen granted the journeyman an exclusive privilege to teach his trade to his son or to some member of his family. Certain of the older trade organizations have explicitly recognized this custom in constitutional provisions for giving preference to sons of members in selecting apprentices. Other unions in practice give preference to sons of members when accepting apprentices. Thus, the constitution of the Stone Cutters' Union provides that while any local union may regulate the number of apprentices in each yard within the jurisdiction, stone cutters' sons in every case must have the preference.[3] So too in 1905 a local union of the Plumbers' United Association permitted only sons of journeymen or boss plumbers to learn the trade.[4] The same practice obtains in many other trades, especially in those in which opportunities are favorable for an apprentice's entering a skilled craft; the position of the father is rewarded by the preference shown his son.[5] Only a few unions, however, make

[1] General Laws of International Brotherhood of Tip Printers, Art. V, Sec. 2; Constitution, 1904, National Print Cutters' Association, Art. XV, Sec. 1.

[2] General Laws, Sec. 15a.

[3] Constitution, 1909, Art. IV, Sec. 7.

[4] Plumbers, Gas and Steam Fitters' Official Journal, March, 1905, p. 14.

[5] At Mt. Vernon, O., in 1904, the secretary of the Bricklayers' Local Union No. 32 made complaint to the International Union against two boys who were to serve their period of apprenticeship

relationship a qualification for entrance upon an apprenticeship. The Table Knife Grinders' Union maintains that "no one is eligible to learn the trade of table knife grinding and finishing, except the son of a member of this Union or of a member who has died or become disabled, or retired from the trade to follow some other occupation."[1] In 1884 the Window Glass Workers made kinship a qualification for permission to learn the trade. The present (1910) requirement is even more stringent, and is as follows: "No member of this Association shall teach his trade, whether flattener, cutter, blower or gatherer, to any other person excepting his own son, or his adopted son, adopted before twelve years of age. In case of the disability or retirement of the father from his trade, for a period of not more than one year, another member of the same trade may be permitted to teach his son. In case of the death of the father, a son may be permitted to learn any of the four trades. A brother may teach his trade to his own brother."[2] The object of limitations of this character is, of course, monopoly and restriction. The secretary of the National Window Glass Workers frankly stated in an interview that if the rule were rescinded too many would enter the trade.

The most effective device whereby the union may guard the regular entrance to a trade is the limitation of the number, rather than the requirement of certain qualifications, of persons who may become apprentices. Since the beginning of customary or statutory recognition of the industrial need of an adequate supply of well-trained mechanics a limitation of the number of apprentices has been attempted. The essential purpose of numerical limitation has continued to be the insuring of a supply of workmen according to the needs of each trade. But it may easily serve also one immediate aim of trade unionism—the maintenance of wages

under their fathers. Since the apprenticeship regulation was in control of the local unions, the International Union board had no power to act, but urged adoption of rules against such discriminating methods (Report of President, 1904, p. 285).

[1] Proceedings, 1896, p. 14.

[2] By-Laws, 1910, Art. III, Sec. 2.

—by diminishing the competition of laborers within the trade. Accordingly, all unions attempting apprentice regulation enforce more or less successfully some form of numerical limitation of apprentices.

Varying forms of limitation are used. But whether enforced as a national or a local union regulation, the commonest form is a fixed ratio to the number of journeymen, which remains the same however great the number of journeymen employed. Thus, for instance, the Molders have a fixed ratio of one apprentice to five journeymen employed. Since 1902 the Saw Smiths have maintained the ratio of one to ten.[1] The Lace Operatives enforce a ratio of one to nine; the Metal Polishers, one to eight; the Bridge and Structural Iron Workers, one to seven; the Boiler Makers, one to five; and the Travellers' Goods and Leather Novelty Workers, one to four. In many trades local conditions make it necessary that the local unions should control the number of apprentices. It has consequently been the policy of the Cigar Makers, the Carpenters, the Painters, the Bricklayers, and the Printers to permit the ratio to be determined by the local unions. In such cases the ratios present varying proportions. The usual ratio prevailing among the local unions of the Painters is one apprentice to a shop with one for each five additional journeymen, among the Bricklayers, one to three, and among the Printers, one to five.

A second form of ratio is a declining one, by which the number of apprentices is reduced as the number of journeymen increases. Thus, the Broom and Whisk Makers permit one apprentice to a shop of less than twelve men, two to a shop of less than twenty-two, and three to a shop of twenty-two men or more; but no more than three may be accepted. This form of regulation merges into the third form which limits absolutely the number that may be employed in any one shop. Thus the Barbers' International Union has since 1894 allowed only one apprentice to any shop displaying the union card.[2] Likewise the Journeymen Plumbers' United

[1] Constitution, 1902, Art. IX, Sec. 2.
[2] Constitution, 1894, Art. XVII, Sec. 1; Constitution, 1910, Sec. III.

Association provides that apprentices may be accepted when necessary, but local unions shall in no case accept more than four in any one shop.[1]

Assuming that a properly qualified number of persons have been apprenticed acceptably both to the union and to the employer, the question next arising is, What relation does the apprentice sustain to the union? The apprentice rule may require a completed apprenticeship for admission to membership; if, however, the union ceases to exercise watchfulness and to extend protection over the apprentice throughout the apprentice period, his admission to apprenticeship gives him no assurance that upon its completion he will be acceptable for membership in the union. Unless subject to union influence and control, a body of apprentices may be used by the employer to thwart movements for maintaining wages. It is difficult for an apprentice who has been thus employed to gain admission thereafter to the union. As a matter of fact the unions extend protection over persons as soon as they are accepted as apprentices. Ordinarily a certificate or card from the union is issued to the person immediately upon his entrance as an apprentice. This signifies the approval of the union. In many cases he is at once thereafter entitled to become a member of the union. Thus the Shingle Weavers, the United Brotherhood of Carpenters and Joiners, the Steel Plate Transferrers, and the Lace Operatives grant apprentices immediate admission as apprentice members. Usually half the regular initiation fee and dues is assessed. The Bakery and Confectionery Workers provide that the apprentices and helpers shall be organized into auxiliaries of the union under whose jurisdiction they are employed, and shall be subject to payment of reduced initiation fees.[2]

Other unions which issue a certificate of indenture or a card of approval to acceptable apprentices do not grant them immediate admission to membership, but provide that they

[1] Constitution, 1908, Sec. 117.
[2] Constitution, 1909, Art. VI, Sec. 1.

may become members at some specified time before the period be completed. Thus, for instance, the Machine Printers' Beneficial Association since 1886 has considered its legal apprentices eligible for membership after one year of the seven years' required term.[1] In 1889 the Glass Bottle Blowers' District Assembly No. 149 made similar concession, provided that the apprentice was of good character.[2] The International Association of Machinists admits apprentices to membership after they have served two years of the four-year required term, upon payment of half the initiation fee, dues, and assessments.[3] Since 1889 the International Typographical Union has recommended that the local unions admit apprentices to membership in the last year of the apprentice period.[4] The Molders in 1899 made provision for admitting apprentices as "partial" members of the union at the beginning of the last of the four-year term at a lower initiation fee.[5] In 1909 the Pattern Makers adopted a provision permitting an apprentice in the last six months of the five-year period, "if capable, and recommended by a majority in the shop where he is employed and by a two-thirds vote of all present," to be admitted to membership by any subordinate association.[6]

Certain other unions make membership in the union compulsory upon apprentices either at the beginning or at some time during the period of apprenticeship. Thus, for instance, in 1905 the Metal Polishers and Buffers' International Union provided that apprentices must become members of the local unions of their branch of the trade.[7] The Journeymen Tailors require apprentices to become members upon attaining the age of eighteen.[8] The Boiler Makers and Iron Ship Builders and Helpers require the

[1] By-Laws, 1886, Art. V, Sec. 5; By-Laws, 1906, Art. V, Sec. 5.
[2] Proceedings, 1889, p. 61.
[3] Subordinate Lodge Constitution, 1909, Art. VII, Sec. 2.
[4] General Laws, 1889, Sec. 37; General Laws, 1910, Sec. 55.
[5] Iron Molders' Journal, August, 1899, p. 406.
[6] Constitution, 1909, Rule 29.
[7] Constitution, 1905, Art. 44, Sec. 3; Constitution, 1906, Art. 43, Sec. 3.
[8] Constitution, 1910, Sec. 33.

apprentice to take out an apprenticeship card of membership in his local union after two years' time has been served; "helpers" engaged as apprentices are required to secure this card at once.[1] The International Brotherhood of Blacksmiths and Helpers requires apprentices to become members at the end of two years and a half of the four-year period.[2]

As has been indicated, the payments required of approved apprentices as admission fees and membership dues are ordinarily reduced to about one half of the regular charges. It is also to be noted that the privileges of apprentice membership are usually limited to attendance upon the meetings without voting, with very restricted rights, or no rights at all, in the matter of the beneficiary features of the union. The motives of the unions in permitting or requiring apprentices to enter into this limited or partial membership relation are clearly indicated in the recommendation of the International Typographical Union to its local unions to admit apprentices to membership in their last year, "to the end that upon the expiration of their terms of apprenticeship they may become acquainted with the workings of the union and be better fitted to appreciate its privileges and obligations upon assuming full membership."[3] Likewise, the international secretaries of the United Brewery Workmen recommended at the convention of 1906 that "the apprentices should become members of our organization from the day of their employment in the brewery, thereby giving the union an opportunity to educate them in unionism, thereby preventing them becoming traitors during lockouts or strikes."[4]

But even in those unions wherein the apprentice as such is entitled to a more or less restricted membership status the union rule requires some form of completed apprenticeship as a condition of membership with full duties, privileges,

[1] Subordinate Lodge Constitution, 1910, Art. III, Sec. 2.
[2] Constitution of Local Unions, 1903, Art. XIII, Sec. 2.
[3] General Laws, 1910, Sec. 55.
[4] Proceedings, 1906, p. 104.

and benefits. If every apprentice served a term perfectly satisfactory to the union, including his admission into apprentice membership, he would have assurance of passing without difficulty into full membership at the end of the term. Under a condition of this sort the apprentice rule would become of less importance in the admission of apprentices who have completed their terms. But, in fact, numerous departures from the regular operation of apprentice regulations are made, which render necessary the enforcement of an apprentice requirement for admission. In the first place, it is commonly known and provided for that for various reasons an apprentice in any trade may be prevented from completing the term with the same employer or within the jurisdiction of the same local union. Seasonal and cyclical fluctuations in business make it impossible in certain trades for many apprentices to finish their terms without interruption. In the building trades it is particularly difficult to serve a complete term because of changes in volume of business in different parts of the year, and because of the necessary variations in the length of engagements on different jobs.

Again, the apprentice frequently desires a change of location, and may remove to another establishment or to another town or city, either to complete the term or to avoid completing it. Furthermore, in view of the varying adaptability and capacity of individual beginners in a trade, an apprentice may not be competent at the end of the prescribed term to perform a journeyman's work. In such a case it is clearly desirable that the term prescribed by the apprentice rule should be extended. In order, therefore, to determine whether or not an applicant for full membership has become competent, the unions ordinarily provide for a test or examination as to competency.[1] In such a requirement the fulfillment of the apprentice rule forms an essential part. Hence, to understand the interdependence of the apprenticeship and the competency requirements as conditions of

[1] See Chapter III, p. 68 et seq., where consideration is given to the competency requirement for admission.

admission to membership, the meaning of apprenticeship as defined by the union rule must first be made clear. For this purpose the unions requiring that applicants for membership shall have complied with the apprentice rule may be divided into two classes, according to the character of the apprenticeship requirement.

In the first and larger class of unions, to have served an apprenticeship satisfying the requirement for admission to membership signifies merely that the period fixed by the union rule has actually been completed in working at the trade. In theory this time of service is supposed to represent the customary or the union estimate of the time necessary for an applicant for membership of ordinary ability to learn the trade well enough to command journeyman's wages. Time is, however, the only essential element of the apprenticeship required by unions of the first class. This kind of apprenticeship is the prevailing type in the printing, building, metal, and certain miscellaneous trades.

The early nineteenth century typographical societies of Philadelphia, New York, Washington, and Baltimore insisted that all apprentices should serve a definitely prescribed term. The Philadelphia society provided in its constitution of 1802 that no person should be eligible to become a member who had not "served an apprenticeship satisfactory to the board of directors."[1] The rule of the New York society in 1809 was that no one should be admitted who had not "duly and regularly served the term of three years."[2] A survival of this early policy is the uniform practice of the unions in the printing trades of specifying the term of years for an apprentice to serve. Until 1902 the International Union had not recommended any definite term as the proper one for the local unions to enforce. The local unions ordinarily fixed this term at four years. Since 1902, however, the International Union has fixed four years as the minimum time which must have been served before

[1] MS. Constitution of Philadelphia Typographical Society, 1802, Art. XV.

[2] MS. Minutes, Typographical Society of New York, 1809, p. 46.

admission to membership is possible.[1] The Printing Pressmen require applicants for membership as pressmen to show in their application sufficient proof of an actual apprenticeship of at least four years, served on the floor as apprentice pressmen, before being admitted to full membership. Credit is given for all apprenticeship time whenever it may have been actually served.[2] The Brotherhood of Bookbinders enforces the full term for entrance to the trade by refusing to permit members to work in any shop where a workman is employed who has refused to serve the full term of four years.[3]

Other unions in the printing trades which require a minimum service are the German-American Typographia, the Lithographers, the Photo-Engravers, the Stereotypers and Electrotypers, and the Steel Plate Transferrers. The Bookbinders and the Photo-Engravers require that the apprentice certificate issued to new apprentices shall be presented as proof of a completed term when application is made for membership. The Stereotypers and Electrotypers, in cases of intermittent employment, require the apprentice to file an affidavit certifying the time of service; this must be authenticated before favorable action may be taken on the application for admission.[4]

Fluctuation in business and irregularity of employment in the building trades render a specified term more difficult of enforcement than in the printing trades, yet for many years the Bricklayers and Masons and the Carpenters have advocated the binding of an apprentice for a definite term of service. The Bricklayers do not prescribe a time limit, but the local unions in practice require a three-year term. The national union ordinarily insists upon strict compliance with the time limit set by any local union.[5] The time served

[1] Barnett, pp. 174, 195; General Laws, 1902, Sec. 32.
[2] Constitution, 1898, Art. XXII, Sec. 4; Constitution, 1909, Art. III.
[3] Constitution, 1907, Art. XV, Sec. 5.
[4] General Laws, 1904, Sec. 19.
[5] In July, 1887, an apprentice who claimed that his term was finished on a two-year agreement applied to Local Union No. 11 of

by an apprentice applicant for admission must be vouched for, and apprentices who have been admitted before their time has been completed are likely to be excluded from membership until the completion of the term.[1]

The local unions of the Bridge and Structural Iron Workers determine the term of apprenticeship, which in the structural branch is usually eighteen months and in the ornamental branch, four years. The Carpenters and Joiners, the Painters and Decorators, the Ship Carpenters and Joiners, the Shingle Weavers, the Granite Cutters, and the Journeymen Stone Cutters and the Marble Workers require proof that the apprentice period has been completed before an applicant may be considered eligible for journeyman membership. Owing to the character of employment in such trades, the unions do not require that the term shall be served with one employer, although they do desire that such shall be the case. The result is that additional care and investigation are necessary in order to secure satisfactory evidence that a complete term has been served. The Painters and Decorators prescribe a term of three consecutive years.[2] The Shingle Weavers provide that applicants for admission may not be tested as to competency until one year of apprenticeship has actually been worked.[3] The rule of the Marble Workers requires that the applicant shall satisfy the examining board of the local union that the four-year term has been completed, and also imposes a fine of twenty-

St. Louis, Mo., and was admitted. His employer had refused to give him a discharge, claiming he had to serve three years. Members of the union appealed against the admission. The national executive board approved the action of the local union in admitting the man, his time having been finished (Report of President and Secretary to Convention, 1888, pp. 16–17).

[1] Report of President, 1903, Cases No. 34 and No. 51, pp. 104, 384; Report of President, 1904, Case No. 2, Judiciary Board Decisions, p. 273. In 1904 Secretary Dobson, in a judiciary board decision concerning an apprentice excluded from admission, upheld the policy of the union, declaring that "apprentices cannot be admitted to membership until they have fulfilled their time of apprenticeship, and are vouched for as competent mechanics, besides having their release from their employer" (Report of President, 1904, p. 380).

[2] Constitution, Amended by Referendum, March, 1910, Sec. 257.

[3] By-Laws, 1909, Art. X, Sec. 4.

five dollars upon any local union which shall knowingly admit a candidate who has not served the full time.[1]

The unions of the metal trades which enforce a definite term of apprenticeship are the Molders, the Pattern Makers, the Stove Mounters, the Machinists, the Metal Polishers and Buffers, and the Wood, Wire and Metal Lathers. The Sheet Metal Workers permit, as do the Bricklayers and Masons, the local unions to fix the term, which is usually four years. A national officer of the Molders stated that the four-year time limit "is rigidly enforced." Boys who have been admitted into a local union but one month before completing the term have been excluded until the four years were finished.[2] This requirement is a continuation of the policy of the Molders' Union of the sixties and thereafter, during which period a "regular apprenticeship" of four years was continuously demanded.[3] The Pattern Makers' League recognizes five years as the length of time an apprentice should serve. The provision of the league is typical of union practice generally: "The League will not admit as a member or sanction the employment of any person who has not served a regular apprenticeship of five years at pattern making except where the applicant has been found upon investigation to be a competent workman and able to command current rate of wages. Where new associations are being organized it shall be in the power of the organizer to admit such candidates to membership."[4]

In the miscellaneous trades the unions accepting a fixed period of work in the trade as the equivalent of satisfactory apprenticeship include the Cigar Makers, the Barbers, the Brewers, the Bakery and Confectionery Workers, the Broom and Whisk Makers, and the Watch Case Engravers. The Cigar Makers, since their organization in 1864, have either required or recommended an apprenticeship term of three

[1] Constitution, 1906, Art. VI, Sec. 2.
[2] Interview by the writer, June, 1910.
[3] Iron Molders' International Journal, June 30, 1873, p. 23; Aug. 10, 1875, p. 409; April, 1891, p. 25.
[4] Constitution, 1902, Art. 33; Constitution, 1909, Art. 33.

years.[1] Although the rule is still prescribed, the union, as stated above, is not able to enforce it. This position illustrates the practice and policy of a number of other unions: an apprentice period is prescribed, but applicants may be admitted who are able to do the work of the trade and command the prevailing wages, and no investigation is made as to whether the required term has or has not been completed. Such evidence is not considered a necessary part of the proof of competency which entitles the applicant to admission. Thus, for instance, the Machinists' International Association provides for the admission of all applicants judged competent by the examining committee and the local unions whether or not the four-year term required by the apprentice rule of the association has been spent in working at the trade. Likewise, the Wood, Wire and Metal Lathers admit many applicants who are able to meet the practical test for competency in disregard of the union requirement that two years must previously have been served in the trade. The Pattern Makers, while demanding strict compliance with the five-year apprentice rule, make provision for cases in which competency may be proved without the apprentice term having been served, particularly when new associations are being formed. This policy prevails also with the Bricklayers and Masons.[2] In general, it may be said that when a more immediate interest of the union may be served thereby, even the unions which ordinarily insist most rigidly that the specified term must have been finished will admit applicants known not to have served the full term.

The purpose of the apprentice period being to allow sufficient time to ensure well-trained and competent wage earn-

[1] Constitution, 1865, Art. II, Sec. 1; Constitution, 1896 (21st ed.), Sec. 214.

[2] Thus in 1900 a case came before the judiciary board of the union as to whether or not a local union should admit an apprentice who had served the required term outside the jurisdiction of the union. It was held that even if the applicant did not present proper proof of his apprenticeship, the local union "had better take him in, and let him finish out his time under instructions. But by all means get him in somehow; he will be better in the union than out of it" (Report of President, 1900, Case No. 7, p. 125).

ers, it becomes necessary in individual cases to extend the minimum term in order to allow those who learn slowly or who begin late to acquire competency. This is the practice, for example, in the printing trades. An extension of time gives the employer the benefit of the further services of the apprentice. That this extension of the term and the consequent exclusion for a time from full membership may not become an established practice, certain unions attempt to enforce a maximum limit. Thus, for instance, the Piano and Organ Workers provide that the regular term shall be the maximum, and that apprentices may not serve longer without the consent of the local union.[1] The Glass Bottle Blowers provide that an apprentice shall serve not more than five years, or fifty working months in all.[2] The Cigar Makers have also sought to prevent the apprentice period from being extended, thus making the regular term the maximum.[3]

The common features of the apprenticeship requirement for admission are thus a definite term and a limited number of persons. It must not be supposed, however, that the time element alone is the subject of union apprentice regulation. It is also important to the union that every apprentice should serve the time in a shop where the union is recognized, and that the character of his training should be so prescribed by the union that he may make regular progress. The unions of the first class have not incorporated these two elements into the apprentice rule for admission. There prevails, however, even here some tendency to discriminate against an apprentice trained in a non-union shop when he applies for admission. Thus, for example, in 1891 a re-

[1] Motley, p. 83.

[2] By-Laws, 1910, Sec. 13.

[3] In 1897 an appeal was made to the president of the Cigar Makers' International Union against Local Union No. 55 of Hamilton, Ont., for compelling an apprentice who had served the three-year term to join the union. It was claimed that the apprentice was bound by an agreement for a four-year term. The decision was that unless the four-year agreement or contract in writing could be shown, the apprentice must remain a member of the union (Cigar Makers' Journal, April, 1897, p. 7). For another case, see Cigar Makers' Journal, July, 1896, p. 1.

jected applicant for membership in Bricklayers' and Masons' Union No. 3 of Newark, New Jersey, appealed to the executive board, claiming that he desired to join though he had served an apprenticeship of three years with a non-union boss.[1] The executive board sustained the local union in rejecting the applicant on account of the circumstances under which the apprenticeship was served and under which he had been working since its completion. Local unions are expressly prohibited by the International Typographical Union, the Printing Pressmen and Assistants, and the Shingle Weavers from rejecting a candidate "solely on the ground of having served his apprenticeship in an unfair office." The Operative Potters likewise have refused admission to applicants trained in non-union offices. In unions of the first class, however, persons are ordinarily admitted without discrimination on account of the place or shop in which the trade may have been acquired.

The character of the apprentice's training and his progress toward the rank of journeyman are also frequently matters of concern to the union. The first group of unions do not require that their regulations concerning training shall have been complied with before a candidate is admitted. The regulation actually prevailing takes the form of a charge to journeymen, foremen, or members of a union to see that an apprentice has thorough instruction and opportunities for advancement. The following rule of the Stone Cutters is typical: "It shall be the imperative duty of shop stewards and members to see that all apprentices in their respective shops are given good work, in order that they may become skilled workmen, fitted to take their place as journeymen in our midst."[2] Of the same tenor is the rule of the Boiler Makers and Iron Ship Builders: "Any person engaging himself as an apprentice . . . must be given

[1] Twenty-sixth Annual Report of President, 1891, Case 83, p. cxvii.

[2] Constitution, 1892, Art. V, Sec. 8; Constitution, 1900, Art. V, Sec. 8; Constitution, 1909, Art. IV, Sec. 8.

an opportunity to learn all branches of the combined trades of the Brotherhood."[1]

In recent years the tendency in some unions is toward making a specific statement of the work to be performed by the apprentice during each year of his term. Thus, for example, in 1902 the Typographical Union recommended that subordinate unions "make every effort possible to secure the proper training and instruction of apprentices," and in 1903 the local unions were ordered to pass "laws defining the grade and classes of work apprentices must be taught from year to year." In 1906 the International Union adopted a detailed regulation providing that apprentices employed in the trade where machine or typesetting devices are in use "must be employed the last two years of their apprenticeship on the case, excepting the last three months . . . which may be devoted exclusively to work on linotype or typesetting devices."[2] The Marble Workers also suggest for the apprenticeship that the first three years shall be served in a shop in cutting and fitting marble at the bench, and the fourth year in a building under the direction of a setter of the International Association of Marble Workers. Apprentices are also given the right to use all machines under the control of cutters and setters. Regulations of this character are, however, not enforced by the unions as a condition of admission. They seem to have for their purpose the better training of the apprentice for the trade. Applicants for membership who are competent, but who have not been trained according to these regulations, are in all cases admitted.

In the second class of unions requiring some form of apprenticeship for admission the apprenticeship is more fully under union control than in the unions previously considered. Apprenticeship as a prerequisite for admission is here taken to signify, first, that the period fixed by the union in which to learn the trade has been completed; second, that the shop or establishment in which the time

[1] Constitution, 1910, Art. III, Sec. 2.
[2] Proceedings, 1905, p. 211.

has been spent is one recognized as "fair" or acceptable to the union; and third, that the training of the apprentice was according to the specifications of the union. The unions maintaining this form of apprenticeship requirement are the United Hatters, the Glass Bottle Blowers, the National Print Cutters, the Window Glass Workers, the Chartered Society of Amalgamated Lace Operatives, the Machine Printers and Color Mixers, and the Saw Smiths. These trades are highly skilled, largely localized, and strongly organized.

The specified terms of this apprenticeship are in the United Hatters, the Lace Operatives, and the Window Glass Workers, three years; in the Saw Smiths' National Union, four years; in the Glass Bottle Blowers and National Print Cutters, five years; and in the Machine Printers and the Color Mixers, seven years. The terms of instruction are maintained both by custom and by union regulation. The original purpose in view was to provide an adequate supply of well-trained workmen as they were needed in the trade. But sight was certainly not lost of the fact that a definite term of instruction, enforced along with a fixed ratio of apprentices to the number of journeymen employed, results in a limitation of numbers. The rule fixing the term in the United Hatters is as follows: "To constitute a journeyman a boy shall be required to serve a regular apprenticeship of at least three consecutive years."[1] The Lace Operatives claim to admit to membership only the competent workman, who is defined as "one who has served three years at a lace machine."[2]

It was pointed out that the unions in which the common and essential feature of apprenticeship is the length of the term will at times rather accept a shorter than require a longer term. Similarly, although the unions of the class now under consideration as a rule incline toward definiteness of time and uniformity in its observance, yet they do

[1] Constitution, 1900, Art. II, Sec. 2.
[2] By-Laws, 1909, Art. III, Secs. 1–8.

not insist on the element of time as an absolute requirement. Thus, for instance, the Glass Bottle Blowers, by providing that an apprentice shall serve "not more than five years," by implication provide that a shorter term may be accepted.[1] Certainly variation below the five-year term does not disqualify an apprentice for admission when he has been prevented through no fault of his own from completing it, as when a factory ceases to operate or becomes non-union.[2] This exceptional case was actually provided for by the United Hatters in December, 1898, when application was received from an apprentice who had been unable to complete the term by losing his position in the shop while a volunteer in the Spanish-American War. A rule was adopted applicable to this and other cases of a similar nature, providing that "any boy who has one year or less of his apprenticeship to serve shall get a card of admission, provided that he has lost his shop."[3]

As early as 1863 the Hat Finishers' Association of Philadelphia and Camden County, New Jersey, required as a condition of admission a term of apprenticeship served in a "fair" shop. The United Hatters at present make the same requirement.[4] While the Amalgamated Lace Operatives do not expressly require that the time shall have been passed in a "fair" shop, yet in practice the society discriminates against apprentices from other shops, since all persons who have previously held positions considered detrimental to the interest of the unions are subjected by the national executive board to special terms of admission.[5] The National Print Cutters require that the time shall have been served in a "regular recognized shop."[6] The Window Glass Workers also discriminate against apprentices trained in non-union factories. In 1896 the association provided

[1] By-Laws, 1910, Sec. 13.
[2] Proceedings, 1898, p. 94.
[3] Journal of the United Hatters, December 1, 1898, p. 3.
[4] Constitution, 1863, Art. II, Sec. 1; Constitution, 1900, Art. XII, Sec. 2.
[5] By-Laws, 1905, Art. III, Sec. 2.
[6] Constitution, 1898, Art. VI, Sec. 1.

that any one who had been engaged at a non-union glass factory should be ineligible to membership. In 1906 a rule was placed in the constitution explicitly debarring from membership all apprentices who had worked in certain designated non-union factories, which included all such factories in the United States.[1] The Glass Bottle Blowers' Association has for many years pursued the practice of denying admission to applicants who have served their terms in non-union factories. The union requirement is that the term shall have been served "in a union factory." A number of cases have arisen in the history of the union in which admission has been denied because of the applicant's training in or connection with a non-union factory.[2]

The unions require training in a "fair" shop for two reasons: First, it is claimed that more thorough training may be acquired in union than in non-union shops. In this way both the original and the theoretical purposes of an apprenticeship system are served. Second, the requirement, if enforced, enables the union to bring beginners under union influence. As a practical means of organization the requirement is effective. Refusal of admission after the applicant has completed a term of training represents a stage in the development of union policy which has been attained only in the highly skilled and well organized trades. Such a policy, if pursued by the weaker unions, would only add strength to non-unionists.

The specific work to be performed by an apprentice during successive stages within the term served in a "fair" shop is defined in more or less detail by some unions, and in some cases the members of the union in the shop are also

[1] Constitution, 1896, Art. III, Sec. 31; Constitution, 1906, Art. I, Sec. 18.

[2] One case is that of an applicant who in 1892 appealed to the convention of the association for admission over his rejection by a subordinate branch. The decision of the association was that "it would not be policy to admit such applicants as in so doing it would encourage boys to go into non-union factories for the very purpose of getting possession of the trade, if they found they could be taken into the association" (Proceedings, 1892, p. 136). For other cases see Proceedings, 1897, p. 36; Proceedings, 1908, p. 94. See also Constitution, 1892, Art. I, Sec. 3; Constitution, 1910, Art. I, Sec. 3.

required to direct the instruction. Regulations of this type undoubtedly originated in a desire to have well-trained workmen enter the trade. In 1906 the National Print Cutters made provision for regulating "the manner that the apprentice shall be employed during the term of his apprenticeship."[1] The Window Glass Workers specify the time within the term at which the apprentice may be allowed to learn the kinds of work in the trade.[2] The Glass Bottle Blowers insist that manufacturers shall compel beginners in the trade to blow for a finisher for the first two years.[3] The requirement of the Saw Smiths in more general terms is that "it shall be the right of every apprentice, and he shall also be required to learn all branches of anvil work in the shop in which he is employed."[4] The United Hatters provide in great detail that "all apprentices registered for the making department after being instructed three months shall continue for the space of nine months at sizing, then six months at blocking, then six months at stiffening. All apprentices registered for the finishing department, after being instructed three months shall continue for nine months at finishing, then one year at flanging or curling. After this space of time the employer can put them at any branch of the business he may require their service."[5]

These unions, therefore, reserve the right to exclude applicants for admission who have not had an apprenticeship of proper length, or one which was not served in a "fair" or acceptable shop. It may not be said, however, that an applicant whose term, although passed in a union shop, had not been spent exactly in accord with union specifications as to kind and grade of work would be excluded. If an applicant has served in a union or "fair" shop, he will usually be admitted, if competent. Indeed, the unions assert that if union rules as to time, place, and manner of training were observed, competency would be assured.

[1] Proceedings, 1906, p. 7.
[2] By-Laws, 1908, Art. III, Sec. 14.
[3] Proceedings, 1908, p. 118.
[4] Proceedings, 1902, Sec. 4, p. 12.
[5] Constitution, 1900, Art. XI, Secs, 6, 7.

CHAPTER III

ADMISSION BY COMPETENCY

The original conception of a trade was a manual occupation into which a workman could be initiated only through an extended course of training. Every craftsman was considered as sharing in the monopoly and as holding a vested right to which he had become entitled by reason of the time and effort spent in acquiring skill. Competency in performing the work was required in order to gain entrance to any trade.

In the preceding chapter we have noted the absence of any apprenticeship in certain trades and a tendency toward its abandonment in many others. In the remaining trades which attempt to enforce an apprentice rule various causes often interfere and make the period of instruction so intermittent and irregular that the apprentice at the end of the prescribed term is not always a competent mechanic. Members of trade organizations, moreover, are interested in upholding the standards of proficiency for entrance. Accordingly, the apprenticeship requirement is supplemented by the rule prescribing competency as a qualification for admission. The terms "practical printer," "practical bricklayer," "journeyman carpenter," "molder," "cigar maker," "mechanic," and so forth, are used to signify the competent workman who alone is eligible for membership.

Such a competent workman meant originally in all trades one who was proficient in all processes of the trade. After the introduction of machinery and the rise of the factory system of production, the character of many trade processes and the subdivision of labor changed so that it ceased to be necessary for a mechanic or artisan to become skilled in all branches of the trade. Specialized occupations, requiring little training for their mastery, are to be found now in

practically all trades. Examples of such differentiation or specialization may be observed, for example, in boot and shoe making, cigar making, the making of clothing, printing, carpentry, slaughtering and meat packing, and the machinists' trades.[1]

The admission of specialized workmen to membership in trade unions has usually encountered strong opposition among unionists. Thus the Knights of St. Crispin during their existence from 1869 to 1874 attempted to regulate or hold in check the employment of "green" hands in the shoe industry. Certain local unions of the Cigar Makers' International Union in the seventies seceded rather than abide by the rule recognizing the right of bunch makers and strippers to be admitted to membership.[2] Opposition likewise arose to the admission of "helpers" into the Amalgamated Association of Iron and Steel Workers, and prior to 1877 large classes of unskilled workmen in the trade were ineligible to membership.[3]

But when the proportion of unskilled workmen in any

[1] In 1904 the president of the International Association of Machinists said: "The extent of the jurisdiction of the International Association of Machinists, as a result of the admission of specialized workmen to its membership, is shown by the following twenty-five classes of machine-shop workers: (1) General hands, (2) erecting hands, (3) floor hands, (4) vise hands, (5) assemblers, (6) adjusters and repairers of metal working parts of all classes of machinery, (7) men operating all classes of lathes, (8) men operating all classes of planers, . . . (10) men operating all classes of shapers, (11) men operating all classes of slotters, (12) men operating all classes of boring mills, . . . (15) men operating Jones & Lamson, Gisholt and American turret lathes, (16) drill press hands, (17) screw machine hands, (18) men operating all machines of a similar character as heretofore mentioned, (19) tool makers, (20) die sinkers, (21) jig workers, (22) mold makers in glass factories or elsewhere, (23) all men engaged in the manufacture of metal model novelties where skilled hand labor or machines are used, (24) all surgical instrument makers, (25) all metal pattern makers employed in machine shop" (Machinists' Monthly Journal, September, 1904, p. 790). For other instances of extreme specialization see Third Annual Report, Massachusetts Bureau of Labor Statistics, 1871, p. 232; Cigar Makers' Journal, March 10, 1878, p. 1; Pope, The Clothing Industry in New York, pp. 70, 71; Commons, Trade Unionism and Labor Problems, p. 234.

[2] Cigar Makers' Journal, April, 1878, p. 1; November, 1879, p. 1; September, 1880, p. 2.

[3] Proceedings, 1877, pp. 50, 74, 75.

trade was large, the practice of excluding them from the trade organization became injurious, since the numerical and strategic strength of the union was thereby weakened. Consequently, an open-door policy was ordinarily adopted so as to admit any workman, even though he was competent only in a branch or single operation of a trade. Thus, after 1875 the Cigar Makers' International Union refused to permit its local unions to reject any applicant on account of the system of "working" or because he was engaged at only a particular branch of the trade.[1] Since that time "all persons engaged in the cigar industry have been eligible."[2] In 1877 the Amalgamated Association of Iron and Steel Workers, acting on the recommendation of the national president, changed its rules so that four new classes of semi-skilled workers, namely, knobblers, turners, boiler plate men, and sheet-iron shear men, could be admitted.[3] Again, in 1887 the president proposed that "all branches of labor directly interested in the manufacture of iron and steel should be made eligible to membership." In 1889 the measure was adopted, and has since continued in force, admitting all grades of workers except "laborers," and these may be admitted at the discretion of the subordinate lodge.[4] The Boot and Shoe Workers' Union has continuously granted admission "to any worker actively employed at the craft."[5] Since 1902 the International Molders' Union has claimed as its membership jurisdiction the "trade of molding in all its branches and subdivisions, including coremaking."[6] Similarly, the United Association of Journeymen Plumbers has recognized the effect of specialization within the plumbing trade, and has provided for a broader membership juris-

[1] Constitution, 1875, Art. I, Sec. 2, in Cigar Makers' Journal, April, 1878, p. 1; Cigar Makers' Journal, May, 1881, p. 1.
[2] Constitution, 1881, Art. IV, Sec. 1; Constitution, 1896 (21st ed.), Sec. 64. "Chinese, coolies and tenement-house workers" are excepted.
[3] Proceedings, 1877, pp. 50, 74–77.
[4] Proceedings, 1887, pp. 1953, 2118; Proceedings, 1889, pp. 2686, 2687, 2791; Constitution, 1910, Art. I, Sec. 1.
[5] Constitution, 1895, Art. XX, Sec. 1; Constitution, 1909, Sec. 37.
[6] Constitution, 1902, Art. I, Sec. 2.

diction.[1] The change of policy toward specialists made in 1903 by the International Association of Machinists is typical of the course now followed in all trades giving employment to increasing numbers of unskilled workers. Only workmen "performing the work of a machinist" had previously thereto been eligible, but since that time "any person working in a machine shop and engaged in any manner with the making and repairing of machinery. . . providing that he receives the minimum rate of wages of his class in his locality," may be admitted.[2]

While many unions have thus been forced or led to restrict the scope of the required competency, the feeling against incompetency is as strong as ever. It is not difficult to understand this hostility. Incompetent workers threaten constantly from lack of employment to lower the minimum rate of wages; they are irregular in membership, and are frequent claimants of beneficial relief. The National Typographical Union in 1865 condemned the "practice of admitting persons who have not exhibited sufficient proof of their qualifications as printers."[3] In 1884 the president of the Amalgamated Association of Iron and Steel Workers remonstrated against the action of some subordinate unions in admitting members who were not qualified.[4] Since 1889 the International Typographical Union has insisted that local unions make "a rigid examination as to the competency of candidates."[5] The International Molders' Union

[1] The president of the association in 1902 reported as follows: "Our trade as well as others has been rapidly branching out into hitherto unknown fields, so that today we have branching from plumbers, gas, and steam fitters, an array of specialists, such as sprinkler fitters, ammonia pipe fitters, fixture hangers, beer pump men, and 'ship plumbers,' all of which properly belong to . . . our trade [plumbing], while not all of the last mentioned are affiliated with the U[nited] A[ssociation], they are using the same tools and fittings and should properly affiliate" (Plumbers, Gas and Steam Fitters' Official Journal, October, 1902, p. 25). See Constitution, 1908, Sec. 2; see also Plumbers' Journal, June, 1908, p. 8.

[2] Machinists' Journal, July, 1903, pp. 586–590; Subordinate Lodge Constitution, 1903, Art. I, Sec. 1.

[3] Proceedings, 1865, p. 48.

[4] Proceedings, 1884, p. 1363.

[5] Proceedings, 1889, p. 48.

has consistently held to the view that its members should be competent. In 1893 the president thus interpreted its admission policy: "No union has the right under any circumstances to initiate to membership any molder who may have learned the trade outside of its jurisdiction, without first making close and searching investigation as to his mechanical ability. If he is not a competent mechanic at the branch of the trade which he represents, we do not care how long he has worked at molding, do not admit him to membership."[1] Again, in 1899 he recommended that more care should be exercised in the admission of members, "so that the union card would be recognized as the badge of the competent mechanic."[2] The Bricklayers' and Masons' International Union holds that "no applicant for membership shall be blackballed except for incompetency."[3]

The national union ordinarily prescribes competency as a qualification, and each local union decides whether any particular applicant is qualified. The decision in each case is in most unions subject to an appeal to the national union. In view of the increasing differentiation of processes within trades and of the practice of admitting specialists and even, at times, persons known to be incompetent, and in consideration of the local determination of the qualification of applicants, it becomes difficult to state with exactness the meaning of competency as a requirement for admission. It is relative in application, and subject to variation according

[1] Iron Molder's Journal, June, 1893, p. 3.

[2] Proceedings, 1899, p. 17. In 1902 again it was officially announced: "The officers of local unions would avoid much confusion if they would carefully investigate the eligibility of a candidate for membership before and not after he has been initiated. The number of cards that have been annulled lately indicate gross carelessness on the part of investigating committees" (Iron Molders' Journal, September, 1902, p. 808).

[3] Constitution, 1897, Art. X, Sec. 4; Constitution, 1908, Art. XI, Sec. 4. In time of strike, or in a trade movement, for example to unionize a shop, unions frequently admit workmen known to be unqualified. See Semi-Annual Report of Secretary, Bricklayers and Masons, June 3, 1896, p. 3; Stone Cutters' Journal, December, 1892, p. 3; Proceedings, Amalgamated Window Glass Workers, 1907, p. 19; Proceedings, Brewery Workmen, 1908, p. 163; Brauer-Zeitung, July 13, 1907, p. 1.

to the trade and the locality under consideration.[1] Competency implies manual dexterity, speed, and accuracy. It may on the whole, perhaps, be best defined as the ability, mental and physical, requisite to perform a quantity of work of such a quality as will give satisfaction to the employer.

Local unions determine whether or not an applicant satisfies the competency requirement by one of three methods: (1) by ascertaining whether the applicant can obtain employment in a locality at the minimum rate of wages; (2) by securing proof that the workman has had a definite period of training or of experience in the trade, and (3) by testing the ability or skill of the candidate in an actual performance of work.

The great mass of unions make wage-earning capacity the measure or test of competency. Thus the United Brotherhood of Carpenters and Joiners denies admission to any workman who is not "competent to command a general average of wages."[2] The Brotherhood of Painters, Decorators and Paperhangers provides that the applicant must be "competent to command the minimum wages established by the local union or district council" where application is made.[3] In some cases actual employment at the trade is

[1] Movements have been started in recent years in the electrical and plumbing trades to require a certain standard of workmanship as a condition of admission which should be uniform for all local unions. In 1903 the Boston local union of the International Brotherhood of Electrical Workers submitted a proposition that the brotherhood create a board which should provide a standard trade examination for all applicants (The Electrical Worker, June, 1894, pp. 110–111).

In 1904 the United Association of Journeymen Plumbers, in session at Birmingham, Ala., acting on a recommendation of the national president, made provision for a national examination committee, which should devise "a proper theoretical and practical examination suitable to the average conditions of the different localities . . . to be accepted by . . . local unions as standard" (Proceedings, 1904, p. 29). See Plumbers, Gas and Steam Fitters' Official Journal, January, 1905, p. 16. The plan was not executed. But again in 1908 the proposal for a national committee was renewed (Proceedings, 1908, p. 76).

[2] Constitution, 1881, Art. IX, Sec. 1.

[3] Constitution, 1898, Art. VII, Sec. 1; Constitution, 1910, Sec. 19.

required as proof of ability to earn standard wages. Eligibility for admission to the Boot and Shoe Workers' Union is thus conditional upon the worker's being actively employed at the craft.[1] The United Garment Workers also require that the candidate "must be employed in the manufacture of garments and working at the trade."[2] The International Union of Steam Engineers provides that each local union may exercise its own discretion as to admitting a candidate who is out of employment.[3]

Different unions and even local unions within the same trade, however, employ different means for determining the competency of candidates. In addition to wage-earning capacity, a fixed term of training or employment is accepted as a qualification of admission.[4] In certain trades, as we have already seen, the fact of having served an apprenticeship under union conditions at once secures full membership for an apprentice.[5] The Painters, Decorators and Paperhangers moreover apply not only wage-earning ability as a test, but also provide that an applicant may not be admitted who is not qualified by having worked three years at the trade.[6] The Lace Operatives' Amalgamated Society describes a competent workman as "one who has served three years at a lace machine."[7] In thus endeavoring to maintain some standard of competency or trade skill as a condition of membership, local unions in practically all trades have to de-

[1] Constitution, 1895, Art. IX, Sec. 2; Constitution, 1908, Sec. 37.
[2] Constitution, 1891, Art. VI, Sec. 1; Constitution, 1903, Art. VI, Sec. 1.
[3] Constitution, 1891, Art. VI, Sec. 1; Constitution, 1903, Art. VI, Sec. 1.
[4] Constitution, 1898, Art. XXI, Sec. 2; Constitution, 1906, Art. XIX, Sec. 2.
[5] The International Association of Machinists makes provision for the use of all three tests: "Any machinist serving an apprenticeship of four years at the trade . . . or who has worked at the trade four years in any of its branches or subdivisions, or is competent to command the minimum rate of wages paid may be admitted to membership in any local union. Such men may be admitted upon . . . passing the examination committee" (Subordinate Lodge Constitution, 1909, Art. I, Sec. 1).
[6] See above, p. 51.
[7] Constitution, 1910, Sec. 19.

termine whether the workman who is a candidate for entrance can secure employment at the prevailing rate of wages, or whether he has served the term of training prescribed as necessary to acquire skill.

Finally, in certain so-called skilled trades it is the practice of some local unions to have each applicant demonstrate his competency by an actual performance of work. The test or examination in some cases is required by a regulation of the national union, but each local union has full power to prescribe the kind of test it chooses. The Typographical Union early insisted that only "practical printers" should be admitted. Since 1889 the local unions have been directed to make a "rigid examination as to the competency of candidates."[1] The Bricklayers' and Masons' International Union in 1897 adopted a rule that a candidate "shall, if complaint is made as to his ability, be compelled to pass a satisfactory examination by a committee of the local union under whose jurisdiction he is working."[2] The International Association of Steam Fitters prescribes that each local branch "shall have a trade test or examining board to examine into the qualification of candidates."[3] The United Association of Journeyman Plumbers in 1906 made a similar stipulation.[4] The Cement Workers' Brotherhood provides that either an "oral or written examination" or a "practical test" shall be given.[5] The examination of candidates with a view to maintaining a standard of proficiency among unionists thus lies in all cases in the hands of the local union. Consequently, there may be in different localities considerable variation within a particular trade in the strictness of tests and in the standard of workmanship demanded for admission.

The examinations as conducted in some instances by local unions in the building trades are designed to prove the can-

[1] Proceedings, 1889, p. 58.
[2] Proceedings, 1897, p. 71.
[3] Constitution, 1900, Art. XVI; Constitution, 1909, Sec. 32.
[4] Proceedings, 1906, p. 49.
[5] Constitution, 1909, Art. III, Sec. 5.

didate's general knowledge and practical ability in performing trade processes. The local unions of bricklayers and masons in a few cities require, besides satisfactory answers to a set of questions, the actual construction of a piece of masonry, either on a contract job or in some place prescribed by the union. Questions are asked concerning the time, place, and kind of previous employment and the previous relations of the candidate to the union. Certain local unions of structural iron workers require the applicant to illustrate important points of workmanship by assembling blocks and materials and by using a miniature derrick. Theoretical and practical examinations are general among the unions of the International Brotherhood of Electrical Workers. Some unions give a written as well as a practical test. Strong unions in the large cities usually set aside a room in which are placed the necessary apparatus and appliances for the experimental work. The time of a test varies from one to three hours.[1] The Wood, Wire and Metal Lathers' unions accept as a competent workman one who is able to drive at least 1000 or 1200 laths in eight hours, which is about half the number which the fastest workman could drive. Sheet Metal Workers' local unions in New York City give a rigid examination by closely questioning the workman and by trying him out "on a permit" in actual shop work.[2] The Bakery and Confectionery Workers in Chicago require the candidate to work in three different shops, and the foreman of each shop reports to the union whether the man is a practical baker. This method is the one most frequently used. The applicant usually has employment, or is given a "permit" to work with unionists

[1] The secretary of the International Brotherhood of Electrical Workers, in June, 1910, estimated that ten per cent. of applicants for admission into the local unions failed to pass the examination. The secretary of Local Union No. 34 of Chicago at the same time estimated that fifty per cent. of its applicants were unable to pass the examination. The writer is indebted to the national officers for the facts in the above paragraph in the case of each union.

[2] The secretary of the Sheet Metal Workers' International Alliance stated that a large proportion of applicants were unable to gain admission into the New York unions.

who may observe his work. Statements or vouchers from the members or from a committee thereof are usually accepted in proof of workmanship.

Investigations and tests are often perfunctory and do not measure accurately the skill of the applicant. The purpose of a test is to maintain a certain standard of ability for entrance into a trade and to prevent a reduction of established wages. In dealing with incompetent workmen who apply for admission, local unions often pursue a policy of expediency, and the examination required is not sufficiently rigid to exclude incompetent persons from the trade. As a matter of fact, the rate of wages is endangered whether the incompetent are admitted or not, since they will most likely accept lower wages as either members or non-members. The consideration that the workman who does not at the time of application conform to the standard of workmanship may, if allowed to become a member, soon acquire competency, also inclines a union to modify the strictness of the competency requirement. At times, however, it has been charged against certain local unions that they use the power of examination to build a wall around their membership and to exclude even competent workmen from the trade.[1]

In a small number of trades a municipal, state, or national

[1] The following examples may be cited as illustrating the comparatively infrequent occurrence of "closed" unions:—

"Some of the locals are looking out for themselves in too narrow a sense. Dazzled by the fact that they are getting higher wages than some other local, whose workmen may be quite as efficient as their own, they seek to exclude such members by forming a trust, putting on a prohibitory fee, and conducting a partisan, partial and unfair examination" (The Electrical Worker, April, 1903, pp. 110–111).

"In some towns when a man comes in . . . the local unions put up an examination and make it so severe that no man on earth could pass it. I believe that the only examining boards that should be recognized by our association are the ones that are recognized by the state or municipality and which a man must pass before going to work" (Proceedings, Plumbers, Gas and Steam Fitters, 1904, pp. 67–68).

"It is a frequent occurrence that either for selfish purposes or . . . when a local union is over-zealous in complying with the rules established, the examination of men who have actually been working in a brewery for some time is made so hard that they cannot pass and [they] are rejected as members" (Brauer-Zeitung, July 11, 1908, p. 1).

government license may be accepted by a local union in lieu of an examination as proof of competency. The plumbers' unions in some cities make use of the examination provided by the city or state examining board.[1] The Steam Engineers' International Union requires as a condition of admission the possession of a license where such may be obtained under law.[2] The Journeymen Barbers advocate the enactment of barbers' license legislation on sanitary grounds and with a view to excluding unqualified workmen from the trade; a license is not, however, required to gain admission.[3] The National Marine Engineers' Beneficial Association is composed solely of licensed workmen. Subordinate associations usually accept the government license as the requisite proof of competency. Cases have occurred, however, in which licensed workmen were not admitted because of incompetency, and their license has been revoked by the protest of the association.[4]

So far, the admission of new applicants alone has been considered. Local authority, subject in many unions to revision by national officers, determines according to circumstances the standard to which each applicant must conform before he may be admitted. When, however, a member of one union with a transfer card applies for membership in another local union, he may not be subjected to the same requirements as are employed in the case of a new applicant. National organization binds the local unions, compelling each to admit on favorable terms the members of another union when in good standing. A local union may at times refuse to accept a transferred member on account of scarcity of employment or on account of race, color, or personal disqualification.[5] But this form of exclusion is con-

[1] Proceedings, 1904, p. 68.
[2] Constitution, 1903, Art. III, Sec. 1.
[3] Constitution, 1910, Sec. 68; Barbers' Journal, February, 1906, p. 14; September, 1906, p. 197.
[4] Subordinate Association Constitution, 1904, Art. III, Sec. 1; Proceedings, 1904, pp. 34–41.
[5] See above, p. 26; below, p. 128.

trary to the spirit of national unity, and is condemned by the national unions.[1]

Variation in grades of workmanship and in rates of wages as between localities is recognized in some trades to such an extent, however, as to permit a modification of the rule of interunion comity in the acceptance of members. It is clearly desirable that a local union should not be required to accept a transferred member who is not competent as measured by its standard. The Bricklayers' and Masons' International Union first adopted an expedient by which a member with a transfer card who was judged incompetent in another locality could be excluded, and yet the rule requiring the interchange of union cards be nominally upheld. A case was brought on appeal to the union in 1888 in which one local union had refused to accept a transfer card held by a workman whom the local union considered incompetent. It was then held that the card must be accepted, but that a member so received who was not a qualified bricklayer or mason could at once be expelled.[2] In 1897 the union empowered the local unions to examine any applicant for membership whose ability as a workman might be questioned.[3] Since that time the policy has been maintained of permitting any union to exclude a transferred member from another union, when after being tested he is considered incompetent.[4]

[1] In a case of refusal of a transfer card in the International Brotherhood of Boiler Makers and Iron Ship Builders the national secretary made the following statement: "If such a principle as this is upheld by this order, then the sooner the order is disbanded the better, because it is the ruination of the principle of unity, and unity is what all organized labor stands on. If this principle of repudiating good cards is upheld, then what is the use of organizing? It will appeal to any man that there is no use" (Boiler Makers' Journal, March 1, 1906, p. 152).

[2] Proceedings, 1888, p. 18.

[3] Proceedings, 1897, p. 71.

[4] Frequent decisions have been made upholding the rule. In 1903 a case of refusal of travelling card by a local union was appealed. The judiciary board of the union held that the card should have been accepted, and that if then there was "positive evidence of his incompetency it would have been much more in keeping with the law to have revoked his membership. This stand could have been taken by

Local unions of the United Association of Journeymen Plumbers exercise discretion as to admitting workmen with cards. The national association denies to the local union the power to examine a transferred member "unless the local has just proof that the clearance card was secured through misrepresentation, illegally or otherwise."[1] Under cover of this exception the practice prevails of excluding any transfer applicant when local conditions justify such refusal.[2] The Bridge and Structural Iron Workers' International Association provides that the reexamination of a member with a card is optional with the local union.[3] The Steam Engineers require conformity with local requirements as to competency and license laws.[4] The Steam Fitters[5] and the Electrical Workers[6] require a member of less than three years' standing, desiring to transfer from one local union to another, to pass the examining board of the local union to which application is made, even though an examination was passed in the local union of which he was formerly a member. The development of this practice of modifying the rule of exchanging cards for the purpose of maintaining local standards of workmanship emphasizes the absence of any standard of skill.

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trying him on the work only. Failure on your part to accept his card would subject your union to discipline" (President's Report, 1901, p. 185).

[1] Proceedings, 1906, p. 95.
[2] Proceedings, 1908, p. 72.
[3] Constitution, 1910, Sec. 84.
[4] Constitution, 1906, Art. XIV, Sec. 1.
[5] Constitution, 1906, Sec. 34.
[6] Constitution, 1901, Art. XIV, Sec. 4.

CHAPTER IV

ADMISSION OF WOMEN

The entrance of women into modern industrial life is traceable directly to their activities in the family. After the introduction of machinery and the rise of the factory system, certain processes, such as spinning and sewing, which had been carried on by women at home, were assumed by them in the factory. Moreover, since machinery frequently reduced the amount of physical strength or skill required in specific processes, the substitution of women for men was made possible in new lines of work. The low rate of wages at which women might be employed tended to render profitable their increasing employment.[1]

The increasing number of women in certain trades has been a subject of grave concern to the organized workmen in those trades. This anxiety has been due to the low rate of remuneration of the women and the threatened displacement of the men. The attempts at the solution of this problem may be conveniently considered under three periods: (1) 1830 to 1860; (2) 1860 to 1880, and (3) since 1880.

In the first quarter of the century women formed the bulk of the factory operatives of the expanding manufactures of

[1] Exact comparisons between the extent of the employment of women in gainful occupations today and during the first half of the last century are impossible, owing to the fragmentary data of the early period. The census of manufactures which was taken in 1850 showed 235,922 women and 731,317 men employed in industries in establishments whose annual product was valued at $500. The last census (1905) does not furnish statistics exactly comparable with the earlier figures. But of the 6,157,571 persons employed in manufactures in 1905, 1,194,083 were women. The figures indicate that fewer women in proportion to the number of men are now employed; yet the number of women employed has increased more than five fold (U. S. Census, 1850, "Digest of Statistics of Manufactures," p. 143; Census of Manufactures, 1905, Pt. I, p. xxxvi).

New England.[1] The number of occupations into which women were entering at this time appears also to have been increasing.[2] Female laborers soon participated in the new labor movement of the time.[3] During the thirties female cotton-mill operatives, tailoresses, seamstresses, umbrella sewers, shoebinders, and bookbinders in the large towns and cities entered vigorously into short-lived societies and occasionally participated in prolonged strikes.[4]

The attitude of men trade unionists toward the female workers varied from trade to trade largely according to the extent to which women were established in the particular trades. When women were beginning to enter a trade in competition with men, they met the open hostility of the men, but when women were already employed in any trade, the men promoted organization among them in order to prevent a lowering of wage rates. Thus as early as 1819 the journeymen tailors of New York went on strike to prevent the employment of women; and again, in 1836 the New York tailors' society struck against an employer "because he employed a female."[5] In the printing trade at this time women were principally engaged at bookbinding, but in some places they were also being introduced as compositors. In Boston in 1835 the men "most ungallantly turned out for the purpose of driving the girls from the business of setting types."[6] At this time the Philadelphia and Washington

[1] Martineau, Society in America (1837), Vol. II, pp. 227, 243; Vol. III, pp. 148, 149, 150; Thirty-third Report, Bureau of Statistics of Labor, Massachusetts, 1902, pp. 136–137.

[2] Miss Edith Abbott, in Women in Industry (p. 66), states that "from 1820 to 1840 it appears that, instead of seven, there were more than one hundred industrial occupations open to women."

[3] The tailoresses of New York in 1825 and the factory girls of certain towns in New England in 1828 and 1829 formed protective organizations and engaged in strikes in their own behalf (Andrews and Bliss, "History of Women in Trade Unions," S. Doc. No. 645, 61st Cong., 2d sess., pp. 21, 22, 23).

[4] Andrews and Bliss, pp. 36, 40, 41, 44, 45. In 1834 a society of female shoe-binders of Lynn, Mass., successfully maintained prices for work, and sent delegates to the Central Trades' Union of Boston (The Man, March 12, 1834, p. 3. Reprinted in Commons and Sumner, Vol. VI, p. 90).

[5] Andrews and Bliss, p. 46.

[6] Andrews and Bliss, p. 46.

societies of printers expressed clearly their fear and dislike of a proposed employment of women compositors in each of these cities.[1] In the shoe trade and in the manufacture of cotton goods women were firmly entrenched in certain departments of the work, and apparently competed but slightly with men. In each of these trades the men unionists were accordingly found encouraging the organization of the female workers.[2]

Most representative of the prevailing trades-union opinion of the period was probably the attitude of the National Trades' Union. The members of the New York session of 1835 deplored the increase in the employment of women at less than a "fair remuneration," and recommended to laboring men "throughout the United States to oppose by all honest means the multiplying of all descriptions of labor for females, inasmuch as the competition it creates with the males tends inevitably to impoverish both."[3] In 1836, at the third annual session, a special committee on female labor commented on "the injurious tendencies the introduction of the female system has upon the male operatives," and reported that twenty-four of the fifty-eight societies composing the Philadelphia federation of labor were "seriously affected by female labor to the impoverishing of whole families, and benefit of none but the employers." The convention recognized organization as the only "hope of redress," and suggested that either mixed or separate female societies should be organized.[4]

[1] Printers' Circular, August, 1867, pp. 267, 268; December, 1869, p. 365.

[2] A national convention of journeymen cordwainers in New York in March, 1836, recommended to the different societies therein represented "the propriety of encouraging the formation of societies of the females working at boot and shoe binding and cording for the purpose of increasing their wages" (National Laborer, April 2, 1836. Cited in Andrews and Bliss, p. 46). See also Proceedings of National Trades' Union Convention, 1836. Reprinted in Commons and Sumner, Vol. VI, p. 288.

[3] National Trades' Union (New York), October 10, 1835. Reprinted in Commons and Sumner, Vol. VI, pp. 250, 251, 257, 258.

[4] A special resolution urged the formation of societies among females in order "to prevent the ruinous competition which now

At intervals during the forties women wage-earners did undertake separate action, engage in strikes, and occasionally form trade organizations.[1] Yet the admission of women into the men's unions must have been infrequent. The local typographical societies continued to maintain a hostile attitude toward female printers.[2] In 1854 the National Typographical Union voted down a resolution "discountenancing the employment of females," but took the position that it should not "encourage by its acts the employment of females as compositors."[3] In 1856 the Boston union of printers considered a resolution threatening to discharge any member found "working in any office that employs female compositors."[4] The period from 1830 to 1860 is therefore characterized by the formation of sporadic organizations and by intermittent movements in the interest of labor in which the participation of women was represented in some cases by separate action on their part, in others by reluctant cooperation on the part of working men in the plan of organizing women.

Industrial expansion continued, however, to extend the opportunities for the employment of women. The census of 1860 showed that about one quarter of the factory employees of the country were women, while in 1870 about the same proportion was found.[5] The interest in labor organization which developed after the Civil War accordingly led to renewed attention being paid to the position of women in industry.[6] The National Labor Union Congress at its

exists by the labor of females being brought into competition with that of males" (National Laborer, November 12, 1836, pp. 133, 134. Reprinted in Commons and Sumner, Vol. VI, pp. 279, 281, 283, 288).

[1] Andrews and Bliss, pp. 58–61.

[2] Barnett, pp. 311, 312.

[3] Proceedings, 1854, pp. 12, 27, 28.

[4] Andrews and Bliss, p. 57.

[5] Eighth Census, 1860, Manufactures, p. 729; Ninth Census, 1870, Industry and Wealth (Manufactures), pp. 392, 393.

[6] The International Industrial Assembly, which held its only convention in Louisville, Ky., in 1864, commended the action of certain local trade organizations in forming unions among women in the clothing trade, and recommended the prosecution of that work in other cities (Fincher's Trades' Review, October 15, 1864. Reprinted in Documentary History of American Industrial Society, Vol. IX,

first session in Baltimore in 1866, and again at Chicago in 1867, set forth the attitude of the laboring class, which it held had been misrepresented, upon the subject of female labor. Workingmen were excused for objecting to the introduction of female labor "as a means to depreciate the value of their own," and the principle of equal pay to men and women for the same service was endorsed. As a method of reforming "the iniquitous system" of competition, the congress agreed upon the necessity of forming labor associations of women.[1]

In order to judge the extent of the participation of women in the trade movements of this period, it is necessary to understand the policy of national organizations of workmen and the practice of local bodies within such organizations. The organized trades which at this time included considerable proportions of women were printing, cigar making, sewing, garment making, boot and shoe making. The policy of the unions in these trades will be briefly reviewed.

In the late sixties the increasing number of women who were being employed, mainly in city newspaper offices, as compositors and distributers of type, their low wages, and the displacement of men by women "strike-breakers," again brought the problem of female labor forcibly to the consideration of the Printers. None of the local unions had yet admitted women to membership. At the session of the national union in 1867 a committee, which was authorized to "report a plan to regulate and control female compos-

edited by Commons and Andrews, p. 123). At this time working women in the cigar making, clothing, sewing, textile, and printing trades were to some extent engaged in separate organized activities in their own behalf (Andrews and Bliss, pp. 91–104).

[1] Report of Committee on Address to National Labor Congress. Reprinted in Commons and Andrews, Vol. IX, pp. 156, 157. These female labor organizations were represented by women delegates in the second session of the National Labor Union in 1868. Miss Kate Mullaney, chief directress of the Collar Laundry Working Women's Association of Troy, N. Y., was commended "for her indefatigable exertions in the interests of working women." Female delegates attended the session again in 1869 and in 1870 (Commons and Andrews, Vol. IX, pp. 195, 227, 228, 257, 258).

itors, so that ladies in the business may benefit themselves and inflict as little injury as possible upon printers," declared that lack of organization was responsible for the low wages paid to women, and recommended that the local unions should either admit women or organize them into separate subordinate unions. The national union, however, took the position that each local union should be left free to decide its policy for itself.[1] The Chicago local union in 1869 and the Kalamazoo, Detroit, and Philadelphia local unions in 1870 admitted their first women members.[2] The International Union in 1869 amended its constitution so that women's unions might be chartered with the consent of the union of male printers in any locality. In 1871 the local unions were urged to unionize women printers either by the method of separate organization or by admission.[3] A women's union which had been chartered in New York in 1869 was not prosperous, and the men's union in that city was imperiled on account of the failure of the women to maintain the union scale of wages. The men endeavored several times to have the charter of the women's union revoked before it was finally surrendered in 1878. Earlier in the seventies the International Union decided to issue no more charters to women's unions. This decision left the admission of women into men's unions the only method of controlling female printers, and in many cases women were admitted to membership in the local unions. The International Union favored the policy of admission and urged local unions to admit women, yet for several years each local union remained free to decide for itself whether women might become members.[4]

The second organized trade in which women had been employed to a considerable extent before 1860 was cigar making. During the early half of the century women had engaged in cigar making, first in their homes and then in

[1] Proceedings, 1867, pp. 30, 52, 57.
[2] Printers' Circular, April, 1870, pp. 66, 151.
[3] Proceedings, 1869, pp. 8, 23, 39, 41; Proceedings, 1871, pp. 33, 61.
[4] Barnett, pp. 314, 315.

factories. But it is not possible to ascertain their relation at this time to the unions in the trade. It seems probable, however, that the women had no part in the local unions of cigar makers which united in 1864 to form a national organization. In that same year, however, a Ladies' Cigar Makers' Union was formed in Providence, Rhode Island.[1]

The census of 1860 showed that only 731 women as against 7266 men were employed in cigar making. Before the close of the ensuing decade the proportion of women in the trade greatly increased. In 1863 girls and women are reported as being employed in considerable numbers in Philadelphia and New York. Machines or molds, which at this time had been introduced into the trade, made possible the increased employment of women. The Cigar Makers' International Union at its second convention in 1865 prescribed that only males should be eligible for membership.[2] The question of the right of a woman to work in a union shop was brought before the union in 1866 and debated at length, but the session reached no decision.[3] Women are reported to have been used to break a strike of cigar makers in New York in 1869. In Cincinnati in 1870 the places of men, who had struck against the introduction of molding machines, were filled by female workers.

Before the close of the decade following 1870 there was a large increase in the number of women cigar makers employed throughout the country.[4] The national union in

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[1] Andrews and Bliss, p. 92.

[2] MS. Proceedings, 1863, p. 60. Miss Edith Abbott states that the sex qualification for admission to membership was removed in 1867 (p. 206). Similarly, J. B. Andrews asserts that the Cigar Makers altered their constitution in 1867 to admit women (Andrews and Bliss, p. 92). This is an error. Cf. MS. Proceedings, 1867, p. 156; Constitution, 1867, Art. XIII, Sec. 1. See also Cigar Makers' Official Journal, June, 1878, p. 1.

[3] MS. Proceedings, 1866, p. 113.

[4] The rapid increase in the number of female cigar makers is shown by the following table:

	1860	1870	1880
Men	7266	2615	9108
Women	731	21409	40099
Children under 16		2025	4090

Twelfth Census (1900): Manufactures, Pt. III, p. 648.

1875 ceased to debar women by providing that "no local union shall permit the rejection of an applicant for membership on account of sex or system of working." This change of policy was the occasion of the withdrawal of several local unions from the national organization. The Cincinnati and Baltimore local unions, which were bitterly opposed to the entrance of women into the trade and were unwilling to change their rules so as to admit them, remained outside the national union for several years.[1] In 1877 women were employed in large numbers to break the great strike of cigar makers.[2] In 1878 the national president reported that nearly four thousand women were employed in the cigar factories of New York, and said, "This state of affairs can not be altered, it is better to unite than strike against them, because the latter course would prove futile, the employment of women having increased in an alarming proportion."[3] It seems that women had not up to this time been admitted to the unions in large numbers, but the national union thereafter continued to advocate the organization of women.

From 1860 to 1880 garment making and boot and shoe making also gave employment to considerable proportions of women. According to the census of 1880, the number of women employed in these trades had greatly increased.[4] The clothing cutters of New York in 1855 made the first movement toward the formation of labor unions in the ready-made clothing industry. Similar local organizations in other branches of the industry were formed at intervals thereafter, but usually included only the highly skilled workers.[5] But with the exception of a few short-lived unions of sewing women in Massachusetts and New York,

[1] Cigar Makers' Official Journal, May, 1878, pp. 1, 2; July, 1878, p. 1.
[2] First Annual Report Ohio Bureau of Labor Statistics, 1877, p. 201; Abbott, pp. 197, 198.
[3] Cigar Makers' Official Journal, May 10, 1878, p. 1.
[4] Tenth Census, 1880, Vol. XX, p. 15; Compendium, Ninth Census, 1870, p. 802; Compendium, Tenth Census, 1880, pp. 834, 835.
[5] The Garment Worker, Vol. V, No. 4, pp. 18–20.

formed under the care of the men's local trade organizations, women are not known to have taken any part in the labor organizations of the trade until the eighties.[1]

The first national organization of shoemakers was the Knights of St. Crispin, which flourished from 1867 to 1874. The objects of the order were declared to be "to protect its members from injurious competition and secure thorough unity of action among all workers on boots and shoes in every section of the country." Local lodges of "Daughters of St. Crispin" were also formed by women shoemakers in certain cities.[2] The program of the Knights of St. Crispin included the restriction of the employment of new competing classes of cheap labor.[3] Frequent strikes against "green hands" occurred, and members were forbidden to teach any part of the trade to new hands, except by permission of a local lodge. The employment of women was thus opposed in so far as unskilled female labor was replacing men in the factories. At this time, however, women were not competing with men in the principal processes of boot and shoe making; for the most part, the women were performing with machines the operations which they had formerly done by hand at home.[4] The Grand Lodge of the Knights of St. Crispin in session at Worcester, Massachusetts, in 1869 extended to the working women who had joined the order of Daughters of St. Crispin "full support in all honest efforts to improve their social or material condition." But women were denied admission to the men's lodges by the national constitution adopted at Boston in 1870.[5]

[1] Fincher's Trades' Review, October 15, 1863, p. 60. Reprinted in Commons and Andrews, Vol. IX, p. 123; Herron, "Labor Organization among Women," in University of Illinois Studies, Vol. I, No. 10, p. 16; Willet, "The Employment of Women in the Clothing Trades," in Columbia University Studies, Vol. XVI, No. 2, pp. 330, 331.

[2] Report of Massachusetts Bureau of Statistics of Labor, 1880, p. 32; Cigar Makers' Official Journal, March, 1878, p. 1.

[3] McNeill, The Labor Movement, pp. 201, 202.

[4] Abbott, p. 173.

[5] Constitution, 1870, Art. XVI. Sec. 1; Constitution of Subordinate Lodges, 1870, Art. X; Lescohier, pp. 28, 38, 69, 76.

The same development in policy shown in the four trades in which women were largely employed is found in the Knights of Labor. At the third regular session of the general assembly in 1879 the grand master workman in his report directed attention to the fact that production by machinery had resulted in the displacement of men by women and children, and declared that a statement of policy should be formulated on the subject. As a practical measure a proposition was made to admit women to membership and to permit them also to form separate assemblies, but although approved by a majority it failed of adoption for lack of the two-thirds vote required.[1] In 1880 the proposition was adopted.[2] Women were thus granted the opportunity to organize, and contemporary accounts show that thereafter many of them became members.[3]

To sum up, it may be said that the policy of labor organizations with reference to the affiliation and membership of women in 1880 represented a considerable advance over that of 1860. General federations and trade unions which formerly had been either indifferent or hostile to women workers recognized that women occupied a permanent place in industry, and were favorable to their organization. As has been noted, the National Labor Union and the Knights of Labor and the national unions of printers, cigar makers and boot and shoe workers sanctioned either the separate organization of working women or their admission into the men's unions. It is impossible to ascertain even the approximate membership of women in trade organizations at this time. But it seems to have been small, and their participation in the affairs of the unions comparatively slight.

In the period since 1880 industrial growth and the widening use of mechanical processes have made possible a constantly larger utilization of the labor of women workers in

[1] Proceedings, 1879, pp. 99, 125.
[2] Proceedings, 1880, pp. 192, 226.
[3] Tenth Report, Bureau of Statistics of Labor and Industries, New Jersey, 1887, pp. 24, 25. The 231 local assemblies of the Knights of Labor in New Jersey, with a total membership of 40,172, had 4400 women members (Ely, The Labor Movement, pp. 82, 83).

many branches of production. Labor organization has also been extended to a larger number of trades than in any previous period. The problem of female labor has thus attained a greater importance, and the part which women have had in labor organization has been increasingly prominent.

The American Federation of Labor has constantly declared that its purpose is to unite the laboring classes without regard to color, sex, nationality, or creed.[1] Organizers and officers of the Federation have actively promoted unionism among working women; women delegates are present at the conventions, and local unions of female workers have in some cases been directly affiliated with the Federation.[2] The organization of women, however, concerns the trade unions directly interested rather than a federation of the unions. The extent of the participation of working women in labor organizations in recent years may, therefore, best be determined by surveying the existing regulations and practices of the different unions with reference to women workers.

A large proportion of the national trade unions are not concerned with the problem of female labor. Women are excluded from several important groups of occupations by lack of physical strength. They are thus prevented, for example, from entering the building, transportation and engineering, mining, metal, machine, and wood working groups of trades, and such miscellaneous trades as horse shoeing, glass blowing, brick making, and brewing. Unions which are concerned with women workers are principally in the following groups of trades: printing, manufacturing

[1] Annual Report of President, Proceedings, American Federation of Labor, 1887, p. 10; Proceedings, 1888, p. 15.

[2] Herron, p. 48. Women employed in pottery warehouses were in 1901 organized into an independent local union of the American Federation of Labor (Proceedings, Operative Potters, 1901, p. 6). Secretary Morrison of the American Federation of Labor informs the writer that in December, 1911, there were affiliated directly with the American Federation of Labor seventeen local unions composed exclusively of women. These were employed in miscellaneous trades, and included button makers and factory operatives. Nine of the seventeen were in Porto Rico.

of tobacco products, textile, clothing, pottery, bakery, upholstery, musical and theatrical professions, hotel and restaurant work, retail trade, clerical work, and meat packing. The unions in these trades may be divided into two classes according as they restrict or encourage the organization of women.

Only a small number of national trade unions at the present time entirely forbid the admission of women. The Barbers,[1] the Watchcase Engravers,[2] and the Switchmen[3] have for a number of years entirely excluded women from membership. In recent years female labor has been introduced into core making, which is a branch of the molding trade.[4] In 1907 the Molders resolved to seek "the restriction of the further employment of women labor in union core rooms and foundries, and eventually the elimination of such labor in all foundries."[5] Since that time the penalty of a fine of fifty dollars or of expulsion has been provided if any member gives instruction to female laborers in any branch of the trade.[6] The rule of the national union prescribing the classes of persons eligible for membership has not been changed, so that only men are admitted.

The Operative Potters, Upholsterers and Paper Makers admit women employed in certain branches, but not those employed in others. For example, female pottery operatives employed in decorating, finishing off, and wareroom work are encouraged to become members, but the union has endeavored to exclude women from the main branches of the trade, in which men are employed.[7] Local unions of the workmen in these branches of the trade do not admit women. The Upholsterers admit women only when they

[1] Constitution, 1902, Sec. 65.
[2] Constitution, 1906, Art. VIII, Sec. 6.
[3] Constitution of Subordinate Lodges, 1905, Sec. 141.
[4] The employment of women to make light iron and steel cores was noted first for New York State in 1899 (Seventeenth Report, New York Bureau of Labor Statistics, 1899, p. 10). In 1897 the Boston Core Makers threatened to strike on account of the employment of girls (Industrial Commission Report, Vol. XVII, p. 48).
[5] Proceedings, 1907, p. 56.
[6] Proceedings, 1907, p. 51.
[7] General Laws, 1905, Sec. 148.

are employed as seamstresses.[1] The Paper Makers similarly permit female workers only in certain specified branches to become members, and this only at the discretion of a subordinate union.[2]

In all of the trades restricting the admission of women the number of women employed is small. The number of women engaged in the molding trades who are eligible by training to join the union is estimated by union officials at about one thousand. The number of female barbers is probably not greater. The unions consider it wise to discourage the further entrance of women into employment by withholding from them the protection of union membership. This restrictive policy, as we have seen, has usually been pursued by organized workmen when first meeting the competition of women.

The remaining twenty-five or more unions in trades where women are employed to a considerable extent, encourage the organization of women workers. In the trades represented by these unions women are employed in widely different proportions. The necessity for organizing women and the activities of the organized women vary widely, therefore, in these trades. In order to describe clearly the policy of these unions with reference to the organization of women and to understand the reasons prompting the adoption of a liberal admission policy, this group of unions may be conveniently subdivided into two classes according as the unions are in trades in which men compose the major part of the labor supply and perform the principal trade processes, or are in trades in which women form a large and important element of the labor supply and compete or control in the important branches of work.

[1] Since 1898 the brotherhood has encouraged women to become members by offering to admit them for half the regular initiation fee (Proceedings, 1898, p. 37). Local Rules, 1910, Sec. 109, reads: "In locals where females are admitted the initiation shall be one-half the regular initiation fee, or $1.50 for females." In 1910, according to the secretary, there were about 100 women members. These were employed in the finishing departments, and did not compete with the men.

[2] General Laws, 1906, Sec. 4.

The first class of unions includes the Printers, Cigar Makers, Boot and Shoe Workers, Meat Cutters and Butcher Workmen, Travelling Goods and Leather Novelty Workers, Bakers and Confectionery Workers, Potters, Metal Polishers, Buffers, Platers and Brass Workers, Retail Clerks, Musicians, Wood Carvers, Commercial Telegraphers, Shingle Weavers, Post Office Clerks, Brewery Workers, United Hatters, Box Makers and Sawyers, Paper Makers, and Upholsterers. In each of these trades the men are more numerous, and women usually compete only in that part of the work which is quickly and easily learned, in operating light machinery, and in doing supplementary work which does not require great physical strength. Thus in the printing trade, women have been for the most part employed in setting and distributing type. In cigar making, women were first employed to strip leaves and break bunches of tobacco, work which was preparatory to the filling and the finishing of the cigars by journeymen. More recently female employees have been extensively used to operate wrapper cutting, bunch making and rolling machines. In the manufacture of boots and shoes women are employed chiefly in fitting and sewing shoe uppers, work formerly done by hand but now by machines. In the brewery trade, women are found only in the bottling division; in meat packing they compete mainly in the work of packing, canning, painting, and labeling. In a similar manner women's work has been utilized in other trades of this class. The problem confronting the men's trade unions has been how to avoid the hurtful competition of female labor in certain branches of the trade.

As has been pointed out, the Printers and the Cigar Makers for a long time did not permit women to become members of the union, and endeavored in this way to exclude them from the trade. In the seventies both unions abandoned this policy, and began to promote organization among women as a means of protection against their hurtful competition. In 1884 the Typographical Union upheld a de-

cision of the president that a local union could not reject an applicant on account of sex.[1] In 1881 the president of the Cigar Makers strongly advised local unions, in view of the constantly increasing employment of women, "to extend the hand of brotherhood to them, and labor to organize them," and added: "Better to have them with us than against us. . . . They can effect a vast amount of mischief outside of our ranks as tools in the hands of the employer against us."[2] The union has since sustained the president and executive board in enforcing the rule in all cases where local unions have denied admission to women.[3]

In contrast with the restrictive policy of the Knights of St. Crispin, the Boot and Shoe Workers' Union since 1895 has admitted persons working at the trade regardless of sex.[4] In 1899 the secretary of the Meat Cutters and Butcher Workmen directed the attention of the union to the fact that women were already an important element in the meat packing industry, and that the question must be met.[5] Women in the trade were, however, not admitted until 1902, when the female employees in the Chicago packing-houses formed a local union and secured a charter. At this time the national secretary declared: "It is useless . . . to attempt to stem the tide of female workers. It now rests with us to bring them into our organization. . . . To see that they are affiliated with us . . . and that we extend to them the protection which thorough organization affords . . . is a duty which we cannot shirk without grave danger to ourselves."[6] In 1900 a local union of the Metal Polishers, Buffers, Platers and Brass Workers desired to admit to membership the women employed in the watch case fac-

[1] Proceedings, 1884, pp. 20, 104.
[2] Cigar Makers' Official Journal, October, 1881, p. 4.
[3] Proceedings, 1887, p. 8; Cigar Makers' Official Journal, July, 1894, p. 2; August, 1894, p. 2.
[4] Constitution, 1895, Art. XX, Sec. 1.
[5] Proceedings, 1899, p. 27.
[6] Proceedings, 1902, p. 23; Official Journal, Meat Cutters and Butcher Workmen, February, 1903, p. 21; Commons, "Labor Conditions in Meat Packing and the Recent Strike," in Quarterly Journal of Economics, November, 1904, p. 21.

tories in Philadelphia so that the danger that they would take the men's places in time of strike would be minimized. The president of the national union reluctantly consented that the local union should make suitable regulations for organizing the women.[1] In 1903 the International Association of Wood Carvers voted down a resolution providing that union members should not take work from a carving machine operated by a woman, and instead recommended that women competent to receive the prescribed wage should be entitled to membership and receive the same consideration as was shown to men.[2] From this survey it will be seen that the unions of this class have been guided purely by expediency in shaping their policy. For protection against the competition of female workers when it grows hurtful, the men's unions favor the affiliation of women.

The second class of unions which favor the organization of women, that is, the unions in which women are a large part of the workers and compete in the more important processes, includes the United Garment Workers, the United Textile Workers, the Tailors, the Laundry Workers, the Glove Workers, and the United Cloth Hat and Cap Makers. The work of these trades in most of their branches has always been regarded as peculiarly suited for women, and women have generally constituted such a large part of the labor supply as to cause the trades to be known as "women's industries."[3]

The men's tasks are usually heavier and in some cases require more skill than those of the women, yet women are engaged even in the most difficult branches of the trades. Thus in the early manufacture of cloaks the skilled work of cutting was done by a woman.[4] After an elaborate inves-

[1] Proceedings, 1900, p. 14.
[2] Proceedings, 1903, p. 51.
[3] According to the Twelfth Census, the clothing industry in 1900 employed 243,932 women, 138,654 men, and 6489 children (Manufactures, Pt. III, p. 261).
[4] Pope, pp. 17, 28. Pope states without citing his authority that "in the early period of the industry women were often employed as cutters in the manufacture of both men's and women's clothing."

tigation of the employment of women in the clothing trades in 1903, Mrs. Willet made this report: "There is, perhaps, no branch of the trade in which women are not to be found. Even in the pressing of coats, which is extremely heavy work, the exhausting effect of which is frequently noticeable on the men engaged in it, I have found women employed. But it is possible to visit hundreds of establishments without finding a woman doing this work."[1] The problem of female labor has accordingly presented itself in its most general form to the unions in the textile, clothing, and allied trades. The wide extent of the employment of women has made the problem of eliminating the hurtful competition of women one of interest to all the workmen in the trade, and furthermore it has increased the difficulty of organizing the women.

Labor organization in the clothing and textile trades prior to the eighties was chiefly confined to local movements in which women only occasionally appeared.[2] The number of women in National Trade Assembly No. 231, Cloth Cutters, Trimmers and Tailors, Knights of Labor, organized in 1888, seems to have been very small. During its seven years of existence three women's local assemblies affiliated with it, and two women were delegates at the fourth session, and three at the fifth session of the national assembly. Women had no part in the formation of the Garment Workers' Union in 1891. Before the close of that year, however, 3 out of the 24 local unions chartered were composed of women. In 1902 the union was composed of 179 local bodies, of which 83 were made up of men only and 96 of women, or of both men and women.[3]

The International Union of Textile Workers was formed in 1891 out of independent trade organizations. Until very recently it included only the few skilled workmen in the tex-

[1] Willet, p. 67.

[2] The Tailors' National Union, formed in 1871, dissolved in 1876 (Industrial Commission Report, Vol. XVIII, p. 64). The present national organization of tailors dates from 1883. The Tailors seem not to have admitted women in the early years of their organization. The Mule Spinners were organized in 1889, but did not admit women.

[3] Herron, p. 39.

tile trade.[1] The Ladies' Garment Workers, the Shirt, Waist and Laundry Workers, the Glove Workers, and the Cloth Hat and Cap Makers' unions, all formed since 1900, have from the beginning included considerable numbers of women. But the union movement in these trades has enlisted a disproportionately small part of the total number of women workers. The union officials complain that the difficulty with which the women's interest in their trade unions is maintained and their willingness to work at low wages retard the growth of unionism among them.[2]

Some of the unions make special concessions to women in order to induce them to join. In some cases, for instance, the initiation fee and regular dues are made lower for women members than for men. Until 1903 the United Garment Workers provided that women applicants might be charged only half the regular initiation fee. The Potters,[3] the Paper Makers,[4] and the Cloth Hat and Cap Makers[5] thus also provide for a reduction of the fee for women. The Travellers' Goods and Leather Novelty Workers[6] and the Retail Clerks[7] have charged their female members lower regular dues than are required of the men. Women are also not strictly required to attend the union meetings. Social attractions have been introduced as a feature of union meetings to retain the interest of the indifferent.[8]

[1] Constitution, 1898, Art. XIX, Sec. 2; Constitution, 1903, Art. XIX, Sec. 2.

[2] The Union Boot and Shoe Worker, July, 1906, p. 34; Proceedings, Cigar Makers, 1883, p. 4; Tenth Report, Bureau of Statistics of New Jersey, 1887, pp. 14, 15; Proceedings, Bookbinders, 1896, p. 17.

[3] Local Rules, 1910, Sec. 108.

[4] General Laws, 1906, Secs. 24, 48.

[5] Constitution, Art. XV, Sec. 1.

[6] Constitution, 1903, Art. VI, Sec. 1.

[7] Retail Clerks' International Advocate, October, 1905, p. 17.

[8] As to this side of union activities, Mrs. Willet says: "Unless through practical compulsion from without I doubt whether any woman's union has maintained itself with a large membership for a considerable number of years without the aid of dances, card parties and social gatherings of other kinds. The greater care with which social bonds are developed in small towns and cities accounts largely for the greater activity of the unions located in small places" (p. 195).

Another difficulty in the way of maintaining successful organizations of working women arises from the inevitable tendency toward a disparity in the wages of men and of women. Ordinarily a woman does not enter a trade to master its branches, but is likely to become efficient at only one or two of its parts. Lack of physical strength to perform heavy work, the shorter period of industrial life, and the weaker bargaining power of women combine to keep women's wages low. This fact constitutes a persistent problem to unionists after women have been organized. Thus, for example, members of the New York "Women's Typographical Union," chartered in 1868, were unable to secure employment at the standard rate of wages. The Printers soon ceased to provide for chartering women's unions in order to avoid the danger to the wage scale. They have continued to favor the admission of women into men's unions, where one scale of wages may be enforced.[1] In 1903 the Travellers' Goods and Leather Novelty Workers provided that women should receive journeymen's pay for journeymen's work.[2] The unions insist upon the doctrine of "equal pay," and endeavor consistently to enforce rules to that effect.

While the national unions have thus promoted organization by urging the admission of women, by granting separate charters, by offering special inducements, by reducing fees and dues, and by demanding equal wages and conditions for women, the local unions ordinarily have final control in admitting members. The liberal policy of the national union may, therefore, be disregarded by the action of a local union in denying admission to women applicants, in refusing its consent that a separate charter be granted, or in rejecting female applicants holding transfer cards. Cases of such action by local unions have, however, not been frequently brought to the attention of the national unions. The International Typographical Union in 1884 held that a subordinate union could not reject an applicant

[1] Barnett, pp. 314, 315.
[2] Constitution, 1903, Art. V, Sec. 7.

on account of sex.[1] The Cigar Makers in similar disputed decisions have repeatedly reversed the action of the local unions.[2] The right of a rejected applicant to appeal to the national union against rejection, which is expressly provided for in a few and permitted in many unions, tends to eliminate any divergence of this sort between local and national union policy.

Owing to the fragmentary character in some cases, and the entire absence in others, of statistics distinguishing the male and female union members, it is impossible to state the exact membership of women in national trade unions. Available estimates for particular trades and localities, however, warrant the conclusion that women form but a very small part of the total number of unionists. Only eight unions, the Bakery and Confectionery Workers, the Brewery Workmen, the Bookbinders, the Cigar Makers, the Typographical Union, the Glove Workers, the Laundry Workers, and the United Garment Workers, are officially estimated to have each more than one thousand women members.[3] Even in the clothing trades, where a large number of women unionists might be expected in view of the large proportion of women to men employed, the facts do not bear out the expectation. For example, the garment trade in 1900 included 120,950 wage earners, of whom 69,862, or 57.8 per cent., were women.[4] The proportion of women in the union is estimated to be about 26,000 out of 78,000 members, or 30 to 35 per cent. Again, the glove trade in 1900 employed 14,436 workers, of whom 9754 (or

[1] Proceedings, 1884, pp. 20, 104.

[2] Proceedings, 1887, p. 8; Cigar Makers' Official Journal, July, 1894, p. 2; August, 1894, p. 2.

[3] The following estimates, made for the writer by the president or secretary of each of these unions, show approximately the number of women members: Bakery and Confectionery Workers, 1000; Brewery Workmen, "about 1200 or 1500;" Bookbinders, 2500; Cigar Makers, "about 4000;" Typographical Union, "perhaps 5000;" Glove Workers, 1200; Laundry Workers, 5500; United Garment Workers, about 26,000.

[4] Twelfth Census, Manufactures, Pt. III, p. 267.

67.3 per cent.) were women and 280 were children.[1] Women constitute about two thirds of the membership of the union. For some years the New York Bureau of Statistics has collected statistics of membership directly from local unions. The data thus obtained are the most comprehensive in existence relating to the subject of women trade-union members. These figures show that from 1894 to 1908 the proportion of women to all trade unionists has actually fallen off from 4.8 to 2.9 per cent.[2]

An explanation of the ineffectiveness of women as trade unionists involves certain personal and economic considerations peculiar to the employment of women. First, the wage question ordinarily does not present itself as likely to be an important question throughout the life of a woman. The expectation of marriage causes most women to look upon the period of industrial employment as temporary, and this feeling naturally results in an unwillingness to expend time, energy, and money in building up an organization from which they expect to derive advantages for only a few years. For similar reasons, sickness, death, and out-of-work benefits, which are recognized as a force in holding together men's unions, appeal less strongly to women than to men. Second, women lack the courage and aggressiveness requisite for encountering employers, and for demanding any desired measure. Unionists have asserted in some cases that it is the submissiveness and docility of women which recom-

[1] Twelfth Census, Manufactures, Pt. III, pp. 784, 786, 792.

[2] The proportion of women to all trade unionists shows a decrease in 1908. Since 1901 the proportion has decreased steadily until 1907 when a slight increase was registered. In 1908, however, the percentage decreased from that of 1907.

Year	Percentage	Year	Percentage
1894	4.8	1902	4.7
1895	5.6	1903	3.7
1897	3.4	1904	3.3
1898	4.4	1905	3.2
1899	4.0	1906	2.9
1900	4.8	1907	3.3
1901	5.3	1908	2.9

Twenty-Sixth Report, New York Bureau of Labor Statistics, 1908, pp. xlvii–xliii.

mend them for employment at reduced wages in place of men.[1] Third, the wide employment of women in displacement of men as a rule indicates loss of the skill required in the trade. Women are chiefly employed in the unskilled branches of a trade at very low wages, and these are not favorable conditions for successful trade-union activity. Finally, the tacit or open opposition of the men to the employment of women still obstructs to some extent the organization of women.

[1] Report of President, Cigar Makers' International Union, Supplement to Cigar Makers' Official Journal, September, 1883, p. 4.

CHAPTER V

ADMISSION OF ALIENS

The chief question which is usually raised regarding the advantages and disadvantages of immigration has to do with its effect upon native labor. Many persons, especially among the working classes, contend that immigrant competition tends to depress wages and to lower the conditions of employment. Since the decade 1831–1840, when the number of immigrants for the first time reached the half-million mark,[1] legislative restriction has been continuously advocated and to some degree enforced.[2] But apart from legislation, the American workman has undertaken to reduce what he regards as the evil of immigration. Trade unions have sought to accomplish this either by promoting organization among immigrant aliens, or by restricting their admission into union membership.

Many organized trades are without any considerable foreign-born element, and are not concerned with the prospect of an increased supply of workmen through immigration. For example, the Printing Pressmen, the Commercial Telegraphers, the Bridge and Structural Iron Workers, the Steam

[1] Abstract of Statistical Review of Immigration to United States, 1820 to 1910, p. 9. Government Printing Office, Washington, 1911.

[2] In 1838 the House of Representatives instructed a select committee to consider the expediency of lengthening the term of residence required for naturalization, and of providing by law against the introduction into the United States of vagabonds and paupers. The report of the committee recommended immediate legislative action, not only by Congress, but also by many of the States, "so that alleged evils could be remedied and impending calamities averted" (Abstract of Report of Immigration Commission on Federal Immigration Legislation, pp. 8–15). More recently a New York state license law restricted licenses for eccentric firemen to citizens. Similarly, on public work legislation has frequently restricted employment to citizens (Commons, "Immigration and its Economic Effects," in Report of Industrial Commission, Vol. XV, Pt. III, p. 311).

Fitters, the Saw Smiths, and the Plumbers represent trades into which large numbers of immigrants have not entered and may not be expected to enter. These unions, being little if at all affected by the competition of immigrant workmen, have permitted local unions to decide for themselves as to admitting such persons. On the other hand, a great majority of the manufacturing, mechanical, and mining industries have given employment for many years to large numbers of foreign-born workmen. These constitute the class of workers whose unionization has received separate consideration in trade-union policy. The competition resulting from increasing immigration in the forties was keenly felt in New York and other cities.[1] "An influx of foreign labor into a market already overstocked" was in 1844 assigned as a cause of the rise of the Native American party.[2] The movement of this period for a liberal public land policy received support from the working classes, who saw in it a means of avoiding the evils of a congested population in the eastern part of the country.[3] A little later, political motives, combined with the economic struggle against immigrant labor, created Know-Nothingism and filled the country with hostility toward foreigners. Prior to the rise of strong national unions near the Civil War period, opposition to alien labor thus usually connected itself with a legislative or a political program.

Although the annual immigration into the United States had fallen off largely after the depression of 1857 and the outbreak of war, the total number of arrivals from 1861 to 1870 was larger by one million seven hundred thousand than in the period from 1831 to 1840.[4] The industrial demand for labor invited the newcomers, and practically all classes now extended a welcome to "foreigners." In 1864

[1] "Voice of Industry" (Fitchburg, Mass.), October 9, 1845. Reprinted in Commons and Sumner, Vol. VII, pp. 88–89.
[2] Working Man's Advocate, New York, March 23, 1844. Reprinted in Commons and Sumner, Vol. VII, p. 90.
[3] Working Man's Advocate, June 15, 1844, p. 3.
[4] Abstract of Statistical Review of Immigraton to United States, 1820 to 1910, p. 9.

the Federal Government passed a law to encourage immigration and to make legal in this country contracts signed abroad by prospective emigrants.[1] Opposition from the laboring class soon manifested itself. In the large cities it protested either in public meetings or through the newly formed unions. The president of the National Labor Union was directed at the session in New York in 1868 to take the necessary measures to have revoked the charter of the American Emigrant Company, which was one of several companies established after the passage of the law of 1864 to deal in immigrant contract labor.[2] The unions also sent representations concerning the industrial situation to European labor papers for publication.[3] The principal argument employed in favor of restriction was that immigrants were employed usually at low wages, and that further immigration threatened an oversupply of workmen and reduced wages.

The opposition to immigrants has thus rested on economic rather than on racial or social grounds, and does not show itself as opposition to the organization of such aliens after their actual admission to this country.[4] Obviously the organization of immigrant labor is the only means of protection against its competition. This fact was recognized in the practice of local trade societies at a very early date.

[1] In recommending the passage of the bill, the committee in the House of Representatives said that never before in the history of the country had there existed such a demand for labor (Abstract of Report on Federal Immigration Legislation, pp. 10, 11).

[2] Proceedings of Second Session of National Labor Union, New York, September 21, 1868 (Pamphlet: Philadelphia, 1868). Reprinted in Commons and Andrews, Vol. IX, pp. 221–223.

[3] Proceedings, Iron Molders, 1876, p. 16; Proceedings, Iron and Steel Workers, 1880, pp. 363–366.

[4] Thus the United Garment Workers recently directed that a memorial to Congress be prepared showing to what extent the evils of the sweating system were due to undesirable immigration. It was pointed out that "a large proportion of the unorganized clothing workers of New York are recent arrivals, and in order to subsist they are obliged to assume tasks at wages which the Americanized workers would be unable to accept, and yet are forced to compete with. It seems, therefore, that active measures should be taken by the national union to combat this tendency which nullifies all efforts to raise the standard of labor in the clothing industry" (Proceedings, 1900, p. 23).

The Journeymen Stone Cutters' Association in 1857 included a considerable proportion of Germans in the membership of the local unions.[1] The Cigar Makers' International Union in the sixties was composed in large part of German-speaking members.[2] In 1869 the Printers affiliated a French printers' local union at Montreal, and have since organized local unions of other nationalities.[3] Other national unions also promoted the organization of immigrants.[4]

At the present time immigrants are ordinarily admitted to membership without discrimination, or are affiliated in separate local unions, in the following unions: Actors, Barbers, Blacksmiths, Boiler Makers, Bookbinders, Boot and Shoe Workers, Terra Cotta Workers, Amalgamated Carpenters, United Brotherhood of Carpenters, Car Workers, Railway Carmen, Cement Workers, Cigar Makers, Tobacco Workers, Cloth Hat and Cap Makers, Garment Workers (United), Ladies' Garment Workers, Laundry Workers, Compressed Air Workers, Coopers, Foundry Employees, Freight Handlers, Art Glass Workers, Glove Workers, Hod Carriers, Horseshoers, Hotel Employees and Bartenders, Iron, Steel and Tin Workers, Lathers, Longshoremen, Machinists, Maintenance-of-Way Employees, Marble Workers, Meat Cutters and Butcher Workmen, Metal Polishers, Mine Workers, Molders, Pavers, Paving Cutters, Piano and Organ Workers, Plasterers, Printers, Quarry Workers, Composition Roofers, Seamen, Shipwrights, Spinners,

[1] Stone Cutters' Circular, February, 1857, p. 1; August, 1857, p. 2.
[2] MS. Proceedings, 1864, p. 16; MS. Proceedings, 1865, p. 55.
[3] Barnett, p. 42.
[4] The president of the Iron Molders' Union in 1876 expressed the view that the agreements made in 1872 with the molders' societies in England and Scotland had been of great benefit, and had "prevented many from coming here to swell the ranks of the unemployed" (Iron Molders' Journal, July 10, 1876, p. 14). The secretary of the Amalgamated Association of Iron and Steel Workers in 1879 communicated with the Amalgamated Society in Great Britain concerning immigration to this country on the ground that "bad results would accrue from an influx of people to our shores, and for whom there was no possible chance of employment" (Proceedings, 1880, pp. 363–366). See also Cigar Makers' Official Journal, June 10, 1878, p. 1.

Tailors, Teamsters, Textile Workers, Upholsterers.[1] Local unions of certain trades, as for example the Cloth Hat and Cap Makers and the Shipwrights, Joiners and Caulkers, often reduce the admission fee to induce immigrants to become members.

Some unions, on the other hand, impose special restrictions upon immigrant applicants for membership. Four special requirements for admission have thus been enforced: (*a*) naturalization, or declaration of intention to become a citizen; (*b*) payment of high initiation fees; (*c*) approval or consent of the officers of the national union; (*d*) presentation of the card of a foreign union.

(*a*) In consequence of the large immigration and the constant importation of laborers under contract, many trade unions in the eighties urged upon Congress the enactment of restrictive legislation,[2] and began to discriminate against immigrant workmen in admission regulations. A rule requiring citizenship of members had been enforced in certain local unions.[3] Its adoption was frequently proposed as a national regulation in the Amalgamated Association of Iron and Steel Workers.[4] In 1887 the Bricklayers and Masons[5] and the United Brewery Workmen[6] provided that

[1] Estimates of the proportion of immigrant workmen in the membership of certain of the above-named unions, as made by a union officer, are as follows: Ladies' Garment Workers, 81 per cent.; United Garment Workers, 75 per cent.; Compressed Air Workers, 20 per cent.; United Cloth Hat and Cap Makers, 90 per cent.; Teamsters, 20 per cent.; Iron, Steel and Tin Workers, 5 per cent.; Meat Cutters, 90 per cent.; Car Workers, 85 per cent.; Plasterers, 20 per cent.; Glass Workers, 20 per cent.; Piano and Organ Workers, 90 per cent.

[2] Proceedings, Iron and Steel Workers, 1884, p. 1390.

[3] The East Boston Ship Carpenters' Union in 1858 maintained a rule that only citizens of the United States should be eligible for membership ("Trade Unionism in Massachusetts Prior to 1880," in Massachusetts Labor Bulletin, No. 10, April, 1899, pp. 46–47). In 1884 the deputy of the Bricklayers' and Masons' Local Union No. 30 of New York refused to install a non-citizen applicant as a member, in conformance with a local regulation. A decision of the national secretary reversed the action (Proceedings, 1885, p. 30).

[4] Proceedings, 1888, pp. 2482, 2497.

[5] Proceedings, 1887, p. 135.

[6] Protokoll der Zweiten Jahres-Konvention des National-Verbandes der Brauer der Vereinigten Staaten, 1887, p. 30.

foreign-born applicants might be admitted to membership only after naturalization or after declaration of intention to become naturalized citizens. Other unions which have since adopted similar rules include the Bakers and Confectionery Workers,[1] the Window Glass Workers,[2] the United Brotherhood of Carpenters,[3] the National Association of Marine Engineers,[4] the Hotel and Restaurant Employees,[5] the American Federation of Musicians,[6] the Slate and Tile Roofers,[7] and the Wood Carvers.[8]

The Marine Engineers and the Window Glass Workers require full-fledged citizenship. Usually, however, the unions accept persons who have made declaration before the legal authorities of intention to become citizens. The Bricklayers enforce the rule to the point of excluding foreign-born workmen who may already have gained admission into a local union without having taken steps to become naturalized.[9] A statement from the applicant of an intention to become naturalized is ordinarily satisfactory.[10] In 1902, for example, a local union of bricklayers in Racine,

[1] Constitution, 1890, Art. III, Sec. 4; Bakers' Journal, September 20, 1890, p. 2.
[2] Constitution, 1892, Art. I, Sec. 33.
[3] Constitution, 1895, Sec. 65.
[4] Constitution, 1899, Art. XVII, Sec. 1.
[5] By-Laws, 1901, Art. IV, Sec. 5.
[6] Constitution, 1904, Art. III, Sec. 3.
[7] Constitution, 1906, Art. III, Sec. 3.
[8] Proceedings, 1908, pp. 30, 63.
[9] In 1902 a case of this character arose in Local Union No. 35 of New York City. The facts were reported by the secretary of the local union as follows: "A member of our Union named Erminio Gorto [Italian] went to work . . . and the bosses offered him less than our standard wages, which Gorto refused, demanding 60 cents per hour. Our delegate collected the wages and two days' waiting time. The bosses then appealed to the Borough executive board which decided in their favor. Then we appealed to Greater New York executive committee with the same result, contending, as the man is not an American citizen, we should not protect him." On appeal to the International Union the decision of the New York executive board and committee was upheld. The president of the union, in stating the decision of the judiciary board, reprimanded Local Union No. 35 for infraction of the laws of the union as to citizenship, and declared that "it is imperative that the laws as laid down be carried out" (Report of President, 1902, Case No. 7, Judiciary Board, pp. 181–183).
[10] Report of President, 1890, p. xxxiii.

Wisconsin, requested instruction from the national union as to admitting seven immigrant workmen who were unable to procure their first papers of naturalization because they had not been in the State one year. It was advised that a declaration of intention before the local union should be accepted until the opportunity to comply with the law presented itself.[1] The United Brewery Workmen[2] and the Musicians, while accepting a declaration of intention, make rigid provision for compelling the completion of the process of naturalization. The Atlantic Coast Seamen's Union merely recommends that candidates for admission should be citizens or should have declared their intention of so becoming.[3]

The reasons ordinarily advanced in explanation of the requirement of citizenship involve political and economic considerations. The United Brewery Workmen at their second annual convention in 1887 emphasized the necessity of the members' acquiring citizenship "in order to assist in the social and political reform of our adopted fatherland."[4] The union has since maintained the rule as being in support of its policy of promoting the welfare of its members "through active participation in the political movements of the country." The well-known socialistic proclivities of the union probably account in part for the maintenance of the rule. Desire for political strength in elections to oppose the prohibition movement may also be responsible to some degree. The membership has always been composed to a large extent of persons of foreign birth, and particularly of immigrants from Germany. The Bakery and Confectionery Workers and the Musicians have also throughout

[1] Report of President, 1902, pp. 225–226.

[2] The provision of the Brewery Workmen is as follows: "Every candidate who desires to become a member of a local union must be in possession of his first citizen papers, and he must secure his second papers at such time, as he legally is entitled to do so. This provision must be enforced rigidly through a yearly revision, to be held by every local union on October 1" (Constitution, 1901, Art. III, Sec. 2).

[3] Constitution, Art. 2, Sec. A.

[4] Protokoll der Zweiten Jahres Convention, 1887, p. 30.

their history included a large proportion of immigrant workmen, and seem to have required citizenship for political purposes. Opposition on economic grounds to a large increase of foreign workmen in the trade is also partly responsible for the unwillingness of the unions to admit aliens until citizenship has been acquired, or at least until naturalization has been secured. The requirement in the National Association of Window Glass Workers is avowedly one of several means which that union has adopted to discourage glass workers from coming to this country.

(*b*) A universal condition of admission to any union is the payment of an initiation fee. Usually the amount is small, and is not sufficient to discourage prospective members; certain unions, however, demand higher initiation fees of immigrants than of other applicants. High and in some cases prohibitive initiation fees have been for a number of years imposed on this class of workmen by the Flint Glass Workers,[1] the Table Knife Grinders, the Pen and Pocket Knife Blade Grinders,[2] the Window Glass Workers,[3] the Stone Cutters,[4] the Granite Cutters,[5] the Wire Weavers,[6] the Glass Bottle Blowers,[7] the Lace Operatives, the Lithographers,[8] the Print Cutters,[9] the Brewery Workers,[10] and the Sanitary Potters.[11] It was provided in 1887 by the Flint Glass Workers that "all foreigners be taxed one hundred dollars as an initiation fee;" in 1904 the charge was reduced to $10.[12] This amount is now the minimum special fee required of immigrants. In 1892 the Window Glass Workers

[1] Constitution, 1887, Art. XXVII, Sec. 6.
[2] By-Laws, 1891, Sec. 9.
[3] Constitution, 1892, Art. I, Sec. 1.
[4] Monthly Circular [Stone Cutters], October, 1889, p. 4; Constitution, Art. V, Sec. 3.
[5] Constitution, 1897, Sec. 64.
[6] Constitution, 1895, Art. V, Sec. 1.
[7] Proceedings, 1903, p. 118.
[8] Constitution, 1904, Art. I, Sec. 10.
[9] Constitution, 1904, Art. XIII, Sec. 10.
[10] Proceedings, 1906, p. 151.
[11] Proceedings, National Brotherhood of Operative Potters, 1908, p. 25.
[12] Constitution, 1904, Art. 17, Sec. 2.

fixed a fee for "foreigners" at $200, in 1895 at $500, and in 1904 at $300. But since 1907 the national executive board has been empowered to determine the charge for each individual case. The Wire Weavers, since 1895, and the Glass Bottle Blowers, since 1903, have charged immigrant applicants $500. This is the highest regular fee imposed upon an applicant in any American trade union.

National trade unions ordinarily prescribe a minimum initiation fee for all applicants, but they often reserve to local unions the right to increase the fee for special cases. In the port cities of the United States the local unions in some trades have exercised this right by imposing higher fees on immigrants. Local unions of the Musicians, the Plasterers, and the Pattern Makers thus impose special fees in addition to the minimum fixed by the national union.

The imposition of a special admission charge in many instances may have no other purpose than to secure payment for advantages and privileges which would otherwise be procured without adequate contribution from the prospective member. But the excessive fees required by the Glass Bottle Blowers, the Window Glass Workers, the Knife Grinders, the Print Cutters, the Lace Operatives, and the Wire Weavers are acknowledged to be for purposes of exclusion. The five-hundred dollar fee of the Wire Weavers is maintained as a prohibitive tariff to keep out weavers from England and Scotland. The last foreign weavers were admitted in 1906. The Glass Bottle Blowers have desired particularly to protect the trade against glass blowers from Sweden and Germany. No immigrant applicants have been admitted for several years, and for three years none have applied. In 1908 the Lace Operatives increased the fee for immigrants to discourage skilled workmen from migrating to this country. Local unions of the Stone Cutters,[1] the Granite Cutters,[2] and other trades openly seek protection against the competition of foreign workmen by the use of special high fees.

[1] Monthly Circular [Stone Cutters], November, 1891, p. 1.
[2] Granite Cutters' Journal, September, 1891, p. 5.

(*c*) The ordinary preliminaries to admitting candidates to union membership are a report of an investigating committee and a vote of the local union. In accordance with specific rule or by well-established practice a small number of national unions admit immigrant workmen only upon the approval of the national officers or by vote of a national executive board or of the entire membership of the union. These include the glass-trades unions, the United Hatters,[1] the Print Cutters, the Machine Printers, the Wire Weavers, the Table Knife Grinders, and the Lace Operatives. The Brewery Workmen require in addition that the names of all immigrant candidates shall be sent to the national officers for the purpose of obtaining information as to their standing from the brewery workers' union in the country from which they came.[2] The American Federation of Musicians forbids the local unions to admit musicians who have been imported by an agent, musical director, or employer unless the national executive board sanctions their admission.[3]

The unions in the glass trades have constantly opposed the immigration of foreign glass workers. In the early eighties the Window Glass Workers, Local Assembly 300, formed an international union with the aim of including all workers in the trade in the world, chiefly for the purpose of adjusting the supply of workers to the needs of each country.[4] The Universal Federation maintained for several years a successful existence,[5] but ceased to exist during the

[1] "Local secretaries must not give cards to foreigners. The national secretary is alone authorized to do so" (Constitution, 1900, Art. XX, Sec. 1).

[2] Constitution, 1901, Art. III, Sec. 3.

[3] Constitution, 1908, Art. VI, Sec. 14; Proceedings, 1906, pp. 99, 102.

[4] Proceedings, 1884, pp. 13–14.

[5] In 1889 the president of the assembly reported that fewer workers had been coming to this country than prior to the formation of the Federation, and that no American firm had been able to advertise for men in Europe or send an agent there without the assembly being notified of the fact. Fifteen thousand dollars had been expended in establishing the organization, and over one thousand dollars was at this time annually paid to help to organize European workmen (President's Report, Proceedings, 1889, p. 14).

nineties. The policy of excluding immigrant window glass workers was, however, still pursued. In 1899 the union, in a communication to the Belgian union, discouraged artisans from coming to the United States, advising them that they could neither secure work nor join the union here. In that year a rule was also adopted excluding foreign-born workmen from membership for a period of five years.[1] Since 1904 such applicants, to gain admission, must have been residents for five years, and must have been naturalized. This rule might be waived by special permission of the executive board. All applications for admission must pass the board, whose concurrence is necessary to make legal an election to membership.[2]

At each annual session of the United Green Glass Workers' Association[3] since 1892 provision has been made for the exclusion of immigrant blowers during the succeeding year, unless in the judgment of the national president and executive board their admission may be deemed necessary.[4] Applications of foreign workmen desiring to enter the trade are made directly to the national officers,[5] and admission may ordinarily be gained only when the association considers that the applicants can be employed.[6] In 1889 the Flint Glass Workers provided that a foreigner who wished to become a member of the union must be proposed by a member in good standing in a local union. If elected by a majority vote of the entire trade, he must be admitted.[7] In 1902 three "foreigners" were thus admitted by vote of all the local unions.[8]

The requirement that admission to membership must be

[1] Proceedings, 1899, pp. 14, 99.
[2] Constitution, 1904, Art. I, Sec. 14; By-Laws, 1910, Art. V, Sec. 3.
[3] Known since 1895 as the Glass Bottle Blowers' Association of the United States and Canada.
[4] Proceedings, 1892, p. 144.
[5] Proceedings, 1895, p. 96; Proceedings, 1897, p. 135; Proceedings, 1904, p. 120.
[6] Proceedings, 1907, p. 229.
[7] Constitution, 1889, Art. XXVI, Sec. 6.
[8] Flint Glass Workers' Circular, August 14, 1902, p. 1; September 13, 1902, p. 1.

through the action of the national union makes entrance to a trade more difficult than by the ordinary method, on account of the delay involved. On the other hand, the national officers, executive board, or entire membership usually acts with a view to the best interests of a union rather than with respect to local prejudices. In this way greater effectiveness and convenience are attained in dealing with a problem which concerns a union as a whole. Thus, the Musicians desire to eliminate the competition of foreign musicians who have been imported to work at less than the prevailing wages. The national union is better qualified than are the local unions to determine when this class of musicians should be admitted and to what extent they should be excluded in the interest of the union. Again, the national control of admission is established with the intention of adjusting the number of persons admitted to membership to the needs of the trades for workmen. This control has tended practically to keep out all immigrants.

(*d*) Immigrant workmen who present certificates of membership in a foreign union may usually obtain favorable terms of admission into the union of their trade in this country. In 1889 the Cigar Makers made arrangements for receiving without charge the members of any foreign cigar makers' union which had in return agreed to accept travelling members of the American union.[1] Similarly, the Bakery and Confectionery Workers,[2] the Boot and Shoe Workers,[3] and the Machinists[4] admit without the payment of an initiation fee or other restriction any immigrants presenting proof of membership in a foreign trade union. The Brewery Workmen admit the holders of foreign cards of membership only on condition that they have been members of a foreign trade union for one year and that the national officers have also investigated their standing.[5]

[1] Proceedings, 1889, p. 27.
[2] Constitution, 1890, Art. XIV, Sec. 12; Constitution, 1909, Art. XIII, Sec. 8.
[3] Constitution, 1904, Sec. 44.
[4] Constitution of Subordinate Lodge, 1909, Art. IV, Sec. 6.
[5] In 1903 the International Union of United Brewery Workmen

Certain unions require a membership card as a condition for admission. The United Hatters thus actually exclude foreign hatters who have not credentials from a recognized union.[1] Applicants who show proper proof of membership may be admitted only during the first three months after arrival.[2] Since 1905 the Operative Potters have enforced a rule that "foreign workmen will not be permitted to work unless they have cards showing that they have served a complete apprenticeship and are competent workmen."[3]

On the other hand, some unions have never made provision for accepting immigrants who apply with foreign union cards. The Wire Weavers, the Lace Operatives, the Print Cutters,[4] the Window Glass Workers,[5] and the Glass Bottle Blowers[6] are openly opposed to an exchange of membership cards with foreign unions. In 1908 the Bricklayers and Masons also refused to provide for any recognition of cards issued by a foreign union.[7]

Ordinarily the purpose of the requirement that foreign workmen, to gain admission, should present paid-up membership cards is to secure proof that the workmen are competent. Other aims may also be subserved. An ex-

secured an agreement with the central brewery workers' organization of Germany providing that only persons who had been members one year should be granted the "international travelling card," which entitled them to favorable admission into the union in this country. The purpose was to prevent brewery workmen from joining the organization just before they emigrated in order to secure a card, and "thus share in the great advantages in the new country achieved through organized labor" (Proceedings, 1903, pp. 137–138). The agreement has been extended to include other organizations in Europe. In 1908 a proposal was made to change the agreements so that three years' previous membership should be required to secure a card (Proceedings, 1908, p. 154).

[1] By-Laws, 1900, Art. XX, Sec. 1; By-Laws, 1907, Art. XIV, Sec. 1; Journal of the United Hatters, October 1, 1901, p. 3.

[2] By-Laws, 1900, Art. XX, Sec. 4; Journal of the United Hatters, January 1, 1902, p. 3.

[3] Proceedings, 1905, p. 49; Proceedings, 1909, pp. 40, 64.

[4] The National Print Cutters' Association, in reply to a communication from the American Federation of Labor about exchanging membership cards with foreign unions, declared itself "opposed to such an idea" (Proceedings, 1906, p. 6).

[5] Constitution, 1907, Sec. 25.

[6] Constitution, 1910, Art. IX, Sec. 51.

[7] Proceedings, 1908, pp. 144–145.

change of membership cards between unions of different countries is prompted by a sentiment of unity in the labor movement. The Brewery Workmen apparently seek to exclude foreign workmen who have opposed unionism in their native land. In other unions, such as the United Hatters and the Operative Potters, which debar qualified foreign applicants without cards, and in those unions which refuse to recognize foreign membership cards, the chief motive is limitation of numbers.[1]

American trade unions have shaped their policies under the disadvantage of a steady stream of immigrant labor contributory to practically all trades. In endeavoring to overcome or resist the ill effects of competition from this source they employ either the method of unionizing or that of excluding immigrant workmen. In the majority of trades exclusion from union membership is not equivalent to loss of work. The policy of unionization, therefore, must usually be pursued.[2] Special restrictions on the admission of immigrants are considered advisable in only a small number of trades. Several considerations are influential in determining a union to pursue a restrictive policy. In the first place, the trade must be substantially under the control of the unions. Otherwise the exclusive rules, intended to prevent immigrants from resuming in this country the trades at which they have been engaged, would serve only to make them continue as non-unionists. As a matter of fact those unions which attempt to restrict the entrance of foreign-

[1] Thus the Operative Potters adopted the policy of excluding foreign workmen without membership cards on the ground that "the influx of foreign workmen into the pottery industry is an injury to the members of our craft" (Proceedings, 1905, p. 49).

[2] The president of the National Brotherhood of Operative Potters thus described the typical attitude of union leaders: "Even though one honestly believes that it would be best for the future welfare of the country to keep out certain immigrants, that does not justify him in doing an injustice to those already here. Our duty should be to imbue them with the principles of trade unionism . . . and thus prevent them from becoming a menace. It would not be fair to deny them the opportunity to become union men and then condemn them for becoming scabs and strike-breakers. There is neither wisdom nor justice in such a policy" (Proceedings, 1907, p. 8).

born workmen are usually strong and well organized.[1] Under such conditions it is essential to the maintenance of existing standards of wages that the supply of labor through immigration be restricted.

The second and more fundamental reason why certain trade unions are particularly concerned in excluding immigrant workmen has to do with the nature of the trade. A skilled trade having identical processes in Europe and in the United States may easily be recruited by trained immigrants. For example, in stone cutting, brick laying, and masonry manual skill is important, and the work in each trade is much the same wherever performed. These trades have had to meet the competition of foreign trained workmen.[2] The Stone Cutters and the Granite Cutters for a number of years have discriminated against this class of workmen by imposing high initiation fees.[3] In a similar manner the glass-trades unions, the Musicians, the Wire Weavers, the United Hatters, and the Brewery Workmen fear the competition of a supply of trained workmen seeking employment at their trades in this country. They have, therefore, by various means pursued an exclusive policy.

In the third place, a union puts obstacles in the way of

[1] The following estimates, obtained from the secretary of the union, show approximately the percentage of the trade organized or controlled by certain unions which specially restrict the admission of immigrants: Bricklayers and Masons, 95; Brewery Workmen, 95; Musicians, 98 (except in the South); Slate and Tile Roofers, 75; Flint Glass Workers, 80; Window Glass Workers, 95; Glass Bottle Blowers, 98; Wire Weavers, 95; Print Cutters, 98; Table-Knife Grinders, 80; Lace Operatives, 90; United Hatters, 80.

[2] "Expertness in quarrying the stone as well as in plastering and moulding has been a transmitted acquirement for more than 2000 years in Italy, and the skilled Italian workman in these lines of industry dreads no competition. It is unquestionable that there would be a much greater influx of these valuable artisans, if available openings for employment were better determined and reported, and if the antagonism of the labor unions to any outside competition was not so pronounced" (Lord, The Italian in America, pp. 96–99).

[3] Stone cutters have opposed particularly workmen known as "harvesters," who come only to work for a few months in summer. Since 1890 a special fee has been required of such immigrants (Industrial Commission Report, Vol. VII, p. 745). The Granite Cutters in very much the same way deal with "swallows" in that trade (ibid.).

the admission of immigrants not only to exclude them from union membership and from trade employment, but also to discourage prospective emigrants from coming here for similar employment. Through the personal letters of immigrants to friends and relatives at home these restrictions become known, and are considered effective to some extent in deterring emigration.[1]

Finally, the desire among unionists to prevent outsiders from coming in as competitors to secure advantages in wages and improved conditions, which have been obtained only after long sacrifice, is especially strong in relation to foreign-born workmen. The discrimination is economic, however, and not racial. Thus the Brewery Workmen and the United Hatters, whose membership is in large part foreign-born, are strongly in favor of restricting the entrance of additional foreign workmen into these trades. The desire thus to exclude competitors for employment is common to all unions, but the majority of trades are not sufficiently well organized at the present time to render effective any restrictive methods in dealing with immigrants.[2]

[1] "The immediate incentive of the great bulk of present day immigration is the letters of persons in this country to relatives or friends at home. Comparatively few immigrants come without some reasonably definite assurance that employment awaits them" (Brief Statement of Conclusions and Recommendations of Immigration Commission, p. 17). See also Proceedings of Window Glass Workers' Local Assembly 300, 1889, p. 14.

[2] Thus, in 1905 a local union of the Bookbinders' Brotherhood requested instruction as to admitting a foreigner. The brotherhood said: "If this man is a competent bookbinder his place is on the inside. Our brotherhood is a business proposition and we cannot allow sentiment to interfere with material interests. Much as we differ in our opinion as to the question of foreigners in our locals, the fact remains that they are an important factor in the competitive field" (The International Bookbinder, June, 1905, p. 175). A decision of a similar character showing the policy of the American Federation of Musicians was made in 1907 (International Musician, March, 1907, p. 1). In 1891 the corresponding secretary of a Granite Cutters' local union wrote: "Who among us does not read with apprehension the long list of unpronounceable names that appear each month in our Journal as new members?" (Granite Cutters' Journal, August, 1891, p. 5).

CHAPTER VI

ADMISSION OF NEGROES

While slavery existed in the South, all forms of labor, skilled and unskilled, were performed to some extent by negroes. This involved the formation of more or less expert classes of free and of slave negro artisans.[1] Any organized movement of negroes to promote trade welfare was, however, practically impossible, and labor reform in their behalf was confined to abolitionist activity.

Liberation of the slaves involved the introduction of a large new element into the class of free laborers competing in the labor market of the country. While the new competition was at first small in most trades, it soon became of importance in certain unskilled and semi-skilled trades. For example, Irish longshoremen clashed with negroes on the waterfront of New York City in 1863, and in the same year a strike of three thousand longshoremen for higher wages ended in virtual failure because the strikers' places were taken by negroes.[2] In 1866 and 1867 colored caulkers of Portsmouth, Virginia, were brought to Boston, Massachusetts, and used by employers in a struggle against the eight-hour day.[3] Rumors of the imminence of negro competition further imperiled wages and employment in other trades.[4] The problem of meeting and adjusting the new competition was thus clearly presented to the laboring world.

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[1] Lowry, "The Negro as a Mechanic," in North American Review, April, 1893, p. 472. See also Dubois, "The Negro Artisan," in Atlanta University Publications, 1902, No. 7; Commons, Trade Unionism and Labor Problems, p. 253.

[2] Fite, Social and Industrial Conditions in the North during the Civil War, p. 189.

[3] Address of National Labor Congress, 1866. Reprinted in Commons and Andrews, Vol. IX, p. 158.

[4] Proceedings of National Labor Congress, 1867. Reprinted in Commons and Andrews, Vol. IX, pp. 185–187.

The National Labor Union at its initial session in 1866 was the first national federation of labor unions to deal with the issue. The declaration was then made that "the interests of the labor cause demand that all workingmen be included within its ranks, without regard to race or nationality; and the interests of the workingmen of America especially required that formation of trades' unions, eight-hour leagues, and other labor organizations, should be encouraged among the colored race; . . . and that they be invited to cooperate with us in the general labor undertaking." Nothing beyond this mere statement of opinion was accomplished. The time at which the cooperation of the colored race should take effect was left to the decision of the succeeding annual meeting.[1] The president of the National Labor Union Congress, held in Chicago in 1867, in his report set forth the problem clearly and suggested a course of action.[2] Later in the session a "Committee on Negro Labor" reported that, although they realized the danger of competition from this quarter, yet they believed it was inexpedient to take action, and recommended that the subject should be laid over until the next session. Extended discussion revealed wide diversity of opinion among the delegates. The session ultimately adopted the committee's final report that no formal position should be taken on the subject.[3] The organized trades thus again declined to sanction any definite policy with respect to negro labor.

During the next two years the issue was pressed, until in 1869, at the Philadelphia session of the National Labor

[1] Address of National Labor Congress, 1867. Reprinted in Commons and Andrews, Vol. IX, p. 160.

[2] President Z. C. Whaley in his report to the National Labor Union Congress, meeting in Chicago on August 18, 1867, said: "The emancipation of the slaves has placed us in a new position, and the question now arises, what labor position shall they now occupy? They will begin to learn and to think for themselves, and they will soon resort to mechanical pursuits and thus come in contact with white labor. It is necessary that they should not undermine it, therefore the best thing that they can do is to form trades' unions, and thus work in harmony with the whites" (McNeill, p. 136).

[3] Proceedings of National Labor Congress, 1867. Reprinted in Commons and Andrews, Vol. IX, p. 188.

Union, colored persons were admitted as delegates. Discrimination on account of color, sex, or locality was disclaimed by resolution, and negroes were urged "to form organizations, . . . and send delegates from every state in the union to the next congress."[1] For the first time a national convention of white working men advocated the formation of labor unions by negroes, and authorized the admission of negro delegates to the annual session.

This declaration or resolution by a federation of unions was little more than a benevolent utterance with only moral force at its back; it might be easily disregarded and nullified by either a national or local union disinclined to favor organization among negroes. A more accurate judgment, therefore, as to what was at this time the prevailing attitude of organized laborers may be formed from the union rules and, in so far as determinable, from the practices of particular unions in different parts of the country with respect to negro laborers.

From its formation the Cigar Makers' International Union by constitutional provision[2] specifically excluded negroes from admission. The Printers, the Iron Molders, the Iron and Steel Workers, the Knights of St. Crispin, the Bricklayers and Masons, and the Ship Carpenters made no discrimination against negroes by constitutional provision. This fact does not mean that negroes were admitted to membership, but rather that they were not to any considerable extent engaged in these trades. Indeed, all available evidence supports the conclusion that negroes were seldom admitted into a union in any part of the country. The instance of negro unionists who were delegates at the

[1] The Philadelphia session also appointed a committee of five members to organize the colored workingmen of Pennsylvania into labor unions. Robert Butler, a colored delegate, of the Engineers' Association of Maryland, was a member of the committee. Its report was to be presented at the next congress. But it is not known whether the committee accomplished its work, as no report was made (Workingman's Advocate, September 4, 1869, Proceedings of National Labor Congress. Reprinted in Commons and Andrews, Vol. IX, pp. 239–240).

[2] MS. Proceedings, 1865, p. 60; Proceedings, 1867, p. 136.

Philadelphia convention in 1869 has been noted.[1] Notwithstanding the efforts of the National Labor Union to enroll colored laborers, a separate national negro labor union was formed in 1869. The records of its few years of activity give evidence of the unfriendly attitude of the trade unions toward negroes.[2]

During the succeeding period from about 1870 to 1885, covering the rise, progress, and rapid growth of the Knights of Labor, neither the attitude nor the practice of organized workers in dealing with negro labor was substantially mod-

[1] In the discussion of negro labor at the Chicago session of the National Labor Union in 1867 a delegate of the Carpenters' and Joiners' Union of New Haven, Conn., stated that in New Haven there were "a number of respectable colored mechanics, but they had not been able to induce the trades' unions to admit them." He also inquired whether there was any union in the country which would admit colored men. A representative of the Boot and Shoe Makers' Union of Chicago was sorry the words "black" or "colored" had been used in the convention, but was willing to vote to take in the black worker. A delegate from Norwich, Conn., asserted that "it would be time enough to talk about admitting colored men to trades' unions and the congress when they applied for admission." W. H. Sylvis of the Molders' Union of Philadelphia reported that the white workmen in the South had already been striking against the blacks, and that unless the two races should begin to cooperate the antagonism would destroy the trades' unions (Workingman's Advocate, August 24, 31, 1867, Proceedings of the National Labor Congress. Reprinted in Commons and Andrews, Vol. IX, pp. 185–188).

[2] At its first session in Washington, D. C., in December, 1869, the Negro National Labor Union inserted in its "platform and memorial to Congress" a resolution as follows: "Resolved . . . that the exclusion of colored men and apprentices from the right to labor in any department of industry or workshops in many of the states and territories of the United States by what is known as 'trades' unions,' is an insult to God, injury to us and disgrace to humanity" (Evening Star, Washington, D. C., December 8, 1869, p. 4).

In 1871 at the session of the union the committee on capital and labor reported: "Your committee would simply refer to the unkind estranging policy of the labor organizations of white men, who, while they make loud proclaim as to the injustice (as they allege) to which they are subjected, justify injustice, so far as giving an example to do so may, by excluding from their benches and their workshops worthy craftsmen and apprentices only because of their color, for no just cause. We say to such, as long as you persist therein, we cannot fellowship with you in your struggle" (Daily Morning Chronicle, Washington, D. C., January 14, 1871, p. 4, Proceedings National Negro Labor Union. Reprinted in Commons and Andrews, Vol. IX, p. 253.).

ified, nor is it probable that the number of negro members of labor organizations was considerably increased. The Knights of Labor was originally composed of skilled workmen engaged for the most part in mechanical industries.[1] The mass of negro laborers competing in the market had not been trained as skilled laborers, and negroes were not numerous in the trades in which organizations were formed. In a few trades, however, negroes were engaged in sufficient numbers to demand consideration from the labor organizations. For example, in 1871 one of the largest and strongest of the three New Orleans local unions of the Coopers' International Union was a colored union.[2] In 1879 the Cigar Makers removed from their constitution the provision excluding negroes from membership.[3] In 1880 the Knights of Labor approved a decision of the grand master workman that the color of a candidate should not debar him from admission.[4] In Atlanta in 1884, and in Memphis in 1887, a few negro bricklayers were unionists.[5]

After 1881 the Knights of Labor had a rival in the Federation of Organized Trades and Labor Unions. Notwithstanding this fact, the membership of the Knights increased until by 1886 it numbered more than half a million members. All grades and classes of laborers were admitted, and a large number of negroes were thus unionized. In 1885 negroes were said to be joining the Knights of Labor everywhere in the South.[6] At the session of 1886 of the General Assembly in Richmond, Virginia, District Assembly No. 49 of New York had a colored member as one of its delegates, while other negro delegates were also in attendance.[7] It is not, however, possible to estimate even approximately the numerical strength of the negro membership of labor organizations at this time.

[1] Baltimore Sun, October 13, 1886.
[2] Coopers' Monthly Journal, September, 1871, p. 352.
[3] Proceedings, 1879, p. 2.
[4] Proceedings, 1880, p. 257.
[5] Semi-Annual Report of President, Bricklayers and Masons, 1884, p. 17; Semi-Annual Report, 1887, p. 17.
[6] Ely, Labor Movement, p. 83.
[7] Powderly, Thirty Years of Labor, pp. 651, 652, 658.

In the late eighties the leadership of the federated trade unions shifted to the American Federation of Labor. The liberal membership policy toward negroes of the later years of the Knights of Labor was also maintained by the Federation. In 1897 it reaffirmed an earlier declaration that "the working people must unite and organize irrespective of creed, color, sex, nationality or politics,"[1] and in 1910 this was still its declared policy.[2] Prior to 1900 the Federation, in its efforts to have all affiliated unions carry out this policy, insisted that unions desiring to enter or remain in affiliation must eliminate the color clause from their constitution and laws.[3] The International Association of Machinists was excluded for several years until it removed the word "white" from its constitutional qualifications for admission. This is said to have been at one time the chief obstacle preventing the Brotherhood of Locomotive Firemen from affiliating with the Federation.[4] But within recent years those unions which by their rules deny admission to negroes have not been excluded. In 1910 the following unions which thus explicitly exclude negroes were affiliated with the American Federation: Wire Weavers,[5] Switchmen,[6] Maintenance-of-Way Employees,[7] Railroad Telegraphers,[8] Railway Clerks,[9] Commercial Telegraphers,[10] Machinists,[11] and Boiler Makers and Iron Ship Builders.[12]

The Federation of Labor has not only discouraged the exclusion of negroes, but it has continuously promoted organization among negroes by positive measures. In the first place, since 1900 it has made provision for granting separate

[1] Proceedings, 1897, pp. 82, 83.
[2] Proceedings, 1910, p. 237.
[3] Report of Industrial Commission, 1900, Vol. VII, p. 648.
[4] Report of Industrial Commission, 1901, Vol. XVII, p. 36.
[5] Constitution, 1894, Art. III, Sec. 1; Constitution, 1900, Art. III, Sec. 1.
[6] Subordinate Lodge Constitution, 1909, Sec. 141.
[7] Constitution, 1909, Art. XI, Sec. 1.
[8] Constitution, 1909, Art. XIV, Sec. 1.
[9] Constitution, 1906, Art. II, Sec. 1.
[10] Constitution, 1908, Art. III, Sec. 1.
[11] Ritual, 1909, p. 5.
[12] Proceedings, 1908, p. 494.

charters to central, local, and federal labor unions composed exclusively of colored members and directly affiliated with the Federation.[1] The organization of colored laborers is thus made possible in localities where otherwise, by the regular course of admission into white unions, they could not be organized. The objection has been made that this provision is a departure from sound policy in that it creates a substitute method whereby negroes may be organized, and that it recognizes to this extent the exclusion of negroes from white local and central labor unions.[2]

In addition to such efforts, for a number of years the Federation has annually expended considerable sums in employing negro organizers to form unions among colored laborers in various parts of the country.[3] The policy of the Federation appears now to consist of two parts; first, the substantial encouragement of the formation of separate unions for colored laborers in localities where they may not otherwise become organized; and, second, the advocacy in speech and publications of the admission of negroes, subject to the final discretion of individual national unions.

The policy and practice of national trade unions with reference to the organization and admission of negroes may now be considered. These unions divide into two groups according as their regulations forbid or permit negroes to become members. The earliest recorded case of trade-union opposition to negro labor appears to have been that of

[1] In December, 1911, 2 negro central bodies and 11 local and federal unions with 309 members were affiliated with the Federation.

[2] The secretary of the Car Workers' International Association stated to the writer that in recent years the association, instead of endeavoring to bring negroes into its membership, had pursued the policy of turning all negro car workers over to the American Federation of Labor to be organized in federal unions. The editor of the Electrical Workers' journal wrote in 1903: "We do not want the negro in the International Brotherhood of Electrical Workers, but we think they should be organized in locals of their own, affiliated with the American Federation of Labor as the organization knows no creed or color" (The Electrical Worker, April, 1903, p. 102).

[3] In December, 1911, three salaried negro organizers were being employed by the Federation to organize negroes. Negro organizers have thus been engaged for several years.

the New Orleans Typographical Society, which in 1834 forbade its members to work "with a free man of color, either as compositor or pressman."[1] Serious opposition to the black laborer manifested itself soon after the Civil War. Some labor organizations, even in the more skilled occupations such as the Cigar Makers[2] and the Locomotive Engineers,[3] by specific regulations debarred negroes. Moreover, the absence of specific rules against the admission of negroes, as for example in the Bricklayers' and Masons' International Union, did not signify that they were admitted.[4] There was a wide-spread hostility within the ranks of labor organizations in different parts of the country toward negro laborers and their admission into the unions. Opposition to the entrance of negroes into the trades, as well as their exclusion from union membership, thus constituted the essential policy first pursued by the white organizations. But inasmuch as this policy has not always been sanctioned by specific union rules, it will be necessary, in order to estimate more carefully the prevalence or non-prevalence of the exclusion of negroes, not only to indicate those unions whose regulations openly debar negroes, but also to ascertain the practice, under the rules, of those unions which do not specifically discriminate against negroes.

The national trade unions which practically from the beginning have denied admission to negroes are the Locomotive Engineers, the Locomotive Firemen, the Window Glass Workers, the Switchmen, the Wire Weavers, the Maintenance-of-Way Employees, the Railroad Trainmen, the Railway Carmen, the Railway Clerks, the Railroad Telegraphers, the Commercial Telegraphers, the Boiler Makers and Iron Ship Builders, and the Machinists. Ordinarily exclusion is

[1] Barnett, p. 320.
[2] MS. Proceedings, 1865, p. 60.
[3] Constitution and By-Laws, 1884, Art. II, Sec. 1.
[4] The president of the Bricklayers' National Union in 1881 reported the second decision in which the right of a negro member to admission by card into any local union was held subject to local discretion. This indicates that only rarely were negroes admitted (Proceedings, 1881, p. 7).

established by the membership qualification clause of the national organization. For example, the Locomotive Firemen have provided by constitutional provision since 1884 that only "white-born" applicants are eligible.[1] The Boiler Makers and Iron Ship Builders and the Machinists accomplish the exclusion by a rule or pledge which forms part of the ritual and binds each member to propose only white workmen for membership.[2]

The persistence with which this comparatively small group of unions openly adheres to negro exclusion is not to be attributed to any fear of serious competition of negroes. In the first place, the majority of the trades or occupations here represented are skilled trades, and require extended training for their acquisition. This fact alone would probably have closed the trades even at the present time to the mass of negro workmen. By reasonable estimates there are probably not more than fifty negro railway clerks, railway telegraphers, or commercial telegraphers in the United States. If the same proportion of negroes were fairly well maintained in the other trades in this group, it would be reasonable to conclude that it is not the immediate menace of cheaper negro labor which accounts for the discrimination. It is true that the Railway Carmen and the Maintenance-of-Way Employees have experienced in some parts of the country considerable competition from negroes. A reasonable estimate places the number of negro carmen at about three thousand, and in the future this grade of work may be expected to be performed by negroes in increasing degree. But conditions similar to these do not exist in the other trades. Negroes are not only discouraged, for example, from taking up the occupations of boiler maker, engineer, wire weaver, or window glass blower by the difficulty of acquiring the necessary training, but they are ac-

[1] Constitution, 1884, Art. II, Sec. 1.

[2] This method is adopted on the theory that a union affiliated with the American Federation of Labor may not retain in its constitution a discriminatory clause against negroes (Proceedings, Boiler Makers and Iron Ship Builders, 1908, p. 494; Ritual, Machinists, 1909, p. 5). See also above, p. 117.

tually debarred from the trade organizations by the strong resentment of the trained workmen toward even a remotely possible intrusion of inferior workmen. Exclusion is also doubtless inspired both in the skilled occupation and in the less skilled occupation, such as car-building and maintenance-of-way, by an avowed racial antipathy against negroes, based on their undesirability as fellow-workmen in the trade and in the activities of the trade organizations.

The group of national trade organizations which admit negroes, so far as the formal regulations of the union go, include all the remaining unions. However, a mere array of national unions whose regulations permit or do not forbid negroes to become members is not conclusive of the fact that negroes are admitted to membership on application. In fact, this group of unions must be further subdivided into two more or less clearly defined classes according to whether or not, in the light of actual experience, negroes are permitted to become members.

In the group which admits negroes we find first a class of unions representing more or less skilled trades for entrance into which the technical or other trade requirements have not been favorable to negroes. Yet the regulations of the national unions permit negroes to gain admission. For example, the requirements for entering successfully the printing and allied trades are very difficult of attainment by the ordinary negro mechanic. To perform satisfactorily the work of a compositor, a pressman, or a linotype operator, mechanical skill and intellectual capacity are required which only a small percentage of negroes seem to possess. The national unions in these trades have never prescribed a color qualification for admission. Again, iron molding affords a long-standing illustration of a skilled trade into which negroes have rarely entered, and from which the union has never debarred negroes. Other trades, such as pottery making, glass blowing, hat making, and boot and shoe making, have rarely given employment to negro journeymen, although the national trade unions have never denied ad-

mission to negroes. The unions of this first class in the admitting group have, as national organizations, thus remained practically indifferent or passively favorable to the unionization and admission of negroes. This has been their attitude because of the fact that the number of negroes in the trades has necessarily remained small.[1] The unions have not made regulations restricting the admission of negroes, but the number of negro members is small.[2]

While negroes have not been engaged to any considerable extent in the mechanical industries, certain other groups of occupations have from the beginning afforded them favorable employment. It has been seen that negro laborers competed with the longshoremen and with building laborers in various parts of the country in the years following the Civil War. The occupations which at that time were open or have since gradually opened to the employment of negroes for the most part represent semi-skilled or unskilled operations for which the supply of negro labor has been readily available. Negroes are engaged in considerable numbers as tobacco workers, coopers, longshoremen, freight handlers, bakers and confectionery workers, barbers, team drivers, miners, sailors, musicians, hotel and restaurant employees, foundry workers, pavers, hod-carriers, and as workers in certain of the building trades, particularly as cement workers, plasterers, slate and tile roofers, wood, wire, and metal lathers, and metal workers. The national unions within the trades enumerated above, in

[1] The census of 1900 showed that the number of negro printers, lithographers, and pressmen was only 1221. In 1908 the number of negro molders in the United States was estimated at 800 (Iron Molders' Journal, August, 1908, p. 577).

[2] Estimates by union officials show the number of negro members in the unions to be as follows: Printers, about 250; Pressmen, less than 6; Lithographers, 1; Photo-Engravers, less than 6; Steel and Tin Workers, 2 or 3; Potters, none; Glass Bottle Blowers, none; Hatters, none; Molders, 12; Organ Workers, 1; Theatrical Stage Employees, 4; Pattern Makers, 1; Glass Workers, "a few negro members;" Wood Workers, " a few;" Broom and Whisk Makers, 6; United Brewery Workers, less than 10; Granite Cutters, 3 or 4; Elevator Constructors, "a few;" Boot and Shoe Workers, 50, and Metal Polishers, 1.

which a noticeable proportion of negro labor is employed, have actively approved and substantially supported the admission and organization of negroes.[1] The labor leaders in any trade do not usually oppose the inclusion of negroes in the labor movement when once they have become a definite element of the labor supply in the trade.

Different unions have pursued the admission policy by different methods and with varying results. The leaders of the labor movement in the late sixties endorsed the plan of separate organizations for negro workmen. This plan was used first by the Coopers and the Cigar Makers. The American Federation of Labor supports the movement for unionizing negroes by affiliating separate negro unions. National unions ordinarily also permit and encourage the chartering of separate negro local unions. This method secures for both races the advantages of organization without the disadvantage of mixed unions. The Teamsters, the Barbers, the Bartenders, the Bakers, the Freight Handlers, the Cigar Makers, the Tobacco Workers, the Musicians, the Plasterers, the Painters, the Bricklayers, the Molders, the Carpenters, the Coopers, the Lathers, the Foundry Employees, and the Pavers have approved of the organization of negroes by admitting them to membership in mixed as well as in separate local unions. Mixed unions may usually be found in any national union which charters separate negro unions, for the national pact binds each local union to accept the transferred members of another local union. The Cement Workers[2] and the Slate and Tile Roofers,[3] however, stipulate that the members of a negro local union may transfer only to a negro local union.[4]

[1] See Official Journal of the Painters, Decorators and Paperhangers, August, 1902, p. 198; April, 1903, p. 215; August, 1906, p. 506; The Carpenter, January, 1903, p. 3; April, 1903, pp. 6–7; Report of President, Bricklayers and Masons, 1904, p. 218; and Report of Secretary, 1905, p. 353.

[2] Constitution, 1907, Art. XII, Sec. 11.

[3] Statement of national secretary made in interview with the writer.

[4] Statistics of the number of negro unionists are not kept by the unions. Estimates in 1910 by union officials as to the number of

The national unions promote organization of negroes in separate and in mixed unions by repeated advocacy of the admission policy, and by directing and requiring, as far as possible, the local unions to admit negro applicants without discrimination in all disputed cases. A typical statement of policy is that of the Tobacco Workers that they "will draw no line of distinction between creed, color or nationality."[1] The Bricklayers and Masons impose a fine of one hundred dollars on any local union or any member guilty of discrimination against any member by reason of race or color.[2] The Operative Plasterers impose a fine of the same amount upon a member or members who, by refusing to work with another member on account of race or nationality, may cause him to lose his job.[3] When disputed cases over the admission of negroes have been appealed to the national officers, it is found usually that the local unions are directed to admit the negro applicant. Cases of this character have occurred frequently, for example in the Journeymen Barbers' International Union,[4] the United Brotherhood of Carpenters and Joiners,[5] the Painters and Decorators,[6] and the Bricklayers and Masons.[7]

The general attitude of such national unions as have the negro question to deal with is shown in the following typical statement of policy by the Bricklayers' and Masons' executive board: "The colored bricklayer of the south is going to

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negro members of mixed and separate local unions in the national organizations having probably the largest negro membership were as follows: United Mine Workers, "probably 40,000;" Cigar Makers, 5000; Hotel, Restaurant and Bar Employees, 2500; Teamsters, 6000; Carpenters' United Brotherhood, 2500. In 1903 the Freight Handlers had 400 negro members, and the Barbers 1000 (Report, New Jersey Bureau of Statistics, 1903, p. 193; The Barbers' Journal, 1903, p. 57).

[1] Constitution, 1900, Resolutions, p. 47; Constitution, 1905, Resolutions, p. 47.

[2] Constitution, 1908, Art. XVI, Sec. 2, Cl. 11.

[3] Constitution, 1908, Art. VII, Sec. 19.

[4] The Barbers' Journal, April, 1903, p. 215.

[5] The Carpenter, March, 1903, p. 57.

[6] Official Journal of the Painters, Decorators and Paperhangers, January, 1903, p. 3.

[7] Proceedings, 1905, p. 48.

lay brick, whether we take them under our care or not, and this fact being conceded, the Board maintains that his proper place is within our fold. . . . The Board objects to the color line being drawn and put up as a bar to keep these people from becoming Union men . . . and maintains that where the colored bricklayer or mason is not allowed into membership with the white bricklayer or mason, he must, where sufficient numbers warrant it, be granted the right to organize into a separate Union."[1] The national unions, furthermore, through the work of their general organizers, are directly bringing negroes into membership.[2] The Painters and Decorators[3] and the United Brotherhood of Carpenters and Joiners[4] have employed special colored organizers to form negro unions. In 1906 the president of the Brotherhood of Painters and Decorators stated the conditions which warranted an organizing campaign as follows: "The colored painters of the South are numerous, and upon their organization largely depends the possibility of obtaining better conditions, not only for themselves but for the white painters also."

Ordinarily the unimpeded admission of negroes can be had only where the local white unionists are favorable. Consequently, racial antipathy and economic motive may, in any particular community, nullify the policies of the national union. Various instances of local discrimination against negroes have arisen which excluded them from membership (1) by denying them admission to the union of the whites, or (2) by refusing consent to charter a separate negro local union, or (3) by rejecting a negro applicant holding a transfer card.

(1) Denial of admission to white local unions is probably the commonest cause operating to exclude negroes. In 1893 an independent local union of bricklayers in Philadel-

[1] Report of President, 1902, Case No. 58, pp. 291–294.
[2] Report of President, Bricklayers and Masons, 1904, Case No. 62, p. 218.
[3] Official Journal of the Painters, Decorators and Paperhangers, August, 1906, p. 506.
[4] The Carpenter, January, 1903, p. 3.

phia refused to affiliate with the national union because of unwillingness to forego its practice of excluding negroes.[1] In 1902 the local union of bricklayers of Dallas, which for two years or more had debarred negroes, was ordered to eliminate the color membership qualification from its constitution.[2] A case of similar exclusion by a local union in Sumter, South Carolina, was disapproved by the national union in 1904.[3] In 1903 a number of negro carpenters were unable to gain admission into the local union of Atlantic City, and a similar situation developed in Birmingham, Alabama. The United Brotherhood was without power to effect a remedy, and only recommended to the local unions that "as far as our brotherhood is concerned the drawing of the color line should be stopped at once and for all time."[4] In 1908 four negro molders were denied admission into the local union of Indianapolis.[5] The national secretary of the Operative Plasterers states that negro plasterers could not gain admission to the Pittsburgh local union, or to local unions in many other places, particularly in the South. The secretary of the National Federation of Post Office Clerks states that sixteen negro applicants who could not secure membership in the white local unions of Atlanta, Georgia, were chartered as a separate local union.

(2) Local opposition to negro members does not, however, always end with denying admission to negro applicants.[6] The granting of separate charters for negro workmen has at times also been opposed, and has occasioned considerable friction in some trades. This has been made possible by the fact that jurisdiction over a specified territory has long reserved to a local union the right to refuse

[1] Report of President, 1893, p. 90.
[2] Report of Secretary, 1902, p. 347.
[3] Report of President, 1904, p. 96.
[4] The Carpenter, January, 1903, p. 3.
[5] Iron Molders' Journal, May, 1908, p. 371.
[6] A member of the plumbers' local union of Norfolk, Va., in 1905 commended a state law passed in that year for licensing plumbers, on the ground that it would eliminate negroes from the trade (Plumbers, Gas and Steam Fitters' Official Journal, May, 1905, p. 16).

its consent to charter another local union in the locality. Thus, for example, in 1875 the Bricklayers and Masons amended the law under which charters were granted so that no charter should be granted in a place without the consent of the existing local union.[1] Under this rule (and this is similar to rules in many unions) white local unions can not only refuse to admit negroes but can prevent the chartering of a separate negro local union. As early as 1870 the president of the Bricklayers' Union had recommended that the question of empowering the national union to issue charters to societies of colored bricklayers should be decided, although at that time no application for such charters had been received.[2] A proposal to organize the negro having been voted down in 1876, no further action was taken, until in 1883 and 1884 the national president again proposed that separate charters should be issued to negroes when deemed advisable by the executive board.[3] The question was submitted to a vote of the subordinate unions, and approved by a substantial majority, but opposition to chartering separate unions was still so strong that the general secretary reported that "through a mutual understanding between the members of the executive board it was deemed best not to exercise the power vested in them."[4] In 1902 the refusal of the white Bricklayers' and Masons' local unions in Washington, D. C., and in Richmond, Virginia, to consent to charter a separate negro local union in each of these cities again drew the attention of the national union. In 1903 the union provided that when a subordinate union refused to consent to the granting of a charter to a new local union simply on account of race, nationality, or religion, the executive board should have discretionary power to grant the charter.[5]

[1] Proceedings, 1875, p. 39.
[2] Proceedings, 1870, p. 37.
[3] Proceedings, 1876, p. 9; Proceedings, 1883, p. 14; Proceedings, 1884, p. 7.
[4] Proceedings, 1884, p. 21.
[5] Constitution, 1903, Art. 13, Sec. 1; Report of President, 1902, pp. 153, 290–294.

The United Brotherhood of Carpenters and Joiners in 1886 modified its rules so that more than one charter might be issued in the same locality provided the existing local union offered no reasonable objection.[1] Although the Cigar Makers' International Union removed the color qualification from its rules in 1879, the local unions remained free to debar negro applicants and to prevent the formation of separate negro local unions. At the president's recommendation in 1893 the rule was changed, giving the national executive board discretionary power to form new local unions in any place.[2] Other national unions, such as for example the Painters, the Sheet Metal Workers, the Plumbers, the Stationary Firemen, the Coopers, the Foundry Employees, and the Tailors, require the consent of an existing local union before a second local union may be formed in any locality. By this means negroes may be prevented from organizing, and the policy of the national unions may be disregarded by the prejudice of a local union.[3]

(3) Finally, local antagonism may discourage the unionizing of negroes through the refusal of certain local unions to accept the transfer cards of travelling negro members.[4] It is impossible to measure or to know the extent to which this form of discrimination actually prevails. The national agreement presumably binds each local union to admit the transferred members of all the other local unions, except that in the Electrical Workers, the Bridge and Structural Iron Workers, the Bricklayers and Masons, the Carpenters,

[1] Constitution, 1886, Art. III, Sec. 3.

[2] Proceedings, 1893, pp. 5, 34.

[3] In 1902 a local union of negro stationary firemen in Chicago could not be chartered because the white local union would not give its consent (Stationary Firemen's Journal, April, 1902, p. 5).

The secretary of the Brotherhood of Painters, Decorators and Paperhangers states that the painters' local union of Tampa, Fla., has refused for several years to consent to grant a charter to a separate local union of negroes, and that the same condition obtains in Memphis, Tenn.

[4] In most unions an appeal may be taken by a rejected negro applicant, or by a negro member whose card is not accepted, to the national officers or to the national convention. See above, p. 30.

the Plumbers, the Steam Fitters, and the Steam Engineers workmen with travelling cards may be rejected when considered incompetent.[1] Under the guise of a test for competency, negro travelling members may be excluded from those trades. Instances of discrimination have occurred, however, without the pretext of incompetency as a justification of exclusion.

In the Bricklayers' and Masons' International Union the question whether a negro member must be accepted by another local union was at first decided in favor of local union discretion; more recently the union has on several occasions enforced the recognition of a negro's travelling card.[2] A rule imposing a fine for discrimination on account of race has been adopted and at times enforced. Thus, in 1903, a negro bricklayer with a transfer card was discriminated against by the Indianapolis union. Although the card was accepted, the members as individuals quit work on the job when the negro went to work. He appealed to the national union, and a fine of one hundred dollars was placed upon the local union.[3] In 1904 the Louisville, Cincinnati, and Indianapolis local unions of Bricklayers and Masons each debarred a negro unionist with a card.[4] The national secretary in 1905 expressed the opinion that discrimination against negroes had retarded the progress of the organization, and advocated a liberal policy.[5] Instances of refusal to accept a transfer card from a negro have occurred in the Painters, Decorators and Paperhangers and in the United Brotherhood of Carpenters and Joiners, but have

[1] See above, p. 73.
[2] Proceedings, 1881, pp. 7, 26.
[3] Report of President, 1903, pp. 11–16; Proceedings, 1905, p. 48; Constitution, 1908, Art. XVI, Sec. 2.
[4] Report of President, 1904, p. 218.
[5] "Capital knows no creed, nationality, or race, where its interests are concerned, and we as a large, influential and intelligent body of working men must be guided in the same footsteps. Unless we are prepared to do this, and accord them [negroes] every protection in an economic sense, the spirit of resentment . . . will grow to such an extent that the interests and welfare of the white bricklayer will be placed in jeopardy whenever trouble with employers takes place" (Report of President and Secretary, 1905, p. 353).

rarely been appealed to the national unions.[1] Owing to the racial character of the antagonism and to the relatively small risk from negro competition in most trades, it seems safe to assert that negroes with cards of admission may in a majority of unions[2] be rejected at the discretion of any local union, although such rejection violates the national agreement and often contravenes the policy of the national union.[3]

All available estimates of the number of negroes in particular national unions indicate that negro mechanics and laborers form but a relatively small part of the total trade-union membership of the country. Only six national unions—the United Mine Workers, the Teamsters, the Cigar Makers, the Hotel, Restaurant and Bar Employees, the United Brotherhood of Carpenters and Joiners, and the Barbers—are estimated to have each more than one thousand negro members.[4] Of other unions having less than a thousand members a large number are reported as having even less than a hundred.[5] The small extent of negro membership is further illustrated by the fact that in New Jersey in 1903 only 54 negroes were reported as holding membership in trade organizations with white men, and that in 1906 there

[1] A local union of Carpenters in 1905 refused to admit a negro member with a card from the Boston local union. Similarly, in 1908 the Baltimore Painters refused to accept two negroes with cards from a local union in Mississippi.

[2] A national officer of the Steam Engineers, the Sheet Metal Workers, and the Molders stated to the writer that negroes with cards would not have to be accepted by local unions.

[3] Discrimination rests generally on a combination of economic and racial grounds. It does not seem to be sectional, although there may be more discrimination in Southern cities than in Northern. There are, however, relatively fewer negroes proportionately to total population in Northern cities. In cases referred to above it has been seen that in Connecticut in the late sixties negroes were not wanted in the unions. In 1893 an independent local union of Bricklayers and Masons in Philadelphia was kept out of the International Union because its constitution contained this clause: "No person of color shall be admitted to membership in this Association" (Report of President, 1893, p. 90). Instances of discrimination are found in Indianapolis, Cincinnati, Baltimore, and Philadelphia, as well as in Tampa, Dallas, Memphis, and Charleston.

[4] See above, p. 123, n. 4.

[5] See above, p. 122, n. 2.

were only 1388 negro unionists in New York City, or a little over 5 per cent. of the estimated male negro working population.[1] The fact that negroes thus form only an insignificant proportion of the body of organized laborers has resulted from several contributing causes.

In the first place, the negro population is relatively small in the North where unionism is strongest. During the forty years from 1860 to 1900 the percentage of negroes in the total population of the North has remained about the same; in the former year the negro element was 1.7 per cent. and in the latter, 1.8 per cent.[2] Consequently, the number of negro unionists would be expected to remain small relative to the whole negro population of the country.

Secondly, by long-prevailing custom, due in part to individual inclination, in part to economic circumstance, negroes have largely confined themselves in the South to agricultural pursuits and in the North to personal and domestic service. Workers within these grades of labor do not maintain trade unions. The character of their occupations is, therefore, such as to exclude the mass of negroes from labor organizations.

Coming directly to the question why there is a notable lack of organization among negro workmen engaged in the organized trades, we find that the situation has evoked at least three distinct explanations. First, the inefficiency of the negroes as workmen has been advanced as an explanation of their unorganized condition. It is asserted that habits of mind and body tend to make the negro an unsteady workman, and that he does not, therefore, become a reliable unionist. Opinion is, however, conflicting and testimony contradictory as to the competency and loyalty of negroes as union workmen. It may certainly not be concluded that negroes employed in the organized trades re-

[1] Report of New Jersey Bureau of Labor Statistics, 1903, pp. 211–212; Annals of American Academy of Political and Social Science, May, 1906, p. 551.

[2] Wright, "The Migration of Negroes to the North," in Annals of American Academy of Political and Social Science, May, 1906, p. 572.

main unorganized because of inefficiency, since they are sufficiently competent to be employed in many of these trades, and since in certain trades in particular places they are admitted to union membership. For example, considerable numbers of negroes are employed as machinists and car workers, but they do not become members of the unions in these trades. The reason is evidently not that they are incompetent to perform the work. Again, colored bricklayers, painters, carpenters, longshoremen, and cigar makers have been admitted into the unions in certain localities, while in other instances they have been excluded. This diverging practice must likewise be explained on other ground than that of the inefficiency of negro workmen. But whether or not the negro workman can become as competent as the white mechanic, he has usually hitherto engaged in the less skilled ranks of employment where unions are less frequent or are poorly maintained. The unions reporting the largest negro membership, such as the United Mine Workers, the Cigar Makers, the Teamsters, and the Barbers, represent semi-skilled or unskilled trades. While, therefore, a low standard of workmanship among negroes as a class has necessarily tended to confine them within certain trades or grades of labor, it is inadequate to state that negroes remain outside the unions in whatever trades they may engage because of their inefficiency as workmen.

Racial difference which is felt and recognized by workmen of all grades is a second element which in part explains the lack of organization among negroes. It is impossible to determine to what extent race feeling is responsible and effective in debarring negroes from trade unions. Undoubtedly it is a controlling consideration in those unions which, like the Switchmen, the Machinists, the Maintenance-of-Way Employees, and the Wire Weavers, prescribe a color qualification for membership. The opinions expressed by union leaders confirm the view that race prejudice is a chief ground of opposition to the negro. Cases of local discrimination against negroes are largely inspired by

race hostility. There are cases in which negroes are excluded solely on account of their color, and there have been cases in which the formation of separate unions for negro workmen has been prevented by the opposition of a local white union.

But unions are not responsible for race discrimination, nor do they create and foster it. They find that it exists, and at times acquiesce in the discrimination. But it must be remembered that the vast majority of unions which have to deal with negroes do not prescribe a color qualification for admission, while discrimination by local unions is usually discountenanced by the national union. Only some twelve national unions, including the Locomotive Engineers, the Locomotive Firemen, the Switchmen, the Maintenance-of-Way Employees, the Wire Weavers, the Railroad Trainmen, the Railway Carmen, the Railway Clerks, the Railroad Telegraphers, the Commercial Telegraphers, the Boiler Makers and Iron Ship Builders, and the Machinists, persist in regarding negroes as ineligible for membership. It is difficult here to determine at just what point race prejudice ends and economic motive begins. But since the number of negroes engaged in these occupations is small, it seems probable that the discriminatory position of the unions has its ground largely in social or racial antagonism.

Finally, economic motive, always hostile to any increase in the number of workers and possible decrease in wages, has probably been the strongest single factor in the exclusion of negroes from trade organizations. The desire to maintain wages, rather than race prejudice, in the last analysis controls the acts and policies of unions. Experience has taught union leaders that wages are more securely maintained by unionizing negroes along with other workers than by refusing to work with them. Thus the exclusion of negroes, enforced under union rule by the Cigar Makers during the first fifteen years of their organization, may be contrasted with the present policy whereby the union has admitted five thousand negro members. Longshoremen

rioted in the early sixties in New York on account of the invasion of negroes into their field of labor, but longshoremen now sit with negro delegates in regular attendance at their annual conventions. Furthermore, the unions in those trades in which negroes are largely engaged either advocate or actively promote the unionization of negroes, although in some instances they are impeded in pursuing a consistent policy by the acts of particular local unions.

CHAPTER VII

SEVERANCE OF MEMBERSHIP

The right of any voluntary association to determine its membership and to regulate the conduct and action of each member in so far as such action affects the common interest may warrant a union in compelling any member under certain contingencies to sever active membership. Three forms of severance of membership are employed: (1) withdrawal, (2) suspension, (3) expulsion.

(1) *Withdrawal.*—A workman quitting a trade may obtain from any union a withdrawal card certifying that all indebtedness is paid and entitling the holder to reinstatement at any time. A workman who advances to the position of foreman, employer, contractor, or stockholder may, however, be required to withdraw. In 1872 the Iron Molders made provision for issuing an honorary card, at the discretion of any local union, to a workman becoming a foreman.[1] Among the Molders the fear of the foreman continued to be shown from time to time. At the session of the union in 1876 a resolution was proposed debarring foremen from local union meetings. Since 1886 a fine ranging from fifty to two hundred dollars has been provided for any foreman using his position to the detriment of the union. Fines for this offense were imposed by the Richmond local union in 1891 and by the Pittsburgh union

[1] The International Journal, October, 1873, pp. 135–136. The American Federation of Musicians in 1898 provided that whenever any member enlisted in the army or navy his membership should become null and void (Constitution, 1898, Standing Resolution No. 8, p. 20). The Bakery and Confectionery Workers in 1906 adopted a rule requiring any member joining the militia to withdraw from the union (Constitution, 1906, Art. VII, Sec. 16). The United Brotherhood of Carpenters since 1886 have provided for excluding any member who engages in the sale of liquor (Constitution, 1886, Art. XIX, Sec. 1; Constitution, 1909, Sec. 138).

in 1893.[1] Finally, in 1895, the union decided to require any foreman molder to withdraw from membership.[2]

Prior to 1889 the Cigar Makers debarred foremen. At that time a foreman having less than two journeymen under him might remain a member. Since 1893 the union has excluded a foreman only when he employs more than six workmen.[3] Other unions which exclude foremen include the Garment Workers,[4] the Iron, Steel and Tin Workers,[5] the Tobacco Workers,[6] the Print Cutters,[7] the Tin Plate Workers,[8] the Metal Polishers, Buffers, Platers and Brass Workers,[9] and the Cloth Hat and Cap Makers.[10] The Paving Cutters,[11] the Brewery Workers,[12] and the Upholsterers[13] require a foreman to withdraw only in case his entire time is employed in performing foremanship duties, and he may not do any journeyman work. Some unions, such as the Printers,[14] the Photo-Engravers,[15] and the Marble Workers,[16] require foremen to be members. In other unions local union discretion prevails.

The variation in practice with reference to the membership of foremen may be partly explained by the character of work in different trades and by the extent to which a foreman continues to work as a journeyman and to associate with the workmen. In the printing trades the work and

[1] Constitution, 1886, Art. XIII, Sec. 5; Iron Molders' Journal, July, 1881, p. 18; May, 1893, p. 12.
[2] Constitution, 1895, Art. XI, Sec. 2.
[3] Constitution, 1879, Art. IV, Sec. 2; Constitution, 1889, Art. IV, Sec. 2; Constitution, 1893, Art. V, Sec. 1.
[4] Constitution, 1891, Art. XIV, Sec. 5.
[5] Constitution, 1909, Art. XVII, Sec. 16.
[6] Constitution, 1900, Sec. 35.
[7] Constitution, 1904, Art. IX, Sec. 4.
[8] Constitution, 1905, Art. I, Sec. 1.
[9] Constitution, 1905, Art. XXXIX, Sec. 1.
[10] Constitution, n. d., Art. XV, Sec. 3.
[11] Constitution, 1906, Art. X, Sec. 2; Constitution, 1909, Art. X, Sec. 2.
[12] Constitution, 1906, Art. XI, Sec. 8; Constitution, 1908, Art. XI, Sec. 8.
[13] Constitution, 1908, Sec. 103.
[14] General Laws, 1899, Sec. 6.
[15] General Laws, 1904, Sec. 27.
[16] By-Laws, 1905, Sec. 17.

the duties of a foreman usually keep him in close touch with the journeymen. He may indeed perform some of the regular work of a journeyman. On the other hand, a foreman in the steel trade, in tin plate mills, or in a tobacco factory has a large number of workmen of various grades under him with whom he does not continue to work in close personal contact. The identity of interests of foremen and workmen in a measure ceases here to exist. The foreman, having power to hire and discharge, becomes accustomed to conduct business from the point of view of an employer, while unionists begin to doubt his allegiance and loyalty to the union and desire his withdrawal.

In certain trades, such as cigar making and the building trades, a very small amount of capital is required to begin business, and workmen may pass readily to employing or contracting. In such instances union policy may regard the membership of the small employer as of doubtful advantage if not undesirable. The question as to the right of a cigar manufacturer or employer to retain union membership was first raised in 1879. It was then provided that employers should be debarred. The union decided in 1885 that each local union might determine its own course.[1] In 1889 the president of the union recommended that a manufacturer employing any journeyman cigar maker should be denied membership.[2] This recommendation has since been adopted. Since 1890 the Bakers have required that any member beginning business as an employer while working at the trade shall withdraw from the union.[3] The Barbers in 1892 began requiring the exclusion of any barber who employed journeymen steadily.[4] Since 1895 the Lithographers have compelled any member acquiring stock in the business to withdraw.[5] The Retail Clerks demand the withdrawal of a

[1] Cigar Makers' Official Journal, November, 1879, p. 1; Constitution, 1879, Art. IV, Sec. 2; Constitution, 1885, Art. IV, Sec. 3.
[2] Proceedings, 1889, p. 7; Constitution, 1889, Art. IV; Constitution, 1896 (21st ed.), Sec. 64.
[3] By-Laws, 1890, Art. II, Sec. 3.
[4] Constitution, 1892, Art. VIII, Sec. 2.
[5] Constitution of Subordinate Associations, 1895, Art. I.

member holding as much as five hundred dollars' worth of paid-up stock in a mercantile business.[1] In the building trades the unions ordinarily permit local discretion as to the retention or exclusion of members who become contractors.[2]

A workman who has desired or has been required to withdraw from membership for any of the above reasons does not, however, completely sever his union connection. This is shown, first, by the fact that a withdrawal card ordinarily entitles the holder to reinstatement.[3] Second, by the payment of certain dues a member who has withdrawn may receive friendly benefits. Thus, since 1876 the Molders have permitted withdrawn workmen to retain a right to union benefits by paying the regular dues.[4] In 1892 the Stone Cutters granted to withdrawn workmen a right to the funeral benefit.[5] Third, in case of application for reinstatement the workman is held responsible for anti-union conduct during the term of withdrawal. The rule of the Machinists is typical: "Members holding honorary retiring cards shall be under the jurisdiction of the International Association of Machinists and liable to its laws for violation of its principles."[6] Similarly, the Brewery Workmen provide that the card of a withdrawn member who acts detrimentally to the interest of the union shall be null and void.[7]

(2) *Suspension.*—A workman who neglects to pay dues, fines, and assessments or who otherwise violates union regulations subjects himself to discipline in the form of either suspension or expulsion. Temporary suspension from a union is ordinarily the punishment for non-payment of in-

[1] Constitution, 1909, Sec. 8.
[2] Proceedings, Bricklayers and Masons, p. 166; Constitution, Painters, Decorators and Paperhangers, 1898, Art. VII, Sec. 5; Constitution, 1910, Sec. 29.
[3] The provision of the Boot and Shoe Workers' Union, for example, is: "Such withdrawal card shall reinstate the member in lieu of initiation fee . . . whenever the member secures work at the trade" (Constitution, 1909, Sec. 93).
[4] Constitution, 1876, Art. XVIII, Sec. 9; Constitution, 1907, Art. XVII, Sec. 8.
[5] Constitution, 1892, Art. X; Constitution, 1909, Art. VI.
[6] Constitution, 1909, Art. X, Sec. 3.
[7] Constitution, 1906, Art. VI, Sec. 11.

debtedness and for less flagrant violation of rules than that which brings expulsion. The necessity for a limit upon indebtedness was early recognized.[1] The International Union of Cigar Makers in 1865 provided that an arrearage of three months in dues should cause a member to be suspended.[2] In some cases the national unions have prescribed a debt limit. Thus after 1876 the Molders required that any member owing $5 at specified dates should be suspended.[3] In 1902 the Barbers provided that indebtedness from any cause to the amount of $1.20 should be cause for suspension.[4] The union generally fixes a definite time beyond which an arrearage shall automatically suspend the debtor. Thus, an arrearage of four months suspends a member from the Typographical Union.[5] The time varies from four weeks, as in the Tobacco Workers' International Union,[6] to twelve months—the limit enforced by the Granite Cutters' International Association.[7]

Suspension for indebtedness is usually automatic, and requires no formal action by the local union. The Painters, Decorators and Paperhangers[8] and the Steam Fitters[9] provide that a vote of the local union shall not be necessary to suspend a member who owes three months' dues. The time limit is not, however, rigid, and an extension is granted by some unions in favor of members out of employment from sickness, strike, or disability. The Molders exempt their unemployed and disabled members from dues.[10] The Plumbers likewise prohibit any local union from suspending a member

[1] The Stone Cutters' Union of Chicago, in July, 1857, adopted a resolution to strike against certain delinquents in arrears for over three months "who for a long time had baffled the Association" by not paying monthly dues (Stone Cutters' Circular, August, 1857, p. 3).
[2] Constitution for Local Unions, 1865, Art. III, Sec. 2.
[3] Constitution, 1876, Art. XII, Sec. 5.
[4] Constitution (in effect January 1, 1902), Sec. 77.
[5] Proceedings, 1909, p. 201.
[6] Constitution, 1900, Sec. 111; Constitution, 1905, Sec. 43.
[7] Constitution, 1909, Sec. 66.
[8] Constitution, 1908, Sec. 46.
[9] Constitution, 1906, Sec. 113.
[10] Constitution, 1907, Art. XVII, Sec. 10.

during sickness, strike, or lockout.[1] The Tobacco Workers extend the time limit to twelve weeks in the case of unemployed members.[2]

A few unions purposely avoid expulsion as a mode of discipline for even the most serious infraction of regulations, and punish the offender by fine and suspension. The Bricklayers and Masons thus provided in 1897 that it should not be lawful for a local union to expel a member. The offender could only be "fined and to stand suspended or dropped from membership until paid."[3] The Metal Polishers, Buffers, Platers and Brass Workers' International Union for two years prior to 1900 refused to expel members.[4] Since 1904 the Wood Workers have enforced suspension with fines as the severest penalty.[5] The preference for suspension as a form of discipline is due partly to a feeling that expulsion is often too severe a punishment and partly to fear of litigation in the courts in cases of expulsion.

Ordinarily, however, unions employ suspension, in addition to its use as a discipline for indebtedness, to punish members for violations less serious than those which cause expulsion. Thus the International Molders' Union since 1895 has required any local union to punish an infraction of the rules by reprimand, suspension, or expulsion, according to the seriousness of the offense.[6] Offenses which entail suspension are not usually specifically enumerated, but are stated only in general terms, as for example participation in unsanctioned strikes,[7] dishonesty in handling union funds, anti-union conduct, and excessive use of liquor.[8]

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[1] Constitution, 1908, Sec. 158.
[2] Constitution, 1905, Sec. 43.
[3] Constitution, 1897, Art. XIV, Sec. 3, Cl. 5; Constitution, 1908, Art. XVI, Sec. 2, Cl. 10.
[4] Proceedings, 1900, p. 15.
[5] Constitution, 1904, Sec. 78.
[6] Proceedings, 1895, p. 95.
[7] Thus the Molders' International Union in 1907 made it mandatory upon the president and executive board to suspend any member participating in an unsanctioned strike (Iron Molders' Journal, September, 1907, p. 652; Constitution, 1907, Art. VII, Sec. 3).
[8] The Switchmen's Union requires the suspension after a trial of any member "guilty of drunkenness or other immoral conduct"

A suspended member loses for a time the social privileges, financial benefits, and employment opportunities afforded by the union. The period of suspension may be definitely fixed. Thus the Switchmen,[1] the Brewery Workmen,[2] and the Glass Bottle Blowers[3] permit the local unions to impose a stated term of suspension, only after which may the workman be reinstated. In most unions the time is indefinite, and a money penalty is fixed the payment of which secures reinstatement. The Bakery and Confectionery Workers define suspension as meaning "to be deprived of all benefits and privileges of the local and international union and of all right to take any part in the proceedings."[4] The Carpenters' and Joiners' United Brotherhood deny to any member who is in "bad standing" from owing three months' dues the password, a seat, or any office in local union meetings.[5] The Wire Weavers debar a suspended workman from the right to speak or vote on any question before a local association.[6]

Claims for benefits on account of sickness or accident occurring during suspension are of course invalidated. A suspended member may even be denied the right to receive any financial benefits until a specified time elapses after reinstatement. Since 1888 the United Brotherhood of Carpenters and Joiners have provided that a member in "bad standing" is not entitled to benefits for three months after reinstatement.[7] The Granite Cutters[8] withhold benefits for six months, and suspended molders may not receive sick benefits until twelve months have passed.[9]

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for the first offense, and expulsion for the second offense (Constitution, 1903, Sec. 272; Constitution, 1909, Sec. 272). See also Constitution, Wire Weavers, 1900, Art. VI, Sec. 5.

[1] Constitution, 1903, Sec. 223.

[2] Brauer-Zeitung, August, 30, 1902, p. 4.

[3] Constitution, 1910, Art. IX, Secs. 51, 57.

[4] Constitution, 1909, Art. VIIa, Sec. 4.

[5] Constitution, 1909, Secs. 108, 109.

[6] Constitution, 1900, Art. VI, Sec. 10.

[7] Constitution, 1888, Art. X, Sec. 1; Constitution, 1899, Sec. 89.

[8] Constitution, 1880, Art. XVI; Constitution, 1905, Sec. 89; Constitution, 1909, Sec. 68.

[9] Constitution, 1902, Art. XVII, Secs. 1–13; Constitution, 1907, Art. XVII, Secs. 1–13.

Probably the most severe penalty ordinarily involved in suspension is loss of work. Some unions permit suspended workmen to continue in employment. Thus the president of the Window Glass Workers' Local Assembly 300 ruled in a decision in 1899 that suspended members should not be prevented from working.[1] The National Brotherhood of Operative Potters recognize in their rules that a suspended member may continue to work at the trade.[2] Ordinarily, however, unions desire, as a measure of discipline, to deprive suspended members of work.[3] Thus the Flint Glass Workers provide that "suspended members shall not be allowed to work until restored to membership."[4] Likewise the Brewery Workmen[5] and the Glass Bottle Blowers[6] provide definitely for loss of work through suspension. The effectiveness of the exclusion depends of course upon the extent of the trade controlled by the union and upon the ability of workmen to find employment in non-union establishments.

Although deprived of the advantages of membership, a suspended member is ordinarily regarded as retaining some connection with the union.[7] In the first place, if he seeks

[1] Proceedings, 1899, p. 94.

[2] Rules and Regulations, 1910, Sec. 117.

[3] In 1909 a member of Marine Engineers' Beneficial Association No. 33, of Seattle, Wash., was suspended indefinitely from work for "superseding" a fellow member on a position. An appeal was taken to the president of the national association. The action of the local association was sustained (Proceedings, 1910, pp. 87, 276, 277).

[4] Constitution of Local Unions, 1903, Art. XI, Sec. 1; Constitution, 1910, Art. XI, Sec. 1.

[5] Constitution, 1901, Art. III, Sec. 7; Constitution, 1908, Art. III, Sec. 7. In 1902 a member of Brewery Workers' Local Union No. 109, of Fort Worth, Tex., appealed to the executive board against a decree of the local union suspending him from work for six months. The board decided to reduce the term to three months. In a similar case in 1907 the suspension was reduced from six months to four weeks (Brauer-Zeitung, August 30, 1902, p. 4; March 16, 1907, p. 1).

[6] Constitution, 1910, Art. IX, Secs. 51, 57.

[7] The Elevator Constructors' Local Union No. 2 of Chicago states: "Suspension for non-payment of dues holds good until the member pays up all arrearages, not only the amount due when suspended, but also for the time during suspension. Suspension does not sever membership, but deprives the member of the right to receive any of the benefits, rights or privileges of members in good standing" (Constitution, 1902, Art. XVI).

reinstatement, any indebtedness due at suspension is collected, and he may also be charged for any assessment and fines,[1] or for dues accruing during the term of suspension.[2] He is also held to account for anti-union conduct. In some cases, as in the Molders' International Union,[3] a suspended member is subject to trial, and may be expelled by a local union for any violation of rules in the same manner as is any active member.

(3) *Expulsion.*—As has been indicated, a member flagrantly violating established rules or principles may be expelled and denied further claim to recognition. Expulsion is the most severe method of discipline, and at a very early date unions began to guard carefully its exercise.[4] Thus in 1870 the National Forge of the United Sons of Vulcan provided that any member acting in a manner unworthy of

[1] Book of Laws, International Typographical Union, 1910, p. 50, Sec. 66. See also Machinists' Journal, February, 1902, p. 91, and Subordinate Lodge Constitution, 1909, Art. IV, Sec. 17.

[2] The International Association of Granite Cutters requires its local branches to impose a monthly charge of $1.25 for the period the suspended member has been in arrears and suspended up to thirty-six months (Constitution, 1909, Sec. 66).

[3] Constitution, 1876, Decision 46, p. 36; Constitution, 1899, Art. XIV, Sec. 9. The Iron Molders' Local Union No. 128, of Richmond, Va., in 1891 fined a suspended member $50 and expelled him for "scabbing" (Iron Molders' Journal, November, 1891, p. 19).

[4] The Journeymen Black and White Smiths' Beneficial Society of Philadelphia, chartered in 1829, provided in Article XI, Section 2, of their charter: "No member shall be expelled without first having a copy of the charge or charges preferred against him, with a notice of the time and place of trial, requesting his attendance to show cause why he shall not be expelled" (Quoted in 2 Wharton Supreme Court Reports, Pennsylvania, p. 310).

President W. H. Sylvis of the Iron Molders' International Union at the ninth session in 1868 reported as follows: "The Constitution is silent on the subject of expulsion of members. Much trouble and no little injustice has been the result of this silence. The law should specify the offenses punishable by expulsion, and it should grant to every man a fair trial on all charges preferred, and the president should have power to set aside the action of any union by which punishment has been inflicted without a legal trial. He should also have power to grant pardon in certain cases. This is necessary to prevent persecution and secure justice" (Proceedings, 1868, p. 28).

In 1870 the president of the Bricklayers' and Masons' National Union made almost identical recommendations in his report to the annual session of the union (Proceedings, 1870, p. 32).

membership might be expelled after a hearing before his accusers, by a two-thirds vote of the total lodge.[1] In disputed cases the national union officers insisted that the ordinary principles of jurisprudence governing the rights of accused persons should be observed.[2] In 1874 the Iron Molders' International Union approved a decision of its president that a member might not be expelled except in conformity with detailed rules requiring that a trial should be granted.[3] In 1893 the International Association of Machinists instructed a local union to grant an expelled member a new trial.[4] The Amalgamated Association of Iron and Steel Workers,[5] the Flint Glass Workers,[6] the United Brotherhood of Carpenters and Joiners,[7] the Bakery and Confectionery Workers,[8] the Glass Bottle Blowers,[9] the Garment Workers,[10] and the Journeymen Barbers[11] early prescribed that a trial should be granted any member accused of a serious offense. In 1892 the Bricklayers and Masons, on the recommendation of the secretary, adopted rules guaranteeing a fair trial.[12] Practically all unions at the present time make similar stipulations.

The power to expel has also been held in check (*a*) by provisions specifying the number of votes which are neces-

[1] By-Laws, 1870, Art. VII, Sec. 1.

[2] The executive board of the Journeymen Bakers and Confectionery Workers in 1890 in a disputed case held that evidence showed that a fair trial had not been given an expelled member, and reinstated him (Bakers' Journal, November 22, 1890, p. 2).

[3] Constitution, 1876, Decision No. 7, Approved July, 1874, p. 32.

[4] Proceedings, 1893, p. 85.

[5] Subordinate Lodge Constitution, 1876, Art. IV, Sec. 1.

[6] Constitution, 1880–1881, Art. XIV, Sec. 3.

[7] Rules for Local Unions, 1886, Art. V, Sec. 5.

[8] By-Laws, 1886, Art. XIV, Sec. 5.

[9] By-Laws, 1888, Art. XIX, Sec. 59.

[10] Constitution, 1891, Art. XXII, Sec. 1.

[11] Constitution, 1892, Art. IV, Sec. 1.

[12] The secretary in his report to the convention stated: "From among the thousands of complaints and appeals that your executive officers have to consider we find that an exercise of arbitrary authority bordering on despotism is practised by some of our unions . . . on the theory that might makes right, and no opportunity for a defense is allowed to a member who may be charged with a supposed offense" (Twenty-Sixth Annual Report, 1891, p. 35; Proceedings, 1892, p. 106).

sary to inflict a sentence, and (*b*) by provisions granting to expelled workmen an appeal to the ultimate authority in the national union. Thus the Amalgamated Association of Iron and Steel Workers has required continuously that a two-thirds vote of the local union shall be necessary to expel.[1] In 1891 the United Brotherhood of Carpenters and Joiners adopted a similar regulation.[2] In 1907 the Molders provided that a three-fourths vote instead of the previously prescribed two-thirds vote should be necessary.[3] Other unions requiring a two-thirds vote include the International Typographical Union, the Printing Pressmen, the Lithographers, the Atlantic Coast Seamen, and the Commercial Telegraphers. The Order of Railroad Telegraphers prescribes that a unanimous vote of the local board of adjustment shall be necessary to impose the penalty of expulsion.[4]

The right of an aggrieved member to appeal against the decisions of a local union to the national union has usually been recognized by the unions.[5] By appeal an expelled member secures a reconsideration of his case by officers of the national union, who are removed from local conditions and are thus more likely to give an impartial decision. Expulsion for trivial or insufficient causes may be prevented. The national unions may reverse the action of the local union, or may order a new trial, or may mitigate the penalty.[6] Under a decision made in 1900 it was held that

[1] Subordinate Lodge Constitution, 1876, Art. IV, Sec. 1; Constitution, 1909, Art. XIV, Sec. 11.

[2] Constitution, 1891, Sec. 75.

[3] Constitution, 1876, p. 32; Constitution, 1907, Art. XIV, Sec. 6.

[4] Statutes, 1909, Sec. 85.

[5] Constitution of International Typographical Union, 1868, Art. I, Sec. 3; Constitution, Iron Molders, 1876, Art. IX, Sec. 5. A typical provision is that of the National Union of Journeymen Bakers, adopted in 1886: "If a member believes that he was unjustly deprived of his membership either by suspension or expulsion he can appeal to the National Executive Committee. Should such a member not be satisfied . . . he is entitled to an appeal to the convention which renders a final decision" (Constitution, 1886, Art. III, Sec. 5; Constitution, 1886 (21st ed.), Sec. 44).

[6] See, for example, Proceedings, Brewery Workmen, 1903, p. 145; Brauer-Zeitung, October 14, 1905, p. 4. In 1905 a brewery workman was expelled from Local Union No. 147, of Columbus, O., for

the president of the United Brotherhood of Carpenters and Joiners may order a new trial whenever he has evidence that the rules have not been complied with in a former trial.[1] Similarly in 1906 the Glass Bottle Blowers' Association[2] and the American Federation of Musicians[3] made provision for reopening cases for trial for the purpose of introducing new evidence.

In recent years a few unions have provided that a sentence of expulsion to be valid must be approved by the national union. In 1895 the president of the Molders' Union asserted that under the existing rules "a member may be expelled . . . for the most trivial offense with little regard to his constitutional rights of notice and fair trial; and in many cases where charges are preferred no opportunity is given the accused for defense."[4] Further limitation on the power to expel was provided by a rule requiring that the charges, testimony, and findings in each case of expulsion must be submitted to the national president and approved before the sentence becomes effective.[5] The Boot and Shoe Workers[6] in 1899 and the Pattern Makers[7] in 1909 adopted rulings that all expulsions must be approved by the national executive board.

Although the unions are ordinarily reluctant to exercise the power of expulsion and have consequently adopted restrictive regulations to prevent its abuse, members are expelled for serious offense or crime. The occasions for the infliction of the penalty are usually stated in very general

"scurrilous talk and other acts unbecoming a member." On appeal the punishment was reduced to a fine of $10, as the executive board deemed expulsion excessive. See also Journal of Painters, Decorators and Paperhangers, August, 1903, p. 470; Proceedings, Steam Engineers, 1903, p. 87; Proceedings, Marine Engineers, 1909, pp. 327–331.

[1] The Carpenter, August, 1900, p. 9.
[2] Proceedings, 1906, p. 164.
[3] Constitution, 1906, Art. VI, Sec. 7.
[4] Proceedings, 1895, p. 7.
[5] Proceedings, 1895, p. 95; Iron Molders' Journal, April, 1897, p. 176; November, 1897, p. 529.
[6] Constitution, 1899, Sec. 102; Constitution, 1909, Sec. 97.
[7] Proceedings, 1909, p. 26.

terms, and the local union determines whether or not a specific violation of rule is a sufficient cause for expulsion. Thus the Boot and Shoe Workers hold that any member may be expelled for "treason to the union or to the cause of labor."[1] A typical specification of general causes of expulsion is that of the Journeymen Bakers, namely, misrepresentation at admission, dishonorable conduct, defalcation, strike breaking, or prolonged arrearage in dues.[2] The Steam Fitters,[3] the Compressed Air Workers,[4] and the Amalgamated Society of Carpenters and Joiners[5] make provision for expelling any person who gains admission by false representation. The Switchmen[6] and the Shipwrights[7] expel members for excessive use of liquor. In some cases expulsion is prescribed for a minor offense. Thus since 1895 the Lithographers have expelled any member failing to pay dues and assessments for three months.[8] Since 1903 the Plumbers have forbidden any member to enlist in any military organization under penalty of expulsion.[9]

When a member deliberately commits a notorious offense, some unions inflict a sentence of expulsion without a trial. Thus the International Typographical Union has held since 1882 that "where a member has deliberately ratted it is not necessary that he should be cited for trial, but he may be summarily expelled."[10] The United Brotherhood of Carpenters and Joiners gives power to the local union to expel a member by a three-fourths vote without trial, "when the evidence is plain and the circumstances require immediate

[1] Constitution, 1899, Sec. 102; Constitution, 1909, Sec. 97.
[2] Constitution, 1886, Art. III, Secs. 2–6; Constitution, 1906, Art. VII, Sec. 5.
[3] Constitution, 1906, Sec. 87.
[4] Constitution, 1902, Art. II.
[5] Rules, 1887, Rule 6, Sec. 8.
[6] Constitution, 1909, Sec. 280.
[7] By-Laws, 1905, No. 26.
[8] Constitution of Subordinate Associations, 1895, Art. III, Sec. 2; Constitution, 1907, Art. IV, Sec. 2.
[9] Constitution, 1902, Sec. 143; Proceedings, 1904, pp. 82–83.
[10] Proceedings, 1882, p. 19; General Laws, 1910, Sec. 130. The Printing Pressmen and Assistants' International Union has a similar rule (Constitution, 1898, Art. XX, Sec. 14).

action."[1] In 1906 the Steam Engineers' International Union likewise provided that "where a flagrant offense is committed or trade rules violated," the rules requiring notice and delay for trial might be dispensed with, and the accused required forthwith to show why he should not be punished.[2]

Expulsion has been called the "capital punishment" of the workman in his relation to the union, and in some cases it constitutes permanent exclusion. But ordinarily expulsion serves only to make it very difficult for the expelled person to regain membership. Thus, while the United Brotherhood of Carpenters and Joiners prescribes that for certain causes of expulsion the workman "shall be forever debarred from membership," provision is also made for the readmission of former members.[3] In 1895 the president of the Molders' Union asserted that "expulsion should be the extreme penalty and when once pronounced against a member, the privilege of being reinstated should ever be denied him; but should he at any time desire to join the union his application should be considered as that of a new applicant."[4] In 1906 the Stereotypers' and Electrotypers' Local Union No. 24 of Omaha, Nebraska, expelled two members for ninety-nine years; but the sentence was modified by the announcement of the secretary of the union that the two men could make amends for the offense committed.[5] The Marine Engineers provide that expulsion shall be "for all time to come" unless the expelling subordinate association is granted permission by the national association to rein-

[1] Constitution, 1891, Sec. 170.
[2] Constitution, 1906, Art. IV, Sec. 2.
[3] "Any officer or member who endeavors to create dissension among the members, or who works against the interest and harmony of the United Brotherhood, or who advocates or encourages division of the funds or dissolution of any local union, or the separation of the local union from the United Brotherhood, or who embezzles the funds, shall be expelled and forever debarred from membership" (Constitution, 1909, Sec. 190). See also Constitution, 1891, Sec. 85; Constitution, 1909, Sec. 80.
[4] Proceedings, 1895, pp. 7, 8.
[5] International Stereotypers' and Electrotypers' Union Journal, February, 1906, p. 11.

state.[1] Usually an expelled member may gain readmission after an indefinite term of expulsion. In some unions a definite time is prescribed only after which may readmission be gained. The Iron, Steel and Tin Workers readmit expelled workmen after one month;[2] the Railroad Telegraphers regard an expelled member as ineligible within less than two years.[3]

[1] Constitution, 1904, Art. X, Sec. 2. In two cases in 1908 the association lifted the ban of expulsion, permitting each of two subordinate associations to admit an expelled engineer (Proceedings, 1908, pp. 57, 59).

[2] Constitution, 1909, Art. XXXV, Sec. 3.

[3] General Statutes, 1905, Sec. 23.

CHAPTER VIII

REINSTATEMENT AND READMISSION

The ability of a union to accomplish its aims is obviously dependent on the strength of its membership. Ordinarily it desires, therefore, to admit and to retain a maximum number of members. Requirements for the reinstatement and readmission of former members are, however, essentially different from those governing original admission in that they do not prescribe personal qualifications, but instead require the applicant to adjust the matters which resulted either in withdrawal, suspension, or expulsion. Little difficulty has been experienced in regulating the reinstatement of withdrawn journeymen resuming work at a trade. The questions relating to the reinstatement or readmission of suspended and expelled workmen have been more prominent. The chief difficulty here lies in the fact that to restore on easy terms such workmen to their former standing tends to impair the effectiveness of the union's disciplinary regulations.

(1) *Members who have withdrawn.*—As has been indicated in the preceding chapter, a workman who chooses or who is required to sever active membership by securing a withdrawal card retains a claim to reinstatement on favorable terms whenever he returns to the trade. Normally, the presentation of a card in good faith to the issuing local union automatically restores a workman to full membership without charge. It has, however, become necessary for the national unions to place some restriction on the privilege of reinstatement, in order to prevent its misuse. Thus a withdrawn workman returning to a trade within a specified time may be charged with back dues, and may be held responsible for any violation of union rules and principles during the term of withdrawal. The Molders' International Union,

after providing in 1872 for issuing honorary cards, found that members frequently withdrew to avoid payment of dues, and after dull seasons redeposited their cards. In 1876 there was accordingly adopted a rule fixing a period of six months within which a retired workman could not become again an active member free of charge. If he returned to the trade during that time, all accruing dues and assessments must be paid at reinstatement.[1] Since 1891 the Journeymen Stone Cutters' Association has required the payment of back dues and demands for any reinstatement within twelve months after leaving the trade.[2] Similarly the Shingle Weavers' International Union has adopted a six months' limit.[3]

A withdrawn member is responsible for his anti-union conduct. The unions ordinarily provide that a withdrawal card held by a member who works against the union is thereby annulled. The record of a withdrawn workman is investigated when he applies for reinstatement, and for notorious offenses he may be excluded, or may be fined and required to pay an increased fee.[4] Thus the executive board of the United Association of Journeymen Plumbers in 1903 approved the action of the local union in Tampa, Florida, in refusing to accept a withdrawn member, but advised that a fine of $100 might properly be imposed.[5] The Potters,[6] the Glass Bottle Blowers,[7] and the Flint Glass Workers[8] require that a committee shall investigate and report on the record of a withdrawn workman desiring again to become a member before he may be received into the union. The regulation of the Boot and Shoe Workers

[1] The International Journal, October, 1873, pp. 135–136; March, 1875, p. 280.
[2] Proceedings, 1891, p. 2, in Monthly Circular, August, 1891.
[3] Proceedings, 1906, pp. 6, 17.
[4] Twenty-Sixth Annual Report of President, Bricklayers' and Masons' International Union, 1891, pp. 58–60.
[5] Plumbers, Gas and Steam Fitters' Official Journal, November, 1903, p. 4.
[6] Constitution, 1892, Art. XII, Sec. 5; Rules and Regulations, 1910, Sec. 150.
[7] Constitution, 1910, Art. VI, Sec. 31.
[8] Constitution, 1910, Art. XXII, Sec. 9.

is typical: "Such withdrawal card shall reinstate the member in lieu of an initiation fee . . . whenever the member resumes work at the trade, provided withdrawal cards obtained by false representation, or held by persons who have worked against the interests of the union or who have failed to deposit such cards while working at the trade, shall be null and void."[1] The Musicians impose a special reinstatement fee of $25 on any applicant who has accepted employment at the trade after resigning from membership.[2]

(2) *Suspended Members.*—Provisions for the reinstatement of suspended members contain necessarily an element of punishment, and such provisions must be rigidly enforced in order to render effective the disciplinary value of suspension. On the other hand, the imposition of severe conditions often deters past offenders from making any effort to regain standing. A union in prescribing terms of reinstatement has, therefore, to balance the desire to recruit its membership against the advantage accruing from a rigid enforcement of its disciplinary rules.

A workman deprived of the privileges of membership on account of arrearage in dues or for other violation of union rules may reinstate himself in the local union which suspended him only by the discharge of indebtedness, and by the payment of a fine or a fee. Local regulation of the terms of reinstatement for suspended members was early superseded by specific requirements prescribed by the national union in order to secure uniformity. Thus the Cigar Makers' International Union provided in 1865 that a cigar maker might be reinstated in the suspending local union only after paying an amount to be fixed by local union rules.[3] Varying terms of reinstatement in different localities and the frequent suspension of members weakened the strength of the union and caused wide-spread dissatisfaction. Since 1879 the national union has accordingly im-

[1] Constitution, 1909, Sec. 93.
[2] Constitution, 1907, Art. V, Sec. 11; Proceedings, 1903, p. 49.
[3] Constitution for Local Unions, 1865, Art. III, Sec. 2; Proceedings, 1865, p. 61.

posed a uniform reinstatement fee.[1] In 1874 the Iron Molders required that a suspended member should be reinstated by vote of the suspending union after the indebtedness due at suspension was paid.[2] Since 1899 the Boot and Shoe Workers have demanded that the applicant must reduce the indebtedness due at suspension and pay a special fee in addition.[3]

The Paper Mill Workers require that arrearages, a special fee, and an extra fine shall be paid.[4] A few unions, such as the Steam Fitters,[5] the United Garment Workers,[6] the Retail Clerks,[7] and the Granite Cutters,[8] require, besides the discharge of former indebtedness, the payment of any dues, fines, and assessments which have accumulated during the term of suspension. Indebtedness, dues, fines, or fees having been paid, reinstatement takes place usually without formal action of a local union.

A suspended member, like a withdrawn member, is responsible for anti-union conduct during the term of suspension. At reinstatement the record of the applicant may be investigated and an increased fee or special fine imposed. The Boiler Makers and Iron Ship Builders thus provide that a workman in order to be reinstated must be proposed by a member in good standing, and after his record is investigated by a committee, he must receive a two-thirds vote of the local lodge.[9] The Flint Glass Workers' Union requires an investigation and a renewal of the initiation pledge before reinstatement.[10] The Molders' International

[1] Cigar Makers' Official Journal, July 10, 1879, p. 3; October, 1880, p. 2; Constitution, 1879, Art. XVII, Sec. 5.
[2] Constitution, 1876, p. 33. In 1895 it was provided that a vote should not be necessary to reinstate a member suspended for non-payment of dues, but that by settlement with the union such member was automatically reinstated (Constitution, 1895, Art. XIII, Sec. 9).
[3] Constitution, 1899, Sec. 100; Proceedings, 1909, p. 20.
[4] General Laws, 1906, Sec. 26.
[5] Constitution, 1906, Sec. 101.
[6] Constitution, 1900, Art. XX, Sec. 5.
[7] Constitution, 1909, Sec. 30.
[8] Constitution, 1905, Sec. 68; Constitution, 1909, Sec. 66.
[9] Constitution, Subordinate Lodge, 1910, Art. XV, Sec. 7.
[10] Constitution of Local Unions, 1910, Art. XI, Sec. 2.

Union holds suspended members liable to trial and punishment; if application be made for reinstatement, a special fine must be paid in case of "unbecoming conduct."

Ordinarily a reinstated member is denied the right to receive friendly benefits for a certain period. This denial constitutes a part of the punishment of suspension. The period after reinstatement during which financial benefits are withheld varies from three months, as required by the United Brotherhood of Carpenters[1] and the Plumbers' United Association,[2] to twelve months, as required by the Molders[3] and the Boot and Shoe Workers' Union.[4] The Operative Potters grant the minimum death benefit to suspended members only after six months of continuous good standing.[5] The Retail Clerks,[6] the Switchmen,[7] the Molders,[8] and the Glass Bottle Blowers[9] entirely exclude sick and disabled suspended members who seek reinstatement in order to acquire a claim to financial benefits.

A more difficult problem has arisen in dealing with suspended members who apply for reinstatement in a local union other than that from which they were suspended. At a very early date the national organizations of the Printers, the Molders, and the Cigar Makers denied any suspended member reinstatement in another union unless the suspending local union should consent. The purpose of the regulation was to secure unity of action and to render effective the penalty of suspension among the different local unions. The principle generally adopted by the national unions is laid down by the Electrical Workers' International Brotherhood as follows: "Any person who has been suspended from any local union, or who is in arrears to any local union, shall not be eligible to membership in any other

[1] Constitution, 1909, Secs. 106, 111.
[2] Constitution, 1908, Sec. 64.
[3] Constitution, 1907, Art. XVII, Secs. 7, 73.
[4] Constitution, 1909, Sec. 96.
[5] Rules and Regulations, 1910, Sec. 85.
[6] Constitution, 1909, Sec. 30.
[7] Constitution, 1909, Sec. 241a.
[8] Iron Molders' Journal, July, 1875, p. 509.
[9] Constitution and By-Laws, Appendix, 1910, Sec. 10.

local union, except by the consent of the local union of which he was a member."[1]

Difficulty is experienced in the working of such rules. In a time of strike, or when an effort is being made to unionize a shop, it may become desirable to reinstate members without the delay incident to a settlement of differences with a union in another locality. The suspending local union, moreover, may refuse its consent. Thus in 1891 the executive board of the Carpenters' and Joiners' United Brotherhood in a decision upheld the right of Local Union No. 165 of Pittsburgh to refuse its consent to the reinstatement of one of its suspended members in the local union of Greensburg, Pennsylvania.[2] A refusal of consent may not seem to be warranted, and a local union may therefore desire to reinstate the suspended member of another union without its approval.

The rule has been modified in some cases. Thus, since 1892, the Bricklayers and Masons have provided that a member who has been suspended solely for non-payment of dues may join again without the consent of the former union.[3] In 1895 the Molders excepted members suspended for indebtedness from the rule of consent.[4] In 1903 the executive board of the Brotherhood of Painters, Decorators and Paperhangers held that, although the constitution required the securing of the consent, the rule should not be so enforced as to exclude workmen who were suspended for arrearages, and against whom reasonable objection was not raised.[5] Ordinarily the unions have, however, insisted that the suspending local union must consent to the reinstatement, whether the applicant was suspended for arrearages

[1] Constitution, 1901, Art. VI, Sec. 4.
[2] The Carpenter, February, 1891, p. 4.
[3] Annual Report of President, 1892, p. 57; Constitution, 1908, Art. XVI, Secs. 1, 2.
[4] Constitution, 1895, Art. XIII, Sec. 7; Iron Molders' Journal, August, 1899, p. 414.
[5] Official Journal of the Brotherhood of Painters, Decorators and Paperhangers, August, 1903, p. 518.

in dues or because of other offenses.[1] Proposed methods for obviating difficulties in the working of the rule will be noticed later when considering its application to the readmission of expelled unionists.

(3) *Expelled Workmen.*—Although an expelled member is liable to permanent exclusion from membership, the unions have usually permitted his readmission and prescribed the terms under which it may be gained. A local union may exercise its own discretion as to the readmission of its former members; the national union usually requires only that a readmission charge shall be made.[2] After a period of expulsion has elapsed and proof is presented of the willingness of the applicant to conform to union regulations he may be readmitted into the local union of which he was a member on the payment of a prescribed sum, a readmission fee, or a fine.[3] Normally, a readmitted member is entitled to the same standing in the union as if he were a new member. In some cases, however, for a specified time, he is denied the full privileges of holding office or receiving financial benefits.[4]

As in the reinstatement of suspended members, so in the readmission of the expelled, the problem of the national union has chiefly been the regulation of the readmission of

[1] Proceedings, Wood Carvers, 1903, p. 34; Brauer-Zeitung, September 30, 1905, p. 4; Proceedings, United Brotherhood of Carpenters and Joiners, 1906, p. 247; Proceedings, Plumbers, Gas and Steam Fitters, 1900, p. 40.

[2] Constitution of Subordinate Associations, Lithographers, 1901, Art. VI, Sec. 1; Constitution, Meat Cutters and Butcher Workmen, 1897, Art. VI, Sec. 3; Constitution, Plumbers, Gas and Steam Fitters, 1908, Sec. 66; Constitution of Subordinate Lodges, Machinists, 1909, Secs. 18, 23.

[3] In some cases application for readmission may be made only after a specified time. See below, pp. 160, 161; General Statutes, Railroad Telegraphers, 1905, Sec. 23.

[4] A typical example of restricted privileges of former members is shown by the following rule of the United Hatters: "Any member of this association who has committed a foul act and who may be reinstated after this date shall not be allowed to hold the position of foreman or superintendent of any factory under the jurisdiction of this association" (By-Laws, 1907, Art. XXIV, Sec. 8). The International Molders' Union withholds for a year after readmission the right of the member to hold office or to receive sick, death, and disability benefits (Constitution, 1907, Art. XIII, Sec. 12).

former members applying for membership in a local union other than the one from which they were expelled. An important advantage originally impelling independent local associations of workmen to unite in national trade organizations was undoubtedly the possibility of effecting a plan whereby offending journeymen might be known and excluded from the trade by all the unions. One method for accomplishing this result was the practice by some early unions of sending the names of expelled members to unions in other localities in the expectation that these workmen would not be admitted to membership.[1] In 1860 the National Typographical Union adopted the rule that a local union before admitting an applicant must secure the consent of the local union from whose jurisdiction he came.[2] In 1867 the Grand Forge of United Sons of Vulcan threatened to revoke the charter of a subordinate lodge for admitting a former member of another lodge.[3] After this time it became the rule of national unions in the various trades that an expelled member must be restored to membership in the expelling union before he may be admitted into any other local union.[4]

The unions have been frequently called upon to decide disputes between local unions growing out of the application of the rule. The officials in their decisions have adhered consistently to the principle of national exclusion. Thus

[1] The Hand-Loom Carpet Weavers of New York City in 1846 provided in their constitution for transmitting to all other factories the names of any members violating the rules (Weekly Tribune, New York, September 12, 1846. Reprinted in Commons, Vol. VIII, p. 242). See Convention Proceedings, Cigar Makers, 1867, p. 167: "Resolved that local unions be directed to place the names of . . . and . . . on their blacklist, and that said persons cannot be received into membership in any local unions under our jurisdiction." See also Proceedings, National Typographical Union, 1858, p. 27.

[2] Proceedings, 1860, p. 34.

[3] Proceedings, 1867, p. 15.

[4] Proceedings, Bricklayers and Masons, 1872, p. 31; International Journal, June, 1873, p. 22; Constitution, Iron Molders, 1876, p. 33; Constitution, Iron and Steel Workers, 1876, Art. X, Sec. 9; Constitution, Flint Glass Workers, 1880–1881, Art. XII, Sec. 6; Constitution, United Brotherhood of Carpenters and Joiners, 1886, Art. VI, Sec. 4.

the Bricklayers' and Masons' International Union at the session of 1886 ordered the local union of Newark, New Jersey, to remove from its membership a workman who had been expelled from the local union of Brooklyn, New York.[1] In 1899 the Cigar Makers' International Union upheld the rule by threatening to revoke the charter of a local union for admitting expelled members of another union.[2] Similarly, in 1906, the executive board of the Painters, Decorators and Paperhangers' Brotherhood reversed the action of the Seattle local union in admitting a former member of the San Francisco local union without its consent.[3] It was, however, difficult to prevent a local union from initiating expelled, as well as suspended, members when the immediate interest of the local union demanded it, without regard to the past record of the applicants and without delaying to adjust differences with the union from which they came.[4] When a new local union is being organized or an effort is being made to recruit the membership of a weak union, it is particularly desirable to admit all workmen employed in a locality without holding the former members of other unions to account for past offenses.

These difficulties have been partly obviated by the development in certain national unions of the power (*a*) to grant an "amnesty," and (*b*) to approve or control the readmission of any expelled workman. In 1867 the president of the Iron Molders' International Union, during a campaign to build up the union, was empowered for six months to extend "a general pardon to all members expelled or suspended," and to readmit them for the payment of half the

[1] Proceedings, 1886, pp. 63, 89. See also for other examples in this union, Proceedings, 1887, pp. 42–43; and Report of President, 1890, p. lxvii.

[2] Cigar Makers' Official Journal, July, 1899, pp. 1, 2.

[3] Official Journal of the Brotherhood of Painters, Decorators and Paperhangers, August, 1906, p. 519.

[4] Other instances of the enforcement of the rule of consent by national unions may be cited: Proceedings, Plumbers, Gas and Steam Fitters, 1900, p. 40; The Bakers' Journal and Deutsch-Amerikanische Bäcker Zeitung, March 16, 1901, p. 3; July 6, 1901, p. 1; July 27, 1901, p. 1; Proceedings, Lithographers, 1901, pp. 82, 83; International Steam Engineer, November, 1907, p. 401.

sum due the respective local unions.[1] In the same year the Cigar Makers' International Union recommended to the local union the propriety of pardoning former offenders.[2] In 1868 the typographical unions proclaimed an "amnesty" by which for three months expelled printers were to be admitted on application to any union within whose jurisdiction they were working, without being subject to any "fines, pains, or penalties." Each local union was required to elect "such applicant without regard to his past record."[3] In 1876 and in 1895 the Iron Molders resorted again to a general "amnesty."[4] In 1882 the Amalgamated Association of Iron and Steel Workers adopted a rule permitting the subordinate lodges to "whitewash" any former member.[5] In 1909 the Journeymen Stone Cutters' Association opened all its branch unions for the free admission of any stone cutter as if he were a new member, "the past to be considered as entirely obliterated."[6]

While the national unions possess this power, it has been only infrequently exercised. Some unions, however, make a provision for permitting any local union to grant a general "amnesty" whenever in the opinion of national officials such a course is deemed desirable. It has been used chiefly with a view to recruiting membership, gaining a strike, or unionizing a shop. Thus since 1889 the executive board of the United Brotherhood of Carpenters and Joiners has in extraordinary cases granted to weak local unions whose membership needs encouragement a dispensation to deal leniently with offenders.[7] Since 1890 the executive council of the International Typographical Union has had

[1] Proceedings, 1867, pp. 21, 51.
[2] Proceedings, 1867, p. 137.
[3] Proceedings, 1868, p. 35; Proceedings, 1869, p. 9.
[4] Iron Molders' Journal, August 10, 1876, p. 3; Proceedings, 1895, p. 68.
[5] Proceedings, 1882, p. 975.
[6] Stone Cutters' Journal, September, 1909, p. 4. The action of the union was declared to be "an extraordinary measure under extraordinary circumstances."
[7] The Carpenter, November, 1891, p. 2; Circular, December 28, 1889; Proceedings, 1892, p. 31; Constitution, 1899, p. 37.

the power to declare an "amnesty" for expelled printers working within the jurisdiction of a local union.[1] Similarly, local unions of the Bricklayers' and Masons' International Union are permitted under certain circumstances to receive into membership all journeymen who may apply.[2] The Shingle Weavers' International Union[3] and the International Association of Machinists[4] likewise will upon request permit any local union to admit on easy terms all former members. Under provisions of this character, when a local union is endeavoring to recruit its membership or to unionize a shop or to avoid a strike, it may secure an "amnesty" with the assent of the national union. Any workman may then be admitted to membership without obtaining the consent of the expelling union. The result is that the national exclusion of the expelled need be carried only up to the point where in the opinion of national union officials it would be a disadvantage.

Ordinarily the readmission of an expelled workman is controlled by the action of a local union, and the national union intervenes only in cases in which an expelling local union has disputed the authority of another union to admit the applicant. On account of the difficulty and delay involved in enforcing the consent rule and of the varying policies of local unions, a few unions have assumed practical control of readmission. Thus since 1884 the Flint Glass Workers' Union has readmitted former members only by a majority vote of all the local unions, or of the entire membership.[5] In 1886 the International Union of Bakers and Confectionery Workers first required that readmission should be gained only by the action of a session of the International Union.[6] The session of 1890 at the request of a local union voted to readmit an expelled workman. In

[1] Proceedings, 1890, p. 128.
[2] Semi-Annual Report of Secretary, June 3, 1896, p. 3.
[3] General Laws, 1904, Sec. 23.
[4] Subordinate Lodge Constitution, 1909, Art. IV, Sec. 21.
[5] Constitution, 1884, Art. XII, Sec. 7; Constitution, 1895, Art. XI, Sec. 9; Constitution, 1910, Art. XXIII, Sec. 4.
[6] By-Laws, 1886, Art. XIV, Sec. 4.

1901 the executive board readmitted a former member at the urgent recommendation of the expelling union.[1] Since 1899 the Boot and Shoe Workers' Union has enforced this method of readmission. Thus in 1906 the executive board consented to remove the ban of expulsion from eight former members of Local Union No. 133 of Chicago, at the request of the latter.[2] Other unions which require the consent of national officers for readmitting expelled workmen include the Machine Printers,[3] the Marine Engineers,[4] the Plumbers,[5] the United Hatters,[6] the Painters,[7] the Lace Operatives,[8] the Photo-Engravers,[9] the Musicians,[10] the Print Cutters,[11] the Switchmen,[12] the Structural Iron Workers,[13] the Marble Workers,[14] and the Locomotive Engineers.[15]

This method of readmitting applicants is designed to render effective the disciplinary force of expulsion and to prevent injustice to expelled workmen reapplying for membership. In some cases the requirement of the consent of a national officer appears designed to make readmission difficult and uncertain. Thus the Locomotive Engineers pro-

[1] The Bakers' Journal, November 22, 1890, p. 2; The Bakers' Journal and Deutsch-Americanische Bäcker Zeitung, February 16, 1901, p. 1.

[2] Constitution, 1899, Sec. 102; The Union Boot and Shoe Worker, January, 1906, p. 33.

[3] Rules, Regulations and By-Laws, 1886, Art. V, Sec. 4; Rules, Regulations and By-Laws, 1903, Art. V, Sec. 4.

[4] Decisions (Doc. 83, 1894), in Constitution, 1904 (Revised), p. 27; Proceedings, 1904, p. 142.

[5] Constitution, 1898, Art. X, Sec. 4. In 1905 the executive board of the Journeymen Plumbers' United Association, at the request of Local Union No. 230, of San Diego, Cal., assented to the readmission of a workman who had been expelled and fined but who desired to "square up with the local and be good" (Plumbers, Gas and Steam Fitters' Official Journal, July, 1905, p. 5).

[6] Journal of the United Hatters, August 1, 1899, p. 2.

[7] Official Journal of the Brotherhood of Painters, Decorators and Paperhangers, February, 1903, p. 87; Constitution, 1910, Sec. 147.

[8] By-Laws, 1905, Art. VI, Sec. 2.

[9] General Laws, 1907, Sec. 5; Proceedings, 1908, p. 5.

[10] Constitution, 1907, Art. V, Sec. 11; The International Musician, February, 1908, p. 1.

[11] Proceedings, 1908, pp. 11–12.

[12] Subordinate Lodge Constitution, 1909, Sec. 253.

[13] Constitution, 1910, Sec. 96.

[14] Proceedings, 1910, pp. 158, 159, 178, 179.

[15] Constitution and Statutes, p. 38.

vide that "any person who shall have been expelled the third time shall never again become a member except by a dispensation from the Grand Chief and the recommendation of the nearest subdivision to where he is located." On the other hand, a local union through personal feeling may unjustly make the terms for readmission unwarrantably difficult. Control by national authority enables the applicant to obtain an impartial consideration of his claims to favorable terms.[1]

[1] The Amalgamated Association of Iron and Steel Workers since 1887 have thus provided for readmission by national officers in cases where the subordinate lodge refuses to grant a membership card or makes the terms exorbitant (Constitution, 1887, Art. XIII, Sec. 5; Constitution, 1909, Art. XXXV, Sec. 3). Since 1888 the president of the Iron Molders' Union has been empowered at his discretion to settle with former members in localities where no union exists and to reorganize unions (Proceedings, 1888, p. 110; Constitution, 1907, Standing Resolution No. 5, p. 47).

CONCLUSION

In previous chapters attention has been directed to the interpretation and enforcement of various requirements for admission. It remains to consider to what extent the existing union regulations of admission are economically and socially justifiable. For this purpose regulations affecting admission may be conveniently treated in their relation (1) to the prosperity of the trade, (2) to the welfare of workmen denied membership, and (3) to the effects upon the unions themselves.

(1) *Admission regulations and trade prosperity.*—Opponents and advocates of unionism generally agree that trade organization for the purpose of maintaining wages through collective bargaining is a benefit to organized workmen and to society. Union methods of achieving the aims of organization, however, have frequently aroused dissent. Alleged monopolistic restriction of the number of workers in the trades by apprenticeship rules and arbitrary standards for entrance to the unions has in particular been attacked. It is charged that the absolute limitation upon the number of apprentices who may be employed in one establishment, or their restriction in proportion to the number of journeymen, is made without regard to economic conditions and "hinders the development of trade," keeping the supply of journeymen only at its present level, and thus failing to provide for the additional journeymen who are required for trade expansion.[1] Moreover, the proportion so often found of one apprentice to ten journeymen is asserted to be insufficient even to maintain the trade at its existing level, as no allowance is made for those who do not become journeymen, or

[1] H. C. Hunter, Commissioner of New York Metal Trades Association, "The Open Shop," in The Bricklayer and Mason, November, 1903, p. 3; Drage, Trade Unions, pp. 163–164.

who afterwards change to other trades.[1] Under such conditions, it is argued, the effect of apprentice regulations must be actually to diminish the number of efficient workmen in the trade,[2] and thus to restrict the production of wealth.[3] In addition the apprentice restriction tends to limit unfairly the opportunity of boys to enter a skilled trade and to secure remunerative employment.[4]

Another complaint against trade unionism in this connection is that arbitrary requirements for admission exclude qualified workers as well as unqualified, and that in such cases union employers are limited to a definitely fixed supply and are unable to obtain additional workmen when business expands.[5] It must be recognized, however, that restricting the number of unionists by "closing" the union does not necessarily affect the prosperity of the trade under union control unless the union also demands and enforces the exclusive employment of its members under the closed-shop rule.[6] In such cases the union is likely to be viewed with suspicion on the ground of "attempted monopoly;"[7] it is

[1] Atkinson, "Trusts and Trade Unions," in Political Science Quarterly, June, 1904, p. 217. See also an article by Sanger, "The Fair Number of Apprentices in a Trade," in Economic Journal, December, 1895, p. 616. After a calculation on actuarial grounds, Mr. Sanger believes that a ratio of nine journeymen to one apprentice would be reasonable only on the supposition, which is less likely to be true in America than in England, that the trade is stationary.

[2] Drage, p. 164.

[3] Robert Schalkenbach, chairman executive committee of the American Liberty and Property Association, in New York Sun, November 28, 1911.

[4] Monthly Circular [Stone Cutters], December, 1891, p. 15.

[5] Henry White, general secretary of the United Garment Workers, in an article on "The Solution of Industrial Problems through Associated Action," in The Bricklayer and Mason, November, 1903, p. 7, said, "When unions combine with employers to mulct the public and seek by charging exorbitant initiation fees and . . . unduly restricting apprentices to keep out of a trade the number of artisans required . . . they are exceeding their limits, perverting their power and doing what they condemn others for doing."

[6] Stockton, "The Closed Shop in American Trade Unions," in Johns Hopkins University Studies in Historical and Political Science, Ser. XXIX, No. 3, pp. 168–169.

[7] Statement of T. F. Woodlock, editor of the Wall Street Journal, quoted in The Bricklayer and Mason, November, 1903, p. 2.

then in restraint of both production and trade, and is a menace to prosperity.[1]

In reply to these criticisms unionists disclaim any restriction beyond that which has regard for the needs of a trade. The arguments advanced for limiting the number of apprentices proceed on the assumption that by such limitation the unions secure an all-round training in the trade for the apprentice, prevent the employer from substituting cheap labor under the guise of apprenticeship, and adjust the supply of labor to the demand at the union level of wages. It is also flatly denied that a union attempts to establish a monopoly so long as it "opens wide its doors" to additional members.[2]

In explanation of these apparently conflicting assertions it may be said that opponents of apprentice regulations have in mind extreme cases of limitation, while unionists regard some limitation as actually defensible. The advocates of restriction of numbers take the ground that "to the trade unionist the apprentice question is the wage question," and that in the interest of the learners themselves absolutely free entrance to a trade is not desirable.[3] The worker spends time in obtaining the necessary skill, and should be reasonably assured that when he becomes a journeyman he will be able to make a living in a trade without a declining wage rate. Moreover, it is pointed out that unions which have a controlling voice in determining the number of apprentices—namely, unions in the glass trades, potteries, iron molding, and building trades—do take into consideration

[1] Seligman, "The Closed Shop," in The Labor Compendium, August 14, 1904, p. 1. Professor J. R. Commons, in a paper read before the American Economic Association, said, "Much can be said for a closed shop if the union is open, but a closed shop with a closed union cannot be defended" (Proceedings, American Economic Association, 1905, p. 145).

[2] E. A. Moffett affirms: "The union shop . . . is not a monopoly. Castle Garden proves it. . . . It is not a closed shop. It is wide open to any workingman who is willing to help maintain the superior conditions which attract him" (Editorial, in The Bricklayer and Mason, November, 1903, p. 5).

[3] Hayes, "Trade Unions and Apprentices," in Retail Clerks' Advocate, April, 1903, p. 3.

the need of the trades for workmen in that apprenticeship regulations are agreed upon usually in conferences between employers and employees.[1] This form of joint agreement is found in an increasing number of cases.[2]

There are undoubtedly some unions which have unduly restricted the number of apprentices and apparently disregarded the needs of the trade for workers.[3] On the other hand, employers have agreed apparently with readiness to union proposals that for a stated period additional apprentices shall not be admitted,[4] while there are also instances in which employers are unwilling to take on as many apprentices as the union ratio permits.[5] In further refutation of the charge of attempted monopoly, unionists assert that the trade unions did not invent the system of apprenticeship, and that in most trades under the influence of modern industrial changes the system is giving place to other forms of training.[6] If reference be made to a preceding chapter,[7] it will

[1] Hayes, p. 4. See also the Eleventh Special Report of the Commissioner of Labor, 1904, p. 22; Proceedings, Glass Bottle Blowers, 1909, pp. 35, 36.

[2] Motley, p. 106.

[3] For example, the president of the Window Glass Workers' Local Assembly No. 300 reported as follows: "While we should guard well the apprentice laws we should allow enough to learn to keep the places filled or have enough men to supply the demand, which we have not had in the last two years, as every preceptory is well aware" (Proceedings, 1886, pp. 11–12). See also Proceedings, 1889, pp. 21–22.

Similarly, in 1907 the president of the Glass Bottle Blowers' Association reported that the association had been unable to supply the employers with blowers, and said, "Demands for workmen became so frequent and emphatic that something had to be done toward filling places, or else furnish the manufacturers with an unanswerable argument for more apprentices." To meet the demand a loan of apprentices on the next season's quota of journeymen was authorized (Proceedings, 1907, pp. 49–149).

In 1906 the international secretaries of the United Brewery Workmen reported as follows: "We are filling the demand for practical brewers with less than one-tenth of the demand. Many local unions will not tolerate any apprentices whatever in the breweries" (Proceedings, 1906, p. 103).

[4] Proceedings, Glass Bottle Blowers, 1909, pp. 35, 203. See also Proceedings, Operative Potters, 1902, p. 63; Proceedings, 1909, pp. 46, 47; Motley, p. 92.

[5] Mitchell, Organized Labor, p. 62.

[6] Ibid., pp. 260, 263.

[7] See p. 39 et seq.

be noted that but a very small number of unions are able effectively to control the regulation of apprenticeship. In many trades the regulations are disregarded, or are enforced in only a portion of the trade, while journeymen in some cases are allowed to teach their own sons without restriction. In the cases in which the ratio enforced is apparently below the needs of a trade for workmen, allowance must be made for the fact that skilled immigrant workmen and apprentices may enter the trades through non-union establishments. In the unions which do attempt regulation the restriction below the need of the trades is probably inconsiderable.[1]

In so far as apprenticeship regulations have for their object the thorough technical education of the workmen they must be regarded as purely beneficial to a trade. Unionists have continuously avowed this object to be of equal importance with the other purpose of limiting numbers.[2] Representatives of both employer and employed support the apprenticeship system on this ground.[3]

The legal right of any voluntary association to restrict its membership by any criterion whatsoever is well established.[4]

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[1] Mitchell cites the result of an investigation by Mr. and Mrs. Webb, which revealed that the British trade unions actually and effectively restricting the admission of apprentices below the need of trades for workmen represented less than one per cent. of all unionists in England. He considers that the percentage in the United States is probably smaller (p. 262).

[2] Proceedings, Iron Molders, 1867, p. 14. President Fox of the Iron Molders' Union in 1895 said: "To limit the number learning the trade should not be so much our aim as to control them in such a manner as to compel the employer to make a mechanic out of his apprentice, and in this every member ought to assist that he may become proficient. . . . There would be less cause to complain of incompetency" (Proceedings, 1895, pp. 19–20).

President Hayes of the Glass Bottle Blowers' Association reported: "The number of general workmen in our association has yearly grown less, and at the present rate of decrease we will soon have an association of specialists. This is not wise. It should be obligatory for apprentices when indentured to be taught a knowledge of the glass trade beyond merely making one kind of ware" (Proceedings, 1899, p. 21). See also The Potter's Herald, May 25, 1905, p. 4.

[3] Drage, p. 145.

[4] Probably the first case in which the question was passed upon by a high court of appeal was that of Mayer v. Journeymen Stone Cutters' Association, in which the New Jersey court of chancery

Union admission regulations for the purpose of arbitrarily monopolizing employment are of infrequent occurrence. At times local unions within certain trades have exhibited a disposition to "gain an advantage for the insiders over the outsiders."[1] Unionists defend the imposition of special high initiation fees to a limited extent.[2] Under the leadership of national officers and in consequence of a tendency toward increasing national control of admission, as pointed out in a preceding chapter,[3] local exclusiveness is increasingly discountenanced. Although high and prohibitive fees for foreigners are justified by unionists as necessary to prevent a lowering of the living wage, they are of questionable validity in so far as they debar well-qualified immigrant workmen from any trade. Certain unions also attempt specifically to exclude specialized workmen, women, immigrants, and negroes from membership with a view to debarring them from the trades. We have, however, seen that the great majority of unions have gradually adopted a policy of inclusion relative to the admission of these classes.

Monopolistic motives have usually been attributed to unions which impose restrictive requirements for admission and at the same time attempt the enforcement of union membership through the closed-shop policy. The objections to

held that a trade union may make membership "as exclusive as it sees fit; it may make the restriction on the line of citizenship, nationality, age, creed, or profession, as well as numbers" (47 N. J. Eq. Rep. 519). See also Pickett v. Walsh, 1902 Mass. 585.

[1] 47 N. J. Eq. Rep. 519; Report of Industrial Commission, Vol. XVII, 1902, p. 817. The New York Journeymen Stone Cutters' Association closed the union in 1901. A special edition of the Stone Cutters' journal, July 15, 1901, was published containing protests from various other local associations throughout the country. The editor and secretary of the national association said: "New York closed her books through no other feeling but greed and hoggishness; and because times are booming with them." See also Brauer-Zeitung, March 24, 1906, p. 4; The Bakers' Journal and Deutsch-Americanische Bäcker Zeitung, February 22, 1908, p. 2; Proceedings, Musicians, 1903, p. 95.

[2] "To a certain extent, it may be fair to capitalize the past sacrifices of members of the union and it may be necessary by reasonable high initiation fees to moderate a too rapid or too sudden rush into a trade" (Mitchell, p. 283).

[3] See p. 29 et seq.

the closed shop as a trade-union device would then apply to exclusive admission regulations. In such cases the workmen excluded from membership, the employers, and the public might be injured. But the closed shop is but partially enforced in the majority of trades, and that with difficulty.[1] On the other hand, a union like the Locomotive Engineers or the Locomotive Firemen may be monopolistic without demanding the exclusive employment of unionists under the closed-shop rule and without closing its doors to the admission of additional workmen merely by including within its membership practically all the workmen within the trade. A union with such control of workmen in a skilled trade would be enabled to dictate injuriously as to the conditions and conduct of the trade. The glass trades unions, the Operative Potters, the United Hatters, the Elevator Constructors, the Print Cutters, the Steel Plate Transferrers, the Stereotypers and Electrotypers, the Cutting Die and Cutter Makers, the Machine Printers and Color Mixers, the Lace Operatives, the Wood Carvers, and the Wire Weavers probably approach nearest to complete control of the workmen in their respective trades. A proposed method of dealing with unions of a monopolistic tendency will be noticed in the third part of the present discussion.

(2) *Admission regulations and the excluded workmen.*— The exclusion of incompetent workmen from union membership is claimed by the unions to be conducive to the interests of the union, the employer, and the workmen themselves. Unionists feel that the incompetent member "reflects discredit on the organization," and especially upon the initiating local union.[2] An incompetent workman is unable to render satisfactory service to his employer, and experiences the inconvenience of being shifted from one job to another and of frequently changing employers. On the other hand, when a qualified workman is denied admission and, under the closed-shop rule, even deprived of work, the action of

[1] Stockton, pp. 166, 167, 181.
[2] Iron Molders' Journal, January, 1895, p. 12.

the union is to be condemned on the ground of its interference with the right of every man to work. In such a case the excluded person may find employment only in non-union establishments. But if the union has virtual control of the trade, exclusion from membership means complete loss of opportunity to work. Instances in which the power of exclusion has been so exercised as to debar qualified workmen and to force them into less remunerative or less skilled employment are, however, comparatively rare. The possession of this power is liable to abuse, and the unions exercising it are under the necessity of justifying their actions in every case of exclusion.

Expulsion from membership through the regular enforcement of disciplinary regulations designed to promote the legitimate aims of unionism is essential to discipline, and is recognized in law.[1] Irregularities in disciplining members by suspension and expulsion and the resulting litigation in the courts have tended to make unions sensible of their responsibility in thus excluding members. Rules of procedure and courts of appeal within the union are now generally established. To the extent that national unions have control over local unions, debarred members have an opportunity to appeal and to secure impartial reconsideration of their claims to membership. It is incumbent upon unions to act generously toward offenders in order to retain their strength, and the unions generally make terms for adjusting differences with former members.[2]

(3) *Admission regulations and trade unionism.*—All trade unions make it a part of their practical program to obtain control of as large a proportion as possible of workmen in

[1] See, for example, Weiss et al. v. Musical Mutual Protective Union, 189 Pa. St. 446. In an opinion on a case of illegal expulsion the court of errors and appeals of New Jersey in 1906 held that the consent of the workmen to discipline was implied by mere membership in the union only "if carried out in good faith and without malice, through the methods prescribed by the laws of the association and in accordance with the principles of national justice" (Brennan v. United Hatters' Local Union No. 17, 73 N. J. L. 729).

[2] See above, p. 151 et seq.

the various trades.[1] A "cordial invitation" to join is ordinarily extended to non-unionists.[2] We have already noted that trade-union policy has for the most part been one of expediency with reference to new classes of workers entering a trade and applying for admission. Persons who may not have served a regular apprenticeship, workmen capable of earning the usual wages, women, immigrant workmen, and negroes have in turn been recognized by unions in the great majority of trades, apparently because of the necessity of self-protection, and in spite of frequent stubborn resistance within union ranks. It is obvious that the accomplishment of the fundamental object of trade unionism is dependent on the comprehensiveness of its membership. This fact compels the enforcement of open, liberal, and not unduly restrictive admission regulations. On the

[1] For example, the secretary of the Bricklayers' and Masons' International Union in 1898 reported that the union had only about one eighth of the workmen in the craft, and made the following plea: "This should not be so. They should be with us, and then we could be entire masters of the situation and dictate our terms and policy. . . . Every man outside of the organization stands as a menace to its prosperity. . . . We should adopt a more constructive method to keep and protect our members and go into the recruiting field for others" (Semi-Annual Report, June 30, 1898, pp. 3, 4). Again in 1906 the secretary made a similar recommendation: "We urge upon subordinate unions the necessity of making at least an effort to prevail upon those outside the pale of organization to join with us. Your executive board is at all times ready to join in this strengthening work. . . . We want them all with us" (Semi-Annual Report, June 30, 1906, p. 8).

In 1903 the president of the International Association of Machinists, in recommending an extension of its membership jurisdiction, said: "The miner claims jurisdiction over every man, woman and child employed in or about the mines. The printer makes the same claim in the printing office, and the molders have taken into membership the coremakers. The brewery workers claim control over all employees in or about the breweries. The steel workers insist that all those employed in the steel and iron industry shall be members, and so on. I might cite organization after organization. It is now up to the International Association of Machinists to take complete charge of the machine shop" (Report of President, in The Machinists' Monthly Journal, June, 1903, p. 484).

[2] Thus President Perkins of the Cigar Makers' International Union made this recommendation: "If you know of a cigar maker who is outside the pale of the union, speak kindly to him, show him by courteous treatment and fair argument the error of his course" (Editorial, Cigar Makers' Official Journal, March, 1894, p. 8).

other hand, trade-union leaders appreciate that the immediate aim of the unionist—to maintain the level of wages—may also be subserved by restricting the supply of labor within any trade and by regulating its distribution over different localities. Apprenticeship restrictions and the attempted exclusion of certain classes of workers from a trade rest on this basis. The trade-union position with reference to admission into a trade results consequently in a compromise between what the union can afford to do and what it would like to do. In order to maintain wages the union seeks to include all workmen within its trade, but it is interested with the same purpose in view in checking an undue increase in the available number of workmen.

The ultimate success and the larger interests of trade unionism, however, negative the possibility of successfully debarring workmen from union membership by arbitrary restrictions, for the presence in the market of non-unionist competitors "is fatal to the method of collective bargaining."[1] Apprenticeship and restrictive admission regulations must, therefore, yield in favor of a policy of inclusion, so long as other workers may be substituted by employers for unionists. If an employer is able to choose other workers than unionists at lower rates than unionists demand, the purpose of the trade union may be defeated. The ideal of trade unions, therefore, is to acquire complete control of the workers within each trade through liberal admission regulations in order to limit this freedom of the employer to turn from one to another worker.[2]

Since the avowed aim of trade unions is to embrace the entire limits of each trade and either by voluntary or compulsory unionization of industry to secure equal power with the employer in bargaining, some writers class every combination of workmen as a form of monopoly.[3] Opponents

[1] Webb, Industrial Democracy, p. 472.

[2] McNeill, "Trade Union Ideals," in Proceedings of the American Economic Association, 1902, p. 216; Commons, "Restrictions by Trade Unions," in The Outlook, October 27, 1906, p. 471.

[3] Bolen, Plain Facts as to the Trusts and the Tariff, p. 185; Eliot, The Conflict between Individualism and Collectivism in a Democracy, pp. 14, 16.

of union methods of action particularly assign monopolistic motives to trade-union policies. Unionists, however, deny that the trade union is in any sense a "labor monopoly" or "labor trust," inasmuch as it "opens wide its door to every man in the craft."[1] We have already seen that with the exception of isolated instances of local exclusiveness, trade unions in practice are and in ultimate aim must be inclusive in their admission policy. It is, therefore, inexact to allude to the typical trade union as a monopoly by reason of its restrictive admission regulations. A union which has control of practically all the workmen in a trade and admits or refuses to admit additional members is in a similar position to an industrial trust only in the bare idea of possible common control of the product. Even here the strongest union differs from a trust, among other fundamental particulars, in the important sense that it "neither produces nor in any direct way controls the production of labor itself."[2] In their efforts to regulate and distribute the supply of workmen, trade unions have never made it a part of their practical policy to influence the growth of population.

When a trade union by thorough organization obtains complete control of the workmen within its jurisdiction, its position may become dangerously powerful. Such a union would be enabled through the enforcement of the closed shop and prohibitive requirements for admission to restrict all freedom of labor and capital in the industry. The wisdom of entrusting such great power to unregulated private associations is questioned because of the liability of its abuse by short-sighted leaders.[3] It has accordingly been sug-

[1] Stone Cutters' Journal, May, 1906, p. 2. In a discussion upon the question of getting rid of helpers in the plumbing trade a delegate at the convention of the United Association of Plumbers in 1904 said: "You can call this organization by whatever name you please, but . . . it is nothing more than a labor trust. . . . We have to adopt the methods adopted by the modern trusts in the commercial world. The first thing that they do in order to increase their profits is to control the business" (Proceedings, 1904, p. 104).

[2] Macgregor, Industrial Combination, p. 178.

[3] White, p. 7; Seligman, p. 1; Bullock, "The Closed Shop," in Atlantic Monthly, October, 1904, pp. 437, 438.

gested that in the public interest the state might assume control along the entire line of trade-union policy,[1] as in Australasia,[2] and legally regulate admission rules so that union membership might remain reasonably open.[3] State regulation, however, is not likely to succeed private control until trade unions have attained more noteworthy proportions. Probably at no time have more than fifteen per cent. of the wage-earners of the United States been unionized;[4] and at present, as the great majority of trades are but partially organized, the unions are "open" organizations.

[1] Seager, Discussion on the Open or the Closed Shop, in Proceedings of the American Economic Association, 1905, pp. 214–215; Commons, "Restrictions by Trade Unions," in The Outlook, October 27, 1904, p. 471.

[2] Rossignol and Stewart, "Compulsory Arbitration in New Zealand," in Quarterly Journal of Economics, August, 1910, p. 664.

[3] Wise, The Commonwealth of Australia, p. 308.

[4] Hibbard, "The Necessity of an Open Shop," in Proceedings of American Economic Association, 1905, p. 183, quoting the New York Times.

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